



IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE NO. 2025-2

**An Ordinance to Amend Chapter 95 Animals and Section 63-10 Constables,
of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin.**

WHEREAS, The Town of Cedarburg is a body corporate and politic that exercises village powers by Ch. 61, Wis. Stats.; and

WHEREAS, The Town Board of the Town of Cedarburg has determined that is in the best interest of the health, safety and general welfare of the Town and its residents to leave certain animal regulations, including at-large and/or vicious animals, to the jurisdiction of Ozaukee County and the State of Wisconsin for comprehensive investigative, prosecutorial, and enforcement of such regulations for violations.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 95 Animals and Section 63-10 Constables, of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).

(The text modified with an underline shall be added).

(Sections shall be renumbered upon passage).

§ 95-1. Definitions.

In this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meaning indicated:

ANIMAL — Mammals, reptiles and birds.

AT LARGE — To be off the premises of the owner as defined by Ozaukee County Ordinances pursuant to § 172.01, Wis. Stats. ~~and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.~~

CAT — Any feline, regardless of age or sex.

~~**CRUEL** — Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.~~

DOG — Any canine, regardless of age or sex.

FARM ANIMAL — Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

~~**KENNEL** — When a person or family owns, harbors or keeps in its possession more dogs than allowed under Town Code § 95-22 pursuant to a Kennel license.~~

LAW ENFORCEMENT OFFICER — Except as otherwise stated in this Chapter, As defined appears

in § 967.02(5), Wis. Stats., and includes a humane officer under § 173.03, Wis. Stats., but does not include a conservation warden appointed under § 23.10, Wis. Stats.

NEUTERED — As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.

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

~~PET — An animal kept and treated as a pet.~~

§ 95-2. Rabies vaccination required.

- A. Rabies vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Cedarburg after the dog has reached five months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the Town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the immunization revaccinated against rabies by a veterinarian before the date that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of § 95.21(2), Wis. Stats. **[Amended 10-4-2006 by Ord. No. 2006-11]**
- B. Issuance of certificate of rabies vaccination. A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Town stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, and the date that the immunization expires as specified for that type of vaccine by the Centers for Disease Control of the United States Department of Health and Human Services and the Town.
- C. Copies of certificate. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- D. Rabies vaccination tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- E. Tag to be attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under this Code, Ozaukee County Ordinance, or Wisconsin Statutes Subsection A.
- F. Duplicate tag. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and

keep a record in the file.

- G. Cost. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

§ 95-3. Dog and kennel licenses.

A. Dog licenses.

- (1) It shall be unlawful for any person in the Town of Cedarburg to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license tax and obtain a license.
- (3) The minimum license tax under this section shall be as set by the Town Board. These amounts shall be reduced by 1/2 if the animal became five months of age after July 1 during the license year. The license year shall commence January 1 and end December 31. **[Amended 11-5-2003 by Ord. No. 2003-20]**
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 95-2 of this chapter, the Town Treasurer or ~~his~~ deputy shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer or ~~his~~ deputy shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar, and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in § 95-2E.
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement ~~Town police~~ or humane officer ~~shall~~ may seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town of Cedarburg continues to be unlicensed constitutes a separate offense for which a separate penalty applies.
- (7) Notwithstanding the foregoing, every dog that is a service animal, as defined in § 106.52 (1) (fm) Wis. Stats., is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the Town Treasurer or deputy upon application. ~~every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Town Treasurer or his deputy upon application therefor.~~

B. Kennel licenses.

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax as set by the Town Board. Upon payment of the required kennel license tax and, if required by y the Town Board, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the Town Treasurer or ~~his~~ deputy shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the

kennel. Kennel licenses may only be issued for premises that have first received a conditional use permit for kennel operations under the Town Zoning Code.²

- (2) Kennel dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.

~~The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. All dogs cared for at a dog day care and/or in-home boarding center must be licensed by the jurisdiction within which they reside, wear the license at all times, and have a current rabies vaccination. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition. [Amended 1-4-2012 by Ord. No. 2012-2]~~

- (3) Unless otherwise provided for herein, all the provisions of this chapter relating to the individual dog license tax, licenses, and tags shall apply to the kennel dog license and tags.

§ 95-4. Late fee.

The Town Treasurer shall assess and collect a late fee as set by the Town 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. Said late fee shall be charged in addition to the required license fee.

§ 95-5. Rabies quarantine.

- A. Dogs and cats confined. If a district is quarantined for rabies, all dogs and cats within the Town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Town Clerk shall promptly post in at least three public places in the Town notices of quarantine.

- B. Exemption of vaccinated dog or cat from Town quarantine. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Town quarantine provisions of Subsection A if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- C. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.
- (1) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- D. Quarantine of dog or cat.
- (1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24, hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this subsection, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) Risk to animal health.
 - (a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
 - (b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
 - (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal

quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

- E. Delivery; examination by Laboratory of Hygiene. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- F. Cooperation of veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Town, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- G. Responsibility for quarantine and laboratory expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

§ 95-6. Listing.

- A. Responsibility to List. Every town, village and city shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept within the assessment district.
- B. Listing Official. The Town Treasurer is designated as the listing official for the Town.
- C. Cooperation with Listing Official. Every person shall answer frankly and fully all questions asked by the listing official relative to the ownership or keeping of dogs within the district.
- D. Records. The listing official shall enter in the records for personal property assessments, or in a separate record, all dogs in the district subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog. The listing official shall make in triplicate a list of the owners of all dogs assessed.
- E. List Delivery. The listing official shall, by September 15, deliver one copy of the list under sub. (5) or (6) to the county clerk and one copy to the official to whom license taxes are paid under s. 174.08, and retain one copy for his or her files.

~~§ 95-6. Restrictions on keeping of dogs, cats, fowl and other animals.~~

- ~~A. Restrictions. It shall be unlawful for any person within the Town of Cedarburg to own, harbor or keep any dog or cat which:~~
 - ~~(1) Habitually pursues any vehicle upon any public street, alley or highway in the Town.~~
 - ~~(2) Assaults or attacks any person or destroys property.~~

- ~~(3) — Is at large within the limits of the Town.~~
- ~~(4) — Habitually barks or howls to the annoyance of any person or persons (see § 95-12).~~
- ~~(5) — Kills, wounds or worries any domestic animal.~~
- ~~(6) — 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.~~
- ~~(7) — In the case of a dog, is unlicensed.~~

~~B. — Vicious dogs and animals.~~

- ~~(1) — No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if within any twelve-month period it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. 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.~~
- ~~(2) — No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.~~

~~C. — Animals running at large.~~

- ~~(1) — No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Town ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.~~

~~(2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.~~

~~D. Owner's liability for damage caused by dogs; penalties. The provisions of § 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are hereby adopted and incorporated herein by reference.~~

~~E. Sanitary requirements. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors, and shall be located in a properly zoned area.~~

~~F. Animals excluded from food-handling establishments. No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.~~

§ 95-7. Impoundment.

~~A. Animal control agency.~~

~~(1) The Town of Cedarburg may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs.~~

~~(2) The Town of Cedarburg does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this section.~~

~~B. Impounding of animals. In addition to any penalty hereinafter provided for a violation of this chapter, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this chapter or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.~~

~~C. Claiming animal; disposal of unclaimed animals. After seizure of an animal under this section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the United States Mail, if such owner is known to the officer or can be ascertained with reasonable effort, but if such owner is unknown or unascertainable, the officer shall post written notice in three public places in the Town, giving a description of the animal and stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided that if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 14 days for observation purposes. Within such time, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town ordinance.~~

~~D.—Sale of impounded animals. If the owner does not reclaim the animal within seven days, the animal warden may sell the animal to any willing buyer.~~

~~E.—Town not liable for impounding animals. The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.~~

~~§ 95-8. Dogs and cats restricted in cemeteries.~~

~~No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind or hearing-impaired persons shall be exempt from this section.~~

~~§ 95-9. Duty of owner in case of dog or cat bite.~~

~~Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Town Constable and shall keep such dog or cat confined for not less than 14 days or for such period of time as the Town Constable shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.~~

~~§ 95-10. Animal feces.~~

~~The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.~~

~~§ 95-11. Injury to property by animals.~~

~~It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.~~

~~§ 95-12. Barking dogs or crying cats.~~

~~It shall be unlawful for any person knowingly to keep or harbor an dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this section when two formal, written complaints are filed with the Town within a four-week period.~~

§ 95-13. Protected animals; keeping of wild animals.

A. Protected animals.

- (1) Possession and sale of protected animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Town any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*Canis lupus*), sea

otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*), or Mexican ridley turtle (*Lepidochelys kempi*).

- (2) Compliance with federal regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress), as amended.
 - (3) Regulating the importation of certain birds. No person, firm or corporation shall import or cause to be imported into this Town any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- B. Exceptions. The provisions of Subsection A above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collector's permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- C. Wild animals; prohibition on keeping. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any live wild animal unless it is legally obtained pursuant to § 169.04, Wis. Stats. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any of the following animals, reptiles or insects, except in those situations where a state game farm license has been issued:
- (1) All poisonous animals and reptiles, including rear-fang snakes.
 - (2) Apes: chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
 - (3) Baboons (*Papoi*, *Mandrillus*).
 - (4) Bears (*Ursidae*).
 - (5) Bison (*Bison*).
 - (6) Cheetahs (*Acinonyx jubatus*).
 - (7) Crocodilians (*Crocodylia*), 30 inches in length or more.
 - (8) Constrictor snakes, six feet in length or more.
 - (9) Coyotes (*Canis latrans*).
 - (10) Deer (*Cervidae*); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
 - (11) Elephants (*Elephas* and *Loxodonta*).

- (12) Game cocks and other fighting birds.
- (13) Hippopotami (Hippopotamidae).
- (14) Hyenas (Hyaenidae).
- (15) Jaguars (Panthera onca).
- (16) Leopards (Panthera pardus).
- (17) Lions (Panthera leo).
- (18) Lynxes (Lynx).
- (19) Monkeys, old world (Cercopithecidae).
- (20) Ostriches (Struthio).
- (21) Piranha fish (Characidae).
- (22) Pumas (Fells concolor), also known as cougars, mountain lions and panthers.
- (23) Rhinoceroses (Rhinocero tidae).
- (24) Sharks (class Chondrichthyes).
- (25) Snow leopards (Panthera uncia).
- (26) Tigers (Panthera tigris).
- (27) Wolves (Cams lupus).
- (28) Unless specifically permitted in the underlying zoning district, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, fowl (except chickens per § 95-24) or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
[Amended 9-6-2017 by Ord. No. 2017-5]

D. Exceptions; pet shops. The prohibitions of Subsection C above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; public or private educational institutions; licensed pet shops; or zoological gardens, if: **[Amended 5-1-2013 by Ord. No. 2013-5]**

- (1) Their location conforms to the provisions of the Zoning Code of the Town.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

~~§ 95-14. Sale of rabbits, chicks or artificially colored animals.~~

- ~~A. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.~~
- ~~B. No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.~~

- ~~C. No retailer, as defined in § 100.30(2)(e), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age, in any quantity fewer than six, unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.~~

~~§ 95-15. Providing proper food and drink to confined animals.~~

- ~~A. No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section.~~
- ~~B. The food shall be sufficient to maintain all animals in good health.~~
- ~~C. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.~~

~~§ 95-16. Providing proper shelter.~~

- ~~A. Proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.~~
- ~~B. Indoor standards. Minimum indoor standards of shelter shall include:~~
- ~~(1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.~~
- ~~(2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.~~
- ~~C. Outdoor standards. Minimum outdoor standards of shelter shall include:~~
- ~~(1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this subsection, "caged" does not include farm fencing used to confine farm animals.~~
- ~~(2) Shelter from inclement weather.~~
- ~~(a) Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.~~
- ~~(b) Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.~~
- ~~D. Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:~~
- ~~(1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.~~

~~(2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.~~

~~E. Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.~~

~~§ 95-17. Neglected, abandoned or injured animals.~~

~~A. Neglected or abandoned animals.~~

~~(1) No person may abandon any animal.~~

~~(2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner 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 such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.~~

~~(3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.~~

~~(4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.~~

~~(5) Section 173.10, Investigation of cruelty complaints, and § 173.24, Reimbursement of expenses, Wis. Stats., are hereby adopted by reference and made a part of this chapter.~~

~~B. Injured animals. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Town or any animal control agency with which the Town has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.~~

~~§ 95-18. Cruelty to animals and birds.~~

~~A. Acts of cruelty prohibited. No person except a police officer or health or humane officer in the pursuit of his duties shall, within the Town, shoot or kill or commit an act of cruelty to any animal or bird or disturb any birds' nests or birds' eggs.~~

~~B. Leading animal from motor vehicle. No person shall lead any animal upon a Town street from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.~~

~~C. Use of poisonous and controlled substances. No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in § 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison~~

~~used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.~~

~~D.—Use of certain devices prohibited. No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.~~

~~E.—Shooting at caged or staked animals. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.~~

~~§ 95-19. Trapping of animals.~~

~~A.—All traps set, placed or tended shall comply with Ch. 29, Wis. Stats., as they relate to trapping.~~

~~B.—This section shall not apply to trapping within the confines of buildings or homes.~~

~~C.—Nothing in this section shall prohibit or hinder the Town of Cedarburg or its employees or agents from performing their official duties.~~

~~§ 95-20. Dognapping and catnapping.~~

~~No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the Town or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.~~

~~§ 95-21. Vehicle accidents.~~

~~The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Town Constable or an animal control agency whose jurisdiction extends into the Town.~~

§ 95-22. Limitation on number of dogs.

A. Purpose. The keeping of a large number of dogs within the Town for 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 dogs is, therefore, declared a public nuisance.

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

AGRICULTURAL ZONING — Any property zoned as such under the Zoning Code of the Town of Cedarburg.

FAMILY — One or more persons.

LOT ZONED AS E-1 — A parcel of land zoned as such in accordance with the Zoning Code of the Town of Cedarburg.

RESIDENTIAL LOT — A parcel of land zoned as residential, whether R-1, R-2 or R-3, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership.

- C. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.
- D. Number limited.
 - (1) No family shall own, harbor or keep in its possession more than three dogs on any residential lot or on any lot zoned as E-1, except that a litter of pups or a portion of a litter may be kept for not more than five months from birth. If more than one family resides on a residential lot, then only a total of three dogs shall be allowed on the residential lot.⁵
 - (2) No person or family shall own or keep in his, her or its possession more than five dogs on any agriculturally zoned property, except that a litter of pups or a portion of a litter may be kept for no more than five months from birth.
 - (3) The number of dogs licensed on any particular parcel of property as of the date of passage, January 6, 1988, may continue to be kept on the property by the owners or tenants even if greater than as herein specified. The preexisting number of licensed dogs shall not, however, be applicable to any future owner or tenant of the specified parcel of property.
 - (4) The requirements specified in this section shall not be applicable to any situation where a kennel license has been issued by the Town of Cedarburg.

§ 95-23. Keeping of bees.

- A. It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the limits of the Town, except in an agriculturally zoned area, and unless the bees are kept in accordance with the following provisions:
 - (1) Fresh, clean watering facilities for bees shall be provided on said premises.
 - (2) The bees and equipment shall be kept in accordance with the provisions of the state statutes.
- B. Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.
- C. Bees may also be kept on residentially zoned properties as a permitted accessory use, subject to any private restrictions, land covenants, homeowners' association and/or subdivision rules and regulations, under the following conditions: **[Added 7-10-2013 by Ord. No. 2013-8]**
 - (1) License required.
 - (a) The keeping of bees on residentially zoned properties is allowed as provided under the requirements of this section. No person shall keep bees without obtaining a license or in a manner contrary to the regulations under this section.
 - (b) Licenses issued under this section shall authorize beekeeping only by or under the direct supervision of the individual to whom the license is issued. Licenses shall further authorize beekeeping only on the property for which the license is issued.
 - (2) Application. Applications for a license to keep bees shall be made to, and on a form prescribed by, the Town Clerk. The application must include a proposed site plan for

the hives that shows compliance with all applicable requirements under this section. The application shall include a sworn statement that the applicant has notified all owners and occupants of properties located within 500 feet of the subject property at least 10 days immediately preceding the application advising that the applicant intends to apply for a license to keep bees in accordance with this section. A fee shall be charged for the license per the Town Fee Schedule.

- (3) Rules. No bees shall be kept except in accordance with the following conditions:
 - (a) No bees shall be intentionally kept and maintained other than honey bees.
 - (b) No hive shall exceed 20 cubic feet in volume.
 - (c) No more than 10 hives may be kept on a single parcel or single group of adjacent parcels in common ownership functioning as a single parcel in common use.
 - (d) No hive shall be located closer than 25 feet from any property line of a property in different ownership, nor shall they be located in the front or street yard.
 - (e) An ever-present supply of water shall be provided for all hives.
- (4) Revocation. A license may be revoked by the Town if the licensee violates any provision of this section, or any other applicable Town ordinance related to the bees. A new license cannot be issued to the licensee or the licensee's property until one year after the date of revocation.
- (5) Penalty. Any person found to have violated this section shall be subject to forfeitures and penalties under § 1-3 of the Town Code.

§ 95-24. Keeping of chickens. [Added 9-6-2017 by Ord. No. 2017-5⁶]

- A. In any nonagricultural zoned district, no person shall keep, harbor or have in his possession or under his control any chickens, or have any chicken coop or yard within the Town, without first complying with this section. The keeping of hen chickens is permitted as an accessory use in all residential zoning districts in accordance with the regulations prescribed in this section, subject to any private restrictions, land covenants, homeowners' association and/or subdivision rules and regulations. The provisions of this section do not apply to E-1 Estate District, which allows for noncommercial agriculture use.
 - (1) There must be an insulated coop enclosed on all sides with a roof and doors and a connected fenced-in run area that is fully enclosed to contain the chickens and protect them from predators and the elements. Free-range chickens are prohibited. Run fences can be no taller than six feet in height.
 - (2) No part of the coop structure or fenced-in run shall be located in the front yard, nor shall it be located closer than 40 feet to the side or rear property lines. No part of the coop structure or fenced-in run shall be located closer than 25 feet to the residence or attached garage. An inspection is required for the coop and run as part of the license procedure and will occur after all related improvements are made to ensure they are properly located and installed for the number of proposed chickens.
 - (3) The coop must be kept clean, dry and in a sanitary condition at all times.
 - (4) The maximum number of hens per premises is six. Adjoining lots having common ownership shall be considered as one premises.
 - (5) No person shall keep, possess, allow, or harbor any rooster.

- (6) In addition to compliance with the requirements of this section, no one shall keep, allow, or harbor a chicken that causes any nuisance, unhealthy condition, creates a public health threat, or otherwise interferes with the normal use of property and the enjoyment of life by humans.
- (7) Chickens are for personal (noncommercial) use only and not for any business-related purposes. The selling of eggs, chickens or by-products is prohibited.
- (8) Property owners shall be required to obtain a license with fee per the Town Fee Schedule to be paid before chickens are kept on the property. The license shall be renewed annually (license period January 1 to December 31). Applications for a license to keep chickens under this section shall be made to, and on a form prescribed by, the Town Clerk. The license application must include a proposed site plan for the coop and run area that shows compliance with all applicable requirements under this section.
- (9) The Town shall have the authority, whenever it may deem reasonably necessary, to enter a structure or property where a chicken is kept to ascertain whether the permittee is in compliance with this section. The permittee shall be responsible for all costs associated with inspections.
- (10) A license may be revoked by the Town if the licensee violates any provision of this section. A new license cannot be issued to the licensee or the licensee's property until one year after the date of revocation.

§ 95-25. Violations and penalties.

- A. Any person violating §§ ~~95-15, 95-16, 95-17, 95-18, 95-19, 95-20, 95-21, 95-22~~ or 95-23 or 95-24 shall be subject to a forfeiture of not less than \$50 and not more than \$200. This subsection shall also permit the Town Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this chapter.
- B. Anyone who violates §§ 95-1, 95-2, 95-3, 95-4, ~~and~~ 95-5, ~~and~~ 95-6 of this chapter or Ch. 174, Wis. Stats., shall be subject to a forfeiture of not less than \$25 and not more than \$200 for the first offense and not less than \$100 and not more than \$400 for any subsequent offenses.
- C. An owner who refuses to comply with an order issued under § 95-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be subject to a forfeiture of not less than \$100 nor more than \$1,000, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 60 days. **[Amended 10-4-2006 by Ord. No. 2006-11]**
- ~~D. Any person who violates §§ 95-6 through 95-14 of this chapter shall be subject to a forfeiture of not less than \$25 and not more than \$100 for the first violation and not less than \$50 and not more than \$200 for subsequent violations.~~

§ 63-10 Constables.

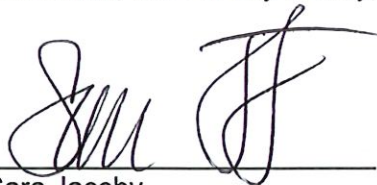
In compliance with §§ 60.22, 60.37 and 60.56, Wis. Stats., the jurisdiction and duties of the Town Constables of the Town of Cedarburg are as provided herein. ~~All references to "police officer" or "law enforcement officer" in this Code shall mean the Constable.~~ Pursuant to § 63-15 of this Code, the Town Board may employ appointed Town Constables to serve in the office of Constable. Appointed Town Constables shall serve independent of any elected Town Constable whose office may be established or abolished at a Town Meeting. The Constable shall:

- A. Obey all lawful orders of the Town Board and enforce violations of the Code of Ordinances of the Town of Cedarburg for which complaints are filed with any Town officer or employee, except as they pertain to moving traffic violations.
- ~~B. Impound cattle, horses, sheep, swine, dogs and other animals at large in the Town.~~
- C. Have the right to accept stipulations, that is, forfeiture fines for ordinance violations.
- D. Issue citations for violations of the Town of Cedarburg Code, as set forth in Subsection A above, and with reasonable diligence take before the proper court.^[1]
[1]
- E. See that the necessary permits and licenses issued by the proper authority of the state or Town are in the possession of or properly displayed by any person engaged in an activity or business within the Town for which such permit or license is required and that the permit or license holders have complied with the terms of such permits or licenses.
- F. Assist the Fire Department in maintaining order at the scene of a fire.


(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).
(Sections shall be renumbered upon passage).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 7th day of May, 2025.



Sara Jacoby
Asst. Admin./Town Clerk



David Salvaggio
Town Chairman