

Chapter 10 - HEALTH, SANITATION AND ANIMAL CONTROL (1/01)

10.01 VILLAGE ENFORCEMENT OFFICER

(1) Designation of Enforcement Officer and Term of Appointment. The Village Enforcement Officer shall be a police officer in good standing and a member of the Village of Deerfield Police Department. The Village Enforcement Officer shall be appointed by the Village Board, and can be a designee of the Chief of Police and shall remain as the Village Enforcement Officer until a successor is duly appointed.

(2) Duties. The Enforcement Officer shall monitor the health, sanitation and animal control and enforce the provisions of this Ordinance.

10.02 DEFINITIONS

(1) Owner shall mean any person owning, harboring or keeping a dog, cat or other animal listed in this ordinance, and the occupant of any premises on which any said animal remains or to which it customarily returns daily for a period of ten days, is presumed to be harboring or keeping an animal within the means of this ordinance.

(2) Kennels. The term “kennel” means any establishment wherein or whereon domesticated animals are kept for the purposes of breeding, sale or sporting purposes, as defined in Section 174.001, Wis. Stats.

10.03 KEEPING OF ANIMALS AND FOWL

(1) 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 feces, rodents, vermin and objectionable odors. Interior walls, ceilings, floor, partitions and appurtenances of such structures except structures or houses occupied by no more than two dogs, cats, rabbits, skunk or similar animal kept as a pet, shall be whitewashed or painted annually or more often as the Enforcement Officer shall direct.

(2) Location of Livestock Restricted. No person shall keep any kind of livestock, including but not limited to cattle, horses, pigs, goats, sheep, or mules, within the Village of Deerfield. No person shall keep any chicken, duck, goose, turkey or other domestic fowl within the Village of Deerfield except as otherwise provided in § 10.03 (6). It is provided, however, that nothing in this section shall be construed to prohibit the keeping of cats, dogs or other small animals held as pets and not being raised for kennels or other commercial purposes. It is further provided that nothing in this section shall apply to animals presently kept in the Village of Deerfield.

(3) Dangerous Animals. It shall be unlawful to keep any animal or creature within the

Village Ordinance-Chapter 10

Village limits of the Village of Deerfield except the following: including but not limited to, domesticated dogs, cats, hamsters, birds or fish.

(4) Restrictions on Keeping of Dogs. It shall be unlawful for any person within the Village of Deerfield to own, harbor or keep any dog which:

- (a) Assaults or attacks any person.
- (b) Is habitually "at large", as determined by the Enforcement Officer, within the limits of the Village.
- (c) Habitually barks or howls to the annoyance of any person or persons.
- (d) Kills or wounds any domestic animal.
- (e) Is known by such person to be infected with rabies or to have been bitten by an animal know to have been infected with rabies.
- (f) Is a major health/welfare problem.
- (g) Keeping of More than Three Dogs Prohibited. No person shall own, harbor or keep more than three dogs over the age of five months on any lot or premise within the corporate limits of the Village of Deerfield, except that a litter of pups, or a portion of the same litter may be kept for a period of time not exceeding five months from birth; provided, however, that any person who on December 31, 2000, owned more than three dogs and had paid the required license fee at that time for each dog which was over five months of age or older on that date, shall be permitted to keep said dogs but **may not** replace any of such dogs which are disposed of or moved out of the Village.
- (h) No more than two dogs may be kept outside at any time, and must comply with section 10.03(1) and 10.03(5)(a) and (b).
- (i) No person or persons shall have a kennel within the

corporate boundaries of the Village.

(5) Animal Defecation on Public or Private Property Prohibited.

(a) No person owning or having control of any animal shall allow or permit such animal to defecate upon any property other than that of the animal owner or caretaker without immediately causing such defecation to be removed therefrom and properly disposed of by (i) burial on said animal owner's or caretaker's own property, (ii) or flushing in the toilet; or (iii) bagging and placing in animal owner's or caretaker's garbage container.

(b) No person owning or having control of any animals shall appear with such animal on any sidewalk, street, park or other public area or on any private property neither owned nor occupied by said person without the means of removal of any feces left by the animal. The owner of any property within the Village shall not allow the collection or build-up of feces on their property and will cause the same to be cleaned up on a timely and regular basis.

(c) Any person violating any provision of this section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

(6) Keeping of Chickens

(a) Licensing of Chickens

(i) License Required for Chickens.

No person may keep chickens in the Village of Deerfield without an annual license issued pursuant to this Section 10.03, and except in accordance with the requirements of this Section. Application shall be made to the Village Zoning Administrator/Building Inspector using an application form approved by the Village. The license year commences on January 1 and ends on the following December 31. Licenses not renewed by April 1 shall be assessed a late fee. The license fee and late fees shall be established by resolution of the Village Board. The Zoning Administrator/Building

Village Ordinance-Chapter 10

Inspector may revoke a license if there are three or more violations of this or other Village ordinances within any 6-month period.

(ii) License Fees.

The Village Board may, by resolution and as allowed by state statute, adopt a fee schedule for issuing chicken licenses.

(iii) Issuance of License and Tag.

Upon satisfaction of the requirements set forth herein and payment of the required fee, the Village shall complete and issue to the Owner a license for keeping chickens.

The license shall include the Village's name, the license year, the date of its expiration, the Owner's name and address, and number of chickens licensed. A duplicate copy of the license shall be kept on file in the Village. After issuing the license, the Village shall deliver the license to the Owner in person or via U.S. mail using the address provided by the Owner.

(iv) Late Fees; Separate Violations; Amendment in Court.

The Village shall assess and collect a late fee from every owner of a chicken, if the Owner fails to pay for and obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable chicken. The late fee shall be a minimum of \$5.00 unless increased by resolution of the Village Board. In addition to the late fee, any Owner who fails to pay for and obtain a license prior to April 1 of each year may be issued a citation for each unlicensed chicken owned. If a citation is issued, the Owner must pay for and obtain the appropriate license, along with the late fee, by the day after the initial court appearance on the citation, and shall also be liable for the forfeiture. Failure to obtain the license by the day after the initial court appearance, and each day thereafter, shall constitute a separate violation and offense for which the citation may be amended on the prosecutor's motion in court up to and including the day of the trial..

(b) Roosters Not Allowed.

Roosters are not allowed within the Village limits of Deerfield.

(c) Maximum Number of Hens.

Village Ordinance-Chapter 10

For each residential lot, and only where permitted by the zoning code, there may be up to four (4) hens.

(d) No Slaughtering.

There will be no slaughtering of chickens within the Village of Deerfield, except on property zoned and approved for such use.

(e) Bird Fighting.

Raising or keeping of hens for fighting and the fighting of hens and other fowl is not allowed within the Village of Deerfield as per Wis. Stats. § 951.08.

(f) Chicken Feed.

All food must be kept in airtight containers that are out of reach from wild animals.

(g) Chicken Coops.

Hens must be provided with a building structure that houses them and follows the following rules:

- (i) Hens must be provided at least four (4) square feet of floor space each.
- (ii) A coop must have minimum dimensions of two (2) feet long by two (2) feet wide by four (4) feet tall.
- (iii) There must be at least one (1) nesting box per two (2) hens.
- (iv) Coops must include elevated perches to ensure chickens are able to rest in their natural position.
- (v) Coops must be structurally sound, moisture proof and kept in good repair.
- (vi) Coops must have proper ventilation during all times of the year.
- (vii) There must be a minimum of two (2) feet of window for each ten (10) linear feet of wall space.
- (viii) Coops must be cleaned daily and the waste must be properly disposed of

Village Ordinance-Chapter 10

according to Village Code § 10.03 (5), or properly composted.

(ix) During the winter months:

1. Heating lamps or other technology may need to be provided to keep the coop at the proper temperature of no less than 40 degrees Fahrenheit.
2. Water must not be frozen in the winter.

(x) Coops must provide access to the chicken run.

(xi) No coop shall be located closer than twenty (20) feet to an adjacent lot line. Coops must be located in the rear yard of the property or non-address side yard on corner lots.

(h) Chicken Runs.

The chickens must be provided with an outdoor fenced structure in which to run around.

- (i) Hens must be provided with at least four (4) square feet of space each in the run.
- (ii) The minimum dimensions are two (2) feet wide by two (2) feet long by three (3) feet tall.
- (iii) The fencing must have spacing of no more than one (1) inch.
- (iv) The top of the run must be covered with fencing with spacing of one (1) inch or less.
- (v) The fencing should be buried a foot under the ground if the run is not mobile.
- (vi) No run shall be located closer than twenty (20) feet to an adjacent lot line. Runs must be located in the rear yard of the property or non-address side yard on corner lots.

(i) General Care Requirements.

Chickens must be properly cared for.

Village Ordinance-Chapter 10

- (i) Food must be provided daily and must be proper for chickens in accordance with Wis. Stats. § 951.13.1.
- (ii) Clean water must be provided at all times and changed daily in accordance with Wis. Stats. § 951.13.2.
- (j) State Registration.

All properties on which chickens are kept must be properly registered with the Wisconsin Department of Agriculture, Trade and Consumer Protection. A copy of the proof of registration must accompany the application for a license.

- (k) Forfeitures.

In addition to other penalties, such as forfeiture of the license, any person who keeps chickens without the license required by this Section or who violates any provision of this Section shall be subject to forfeiture pursuant to § 10.04 (3)(a) of this Code.

Section 3. The Village’s Zoning Ordinance is hereby amended to allow for the keeping of chickens as a permitted use, subject to the requirements of Village Ord. § 10.03(6), in the following zoning districts:

R-1 and R-2 Single Family Residential Districts

Vil. Ord. §24.22(2)(h) is hereby created to read: “The keeping of chickens pursuant to and in accordance with a license issued under Village Ord. §10.03(6).”

R-3 Two-Family Residential Districts

Vil. Ord. §24.24(2)(g) is hereby created to read: “The keeping of chickens pursuant to and in accordance with a license issued under Village Ord. §10.03(6), provided that the owner(s) of both units consent.”

10.04 LICENSING AND CONTROL OF CATS AND DOGS.

- (1) Licensing of Cats and Dogs.
 - (a) License Required for Cats and Dogs.

Every person who owns, harbors, or keeps a cat or dog in the Village of Deerfield (hereinafter an "Owner") that is five (5) months of age or older shall annually obtain a license for said cat or dog and pay a dog or cat license tax/fee for said dog or cat. The dog license is required by Wis. Stats. §174.05 (1991-1992), and as may be amended. The license shall be valid during the license year in which it was obtained. The license year shall begin on January 1 and end on December 31.

(b) License Fees.

The Village Board may, by resolution and as allowed by state statute, adopt a fee schedule for issuing cat and dog licenses. The fee schedule differentiates between neutered and un-neutered cats, and neutered and un-neutered dogs. Cats and dogs licensed by the Village shall be presumed to be un-neutered unless, at the time of licensing, the Owner presents a certificate of a veterinarian licensed by the State of Wisconsin certifying that the cat or dog sought to be licensed is neutered.

(c) Issuance of License and Tag

Upon payment of the required fee and presentation of evidence that the cat or dog is currently immunized against rabies, the Village Treasurer shall complete and issue to the Owner a license for the cat or dog.

The license shall include the date of its expiration, a serial number, the Owner's name and address, and the name, sex, neutered or un-neutered status, and breed or description of the dog or cat licensed. A duplicate copy of the license shall be kept on file in the Village. After issuing the license, the Village Treasurer shall deliver to the Owner a tag of durable material bearing the same serial number as the license, the name of the county in which it is issued, and the license year.

(d) Attachment of Tag to Collar or Harness.

The Owner shall securely attach the tag to a collar or harness and said collar or harness shall be kept on the cat or dog for which the license is issued. The fact that a cat or dog is without a license attached its collar or harness shall be presumptive evidence that the cat or dog is unlicensed.

(e) Late Fees

Village Ordinance-Chapter 10

The Village shall assess and collect a late fee from every owner of a dog or cat 5 months of age or over, if the Owner fails to pay for and obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or cat, or on or before the day the dog or cat reaches licensable age. The late fee shall be a minimum of \$5.00 unless increased by resolution of the Village Board. In addition to the late fee, any Owner who fails to pay for and obtain a license prior to April 1 of each year may be issued a citation for each unlicensed cat and/or dog owned. If a citation is issued, the Owner must pay for and obtain the appropriate license, along with the late fee, by the day after the initial court appearance on the citation. Failure to do so by that date, and each day thereafter, will constitute a separate violation and offense.

Adopted this ___ day of _____, _____.

Arnold Evensen, Village President

ATTEST:

Dean Otte, Village Clerk

Approved as to form this
_____ day of _____.

Constance L Anderson, Esq.
Deerfield Village Attorney

(2) Control of Cats and Dogs.

(a) Cats and Dogs Not Permitted to Run at Large.

Village Ordinance-Chapter 10

It shall be unlawful for the Owner of any cat or dog to permit same to run at large in the Village of Deerfield. A cat or dog shall be deemed to be at large when it is off the premises of its Owner, unless it is under the apparent control of a person. This subsection is not intended to prohibit the keeping of cats or dogs within enclosed areas which will reasonably control the conduct of said cat or dog.

(b) Cats and Dogs Not Permitted to Trespass on Property.

It shall be unlawful for the Owner, or for any person who has a cat or dog under his or her apparent control, to permit a cat or dog to trespass on property without permission of the lawful owner or occupant of that property.

(3) Penalties.

(a) Forfeitures.

Any person or Owner violating this section shall forfeit not less than \$10 nor more than \$100 for the first violation and not less than \$20.00 nor more than \$200.00 for each subsequent violation within one year of the most recent previous violation. In addition, court cost and assessments plus cost of prosecution shall be added to the forfeiture amount. Each day of violation shall constitute a separate offense. Failure to pay the forfeiture and related costs may result in suspension of the person's or Owner's driver's license, to the full extent permitted by law. The cost to obtain a license and pay any late charge assessed is separate from and in addition to the forfeiture and related costs.

(b) Impoundment of Cat or Dog.

Any cat or dog violating any provision of this subsection may be seized and impounded by any

Village Ordinance-Chapter 10

Village of Deerfield police officer. Upon seizing any cat or dog, the officer shall turn same over to a veterinarian or pound keeper in Dane County. The officer shall use reasonable diligence to ascertain who the Owner is and to notify the Owner that the cat or dog has been seized and impounded. The Owner shall be responsible for paying the veterinarian or pound keeper the reasonable charges for the costs of impoundment. Impounded cats or dogs may be destroyed by the veterinarian or pound keeper.

10.05 CONTROL OF WEEDS AND GRASSES

(1) Cutting of Grasses and Weeds. In order to preserve property values to protect the public health and safety, all owners of property within the Village of Deerfield shall keep such property free from noxious weeds and tall grass. All weeds and tall grass greater than eight inches in height are declared to be a noxious weed, pursuant to Wis. Stat. §66.0407(1)(b). Such property shall be mowed whenever such vegetation exceeds eight inches in height. The Village Board retains the right to exempt property from this provision because of special circumstances.

(2) Failure to Cut Grasses and Weeds. In case any owner of property shall fail to comply with the requirements as set forth in (10.05(1)), then in that event, enforcement shall take place as follows:

(a) Notification. Each property owner in violation of 10.05(1) shall receive written notification from the Village Enforcement Officer or weed commissioner or designee, and will have five (5) days from date of notification to mow said grass and/or weeds prior to being subject to a fine. Such written notification may be mailed to or posted in a conspicuous place on the property.

(b) If grass/weeds are not mowed five days after such notice, then the property owner shall be issued at forfeiture in the amount of \$50.00 plus cost and assessments.

(c) If grass/weeds are not mowed 10 days after such notice, then the property owner shall be issued a forfeiture in the amount of \$130.00 plus cost and assessments. In addition, the Enforcement Office, weed commissioner or designee shall have said property mowed and report in writing to the Village Clerk the cost for so doing.

The Village Clerk shall place the mowing cost, at a minimum charge of \$80.00, as a special tax on the tax roll against the property for who the service was rendered.

Adopted this 24th day of April, 2006

Arnold Evensen, Village President

Dean A. Otte, Village Clerk

Approved as to form this
24th day of April, 2006

Constance L Anderson. Esq.
Deerfield Village Attorney

10.06 PROHIBITION OF SMOKING IN PUBLIC PLACES

Cigarette, cigar, pipe and other smoking is prohibited in the Village Hall, Police Station, the Public Works Garage, Sewage Treatment Plant, The Public Library and all village vehicles. This prohibition with respect to other than village vehicles took effect on April 1, 1993, and shall take effect as to village vehicles on May 13, 1996.

10.07 UNAUTHORIZED DISPOSAL OF GARBAGE OR REFUSE OR REMOVAL OF MATERIALS FROM GARBAGE OR REFUSE SITES

(1) Violation.

(a) It shall be unlawful for any person, firm, or corporation that is not a resident of the Village of Deerfield to transport, convey, deliver, or bring into the Village limits any garbage or refuse with the intent that the garbage or refuse be collected by the Village's refuse collector or be disposed at a site or sites used for

Village Ordinance-Chapter 10

disposal or garbage or refuse. It shall be unlawful for Village residents to dispose of garbage or refuse at said site(s) without first obtaining written approval from the Village Board.

(b) It shall be unlawful, without prior written approval from the Village Board, for any person, firm, or corporation, whether or not it is a resident of the Village of Deerfield, to remove any materials or items that have been deposited at a site or sites used for disposal of garbage or refuse.

(2) Penalty.

The penalty for violations of §10.06(a) shall be forfeiture of no less than \$50 nor more than \$500 per offense.

10.08 PENALTY

If the penalty for violating any portion of this Chapter 10 is not specified herein, section 23.04 of the Deerfield Village Code shall be controlling. Section 23.04 shall also govern for violation of any order of the Village Enforcement Officer. A separate offense shall be deemed committed on each day in which the violation occurs or continues.