

VILLAGE OF DOWNING, WI  
ORDINANCE 7-10-2023

**STANDARDS FOR THE CARE OF DOMESTIC ANIMALS**

Purpose. The purpose of this ordinance is to promote the health, safety, and general welfare of domestic animals by requiring that animals be tended to in a manner that they are properly fed, provided adequate water and shelter, and properly cared for, and to provide appropriate forfeiture for owners who neglect, abuse, or refuse to provide adequate care and supervision for animals in their custody. This ordinance adopts the provisions of Wisconsin Statutes §§951.01- 915.15 by reference.

Jurisdiction and Enforcement. This ordinance shall be effective and enforceable in all areas in The Village of Downing except where municipalities have enacted legislation for the standards and care of domestic animals which is more restrictive than this ordinance.

A. Enforcement. Consistent with Wisconsin Statutes §173.07(4m) provisions of this ordinance shall be enforced by a law enforcement officer lawfully employed by any law enforcement agency located within The Village of Downing or by the Local Health officer or his or her designee.

Definitions.

A. "Caretaker" means a person or persons responsible for the care and safety of the animal and may include the owner of the animal or an individual who is not the owner and resides within the same residence as the animal and who has assumed responsibility for the care of the animal; or an individual, a kennel or business who is caring for the animal in the absence of the owner and who violates the provisions of this ordinance.

B. "Animal" for purposes of this ordinance "animal" is generally considered to be a warm-blooded or cold-blooded animal, including a domesticated dog or cat, and may include other domesticated animals, but does not include livestock or farm animals that are raised and used primarily for food, fiber or other recognized farm or livestock purposes, or wild animals that are not otherwise domesticated.

C. "Abuse" shall mean to intentionally beat, strike, torment, frighten, purposefully injure, or physically harm or mutilate an animal in a manner that causes the animal to suffer severe pain or injury, and includes torturing an animal which includes any action that inflicts extreme physical pain or injury on an animal through acts of abuse, by purposeful electrocution, freezing, heating, poisoning or shooting at animal; in addition abuse can be caused by purposefully exposing an animal to dangerous situations including dangerous chemicals, other dangerous or infected animals, instigating animal fights. Knowingly or unknowingly leaving an animal exposed to extreme weather conditions such that it may cause injury or death for that species and breed of animal.

D. "Neglect" shall include the failure of the custodian or owner of the animal to provide proper care for the animal by failing to provide nutritious food, shelter, clean

water, grooming and care for the animal, and shall include, but not be limited to: leaving an animal exposed to the elements either in an enclosure or tethered for extended periods of time, failing to provide adequate food and clean water for the animal, failure to attend to sores, injuries or illness of the animal, failure to properly groom the animal so as to allow matting or burrs in the animal's fur, or allowing nails to grow to where they are overturned. Neglect also includes the failure to provide adequate care to protect the animal from disease and illness by failing to have the animal properly vaccinated or failing to seek care from a veterinarian for an animal that is sick or injured.

E. "Tethering" is the act of attaching an animal to a fixed object or building by means of a rope, chain, cable, leash, or other means. Tethering is not permitted as a means of permanent confinement and shall not be done when the animal is unattended by its caretaker or in a manner that leads to abuse, neglect, or cruelty to the animal.

F. "Shelter" is a man-made structure that provides an animal protection from the elements including the sun, wind, cold, rain or snow.

G. "Collar" is a piece of fabric, leather or other material placed around an animal's neck for the purpose of providing a place to attach a tether, licenses, or other identifying information about the animal.

#### Violations.

In addition to the violations listed in Wis. Stats. §§951.01-951.15, it shall be a violation of this ordinance to commit an act that is contrary to the following:

A. **Tethers and leashes permitted.** Tethers and leashes are permitted where animals are required to be on a leash or tethered in areas that include but not limited to public places or businesses, parks, campgrounds, etc., or places where animals are required to be on a tether or leash and in the direct control of its owner and the tether or leash is necessary for compliance with local ordinances, rules, or regulations and where a tether is necessary to prevent the animal from injuring itself, other persons, or animals. Tethers attached to a fixed object shall be at least 10 feet in length and shall allow the animal to reach food, continuous water in a secured container, and shelter. Tethers shall be made of material and be of a weight that it will not injure, or unnecessarily burden the animal because of the size or weight of the tether in comparison to the size and weight of the animal; and shall be attached to the animal in a manner that allows the owner sufficient control of the animal but does not harm the animal. No animal shall be tethered outside during extreme weather conditions.

A. **Shelter.** Free standing shelters must meet the following minimum standards: Shelters must be windproof with no gaps that allow light or wind in and that are waterproof. They must be built in such a manner to create adequate drainage around the shelter to prevent standing water or ice to accumulate around the perimeter of the shelter. The floor of the shelter should be at least 2 inches off the ground with a protected, unimpeded entrance that allows unimpeded access to and from the shelter and is positioned in such a way to limit the wind, snow, or rain from blowing into the shelter. The shelter must contain sufficient space to allow the animal to sit, stand, turn around and lie down, but be of a size to allow the animal to retain or dissipate body

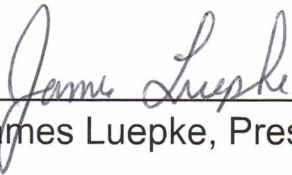
heat that is appropriate for the animal's age, breed, health, and physical condition. Shelters must have a solid non-metal floor. Shelter must be kept clean dry and have a layer of straw or other nonabsorbent material. Interior surfaces that cannot be cleaned and sanitized must be replaced when worn or soiled. The shelter itself cannot be used as the only shade availability for the animal. If the animal is confined in a fenced or kennel enclosure, the enclosure must be a minimum of 100 square feet per animal if the animal is 20 pounds or less; and a minimum of 200 square feet if the animal is more than 20 pounds.

B. **Collars.** Collars shall be made of leather or nylon or other similar material, made from a non-metal, non-self-tightening material with a buckle or snap. Collars must fit with no signs of choking or injury to the animal. Pinch, prong, or choke collars are prohibited.

C. To commit acts of abuse or neglect on an animal as defined by this ordinance.

Penalty. Any person who violates or refuses to comply with the provisions of this ordinance shall be subject to forfeiture of not less than \$100 and not more than \$500. Each day a violation exists shall be considered a new and separate offense.

The Village Of Downing has PASSED, APPROVED and ADOPTED the ordinance of Standards For The Care Of Domestic Animals Ordinance 7-10-2023 on this 11 day of July, 2023.

  
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James Luepke, President

ATTEST: I hereby certify that the Village Of Downing approved the Ordinance of Standards For The Care Of Domestic Animals at the Village Board Meeting held on 11 day of July, 2023.

  
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Jennifer Lagerstrom, Village Clerk