

2012-02  
NOTICE OF AMENDMENT TO  
ORDINANCE #101 ANIMALS

Please take notice that the above Ordinance was amended by the Village of Coleman on November 5, 2012. A summary of the subject matter and main points of the ordinance are as follows:

**Change of the use of the word "dog" to the use of "cat or applicable animal" in:**

- 101.5 Penalty for failure to obtain rabies vaccination

**Change of the use of the word "dog" to the use of "dog or cat" in:**

- 101.6 Definitions
- 101.7 General restrictions
- 101.8 Limitations on animals

**Updated wording in 101.8 Limitations on animals**

The full text of the Ordinance may be obtained during normal business hours, from the Village Clerk's Office, 202 E. Main Street, Coleman, Wisconsin. The Clerk's phone number is 920-897-2234.

This notice is pursuant to Wis. Stat., sec. 60.80 (5) which authorizes the publication of ordinances in summary form.

Julie Nosgovitz  
Clerk  
Village of Coleman

AMENDED  
November 5, 2012

Chapter 101  
ANIMALS

	ARTICLE I		§ 101-7.	General restrictions.
	Dog Licenses		§ 101-8.	Limitation on number of dogs and cats.
§ 101-1.	License required.		§ 101-9.	Vicious dogs.
§ 101-2.	Rabies vaccination required.		§ 101-10.	Impoundment of dogs.
§ 101-3.	Issuance of licenses; fees.		§ 101-11.	Dogs and cats restricted in cemeteries.
§ 101-4.	Late fees.		§101-12.	Cruelty to animals and birds prohibited.
§ 101-5.	Penalty for failure to obtain rabies vaccination.		§ 101-13.	Neglected or abandoned animals; police power.
	ARTICLE II		§ 101-14.	Animal feces.
	Restrictions on Dogs, Cates		§ 101-15.	Duty of owner in case of dog bite.
	And Other Animals			
§ 101-6.	Definitions.			

[HISTORY: Adopted by the Village Board of the Village of Coleman 9-6-1983 as Title 7, Ch. 1 of the 1983 Code. Amendments noted where applicable.]

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ARTICLE I  
Dog Licenses

**§ 101-1. License required.**

It shall be unlawful for any person in the Village of Coleman to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.09 and 174.15, Wis. Stats., relating to the listing, licensing and tagging of the same.

**§ 101-2. Rabies vaccination required.**

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this village after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the village, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization

expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

**§ 101-3. Issuance of license; fees.**

- A. Upon payment of the required dog license fee and upon presentation of evidence that the dog is currently immunized against rabies, the Village Clerk-Treasurer shall complete and issue to the owner a license for the dog bearing a serial number and in an approved form stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unsprayed, neutered or unneutered, breed and color of the dog.
- B. Dog license fees are set from time to time by the Village Board. The fee for a neutered male doge or spayed female dog may be paid upon presentation of evidence to the Clerk-Treasurer that the dog is neutered or spayed. One-half of the license fee shall be paid if the dog became five months of age after July 1 of the license year.<sup>1</sup>

**§ 101-4. Late fees.**

The Village Clerk-Treasurer shall assess and collect a late fee as set from time to time by the Village Board from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the village.

**§ 101-5. Penalty for failure to obtain rabies vaccination.**

An owner who fails to have a dog, cat or applicable animal vaccinated against rabies as required under §101-2 may be required to forfeit not less that \$50 nor more that \$100.

ARTICLE II

**Restrictions on Dogs, Cats and All Other Animals**

**§ 101-6. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AT LARGE** — To be off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animals owner shall be deemed to be upon the owner's premises.

**OWNER** —Any person owning, harboring or keeping an animal, and the occupant of any premises on which such animal remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the animal within the meaning of this article.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 101-7. General restrictions.**

It shall be unlawful for any person within the Village of Coleman to own, harbor or keep any animal which:

- A. Habitually pursues any vehicle upon any public street, alley or highway in the village.
- B. Assaults or attacks any person.
- C. Is at large within the limits of the Village.
- D. Habitually barks or howls to the annoyance of any person or persons.
- E. Kills, wounds or worries any domestic animal.
- F. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- G. Has not had a proper rabies vaccination.

**§101-8. Limitations on Animals.**

A. Purpose. The keeping of large number of animals within the village of a considerable period of time detracts from and, in many instances, is detrimental to healthful and comfortable life in such areas. The keeping of a large number of animals is, therefore, declared a public nuisance.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ANIMAL — Any animal, regardless of age or sex.

VILLAGE LOT — A parcel of land zoned a residential, industrial or commercial, occupied or to be occupied by a dwelling, to include single- or multiple-family dwellings, platted or unplatted, and under common ownership. For the purpose of this section any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute on lot.

C. Number limited. No family shall own, harbor or keep in its possession more than three animals in aggregate in any combination on any village lot without the prior approval of the Village Board, except that litter of pups or kittens or a portion of a litter may be kept for not more than eight weeks from birth. If more than one family resides on a village lot, then only a total of three animals shall be allowed on the village lot unless prior approval is obtained from the Village Board. For the purposes of this section, the term "family" shall be defined as one or more persons.

D. Preexisting animals. This limitation stated in Subsection C above shall not apply to the existing animals that were owned and possessed in the Village of Coleman at the time of

enactment of this section; however, all preexisting animals shall be counted in the aggregate amount when any of the preexisting animals are replaced.

- E. Violations and penalties. Any person who violates any of the provisions of this section concerning limitation on number of animals shall, upon convictions, forfeit not less than \$25 no more than \$100 together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- F. No facility will be allowed to operate within the village limits for use of rehabilitation of any animal without prior approval of the Village Board after November 5, 2012.
- G. Any animal not claimed by a specific owner is the responsibility of the person who cares for said animal.

#### **§ 101-9. Vicious dogs.**

No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or member of the owner's immediate family over 16 years of age. A dog is declared to be vicious within the meaning of this section when it shall have bitten any person or when a propensity to attack or bite human beings shall exist and is known, or ought reasonably to be known, to the owner or any member of the owner's immediate family over 16 years of age. Any vicious dog which is found off the premises of its owner, other than as hereinabove provided, may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.

#### **§ 101-10. Impoundment of dogs.**

- A. The police Department may seize and impound any dog running at large or any unlicensed dog at large or upon a person's premises. Upon the impounding of any dog, the Police Department shall notify the owner personally or through the United States mail if such owner is known to the Police Department or can be ascertained with reasonable effort. If after seven days the owner does not claim such dog the Police Department shall dispose of the dog in a proper and humane manner.
- B. Owner may redeem dog. The owner of any dog impounded may redeem his dog within the period above specified upon the payment of any impounding fee as set from time to time by the Village Board plus the actual costs per day for the dog's keep.
- C. Village not liable for impounded dogs. The village shall not be liable for the death of any dog which has been impounded or disposed of pursuant to this section.

#### **§ 101-11. Dogs and cats restricted in cemeteries.**

Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this section.

**§ 101-12. Cruelty to animals and birds prohibited.**

No person, except a peace officer or health or humane officer in pursuit of his duties, shall within the village shoot or kill or commit an act of cruelty on any animal or bird.

**§ 101-13. Neglected or abandoned animals; police power.<sup>2</sup>**

Any police officer may shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected or abandoned and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and the person having possession of the animal shall have a lien thereon for his care, keeping, medical attention and expenses of notice. Whenever in the opinion of a police officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, such police officer may kill such animal. The cost for the animal's care, keeping and medical attention, and expenses of the notice, shall be paid by the owner, if known.

**§ 101-14. Animal feces.**

Any person owning or having control of any dog, cat or other animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any private or public property.

**§ 101-15. Duty of owner in case of dog bite.<sup>3</sup>**

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Police Department and shall keep such dog confined for not less than 14 days or for such period of time as the Police Department shall direct. The owner or keeper of any such dog shall surrender the dog to the Police Department upon its demand for examination. However, should the owner or keeper of any dog be found not to have confined the dog properly, the Police Department should seize the dog and confine the animal in the appropriate facility. The cost of such confinement shall be paid by the owner or keeper.

Amendment adopted by the Village Board of the Village of Coleman, Marinette County, Wisconsin, this 5<sup>th</sup> day of November, 2012.

Attest:

  
Glenn Woulf, Village President

  
Julie Nosgovitz, Village Clerk

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING SECTION 220-1 OF CHAPTER 220, VILLAGE OF COLEMAN MUNICIPAL CODE RELATING TO ORDINANCE VIOLATIONS AND OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE TO INCLUDE 169.43 PROHIBITION OF LIVE WILD ANIMALS

THE VILLAGE BOARD OF THE VILLAGE OF COLEMAN, MARINETTE COUNTY, WISCONSIN, DOES ORDAIN THAT SECTION 220-1 BE AMENDED TO INCLUDE THE FOLLOWING:

**SECTION 1. 220-1 ORDINANCE VIOLATIONS AND OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.** The following are sections of this chapter and Wisconsin Statute numbers against the peace and good order of the state which are adopted by reference to define offenses against the peace and good order of the village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under section 1-18.

**169.43 The possession or sale of live wild animals as defined in Wisconsin Statutes and rules is prohibited.**

**SECTION 2.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect upon approval and publication.

Approved and adopted this 5<sup>th</sup> day of November, 2012.

  
Glenn Woulf, Village President

ATTEST:

  
Julie Nosgovitz, Village Clerk

DATE OF PUBLICATION:

11-7-2012