

TO AMEND SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS; TO CREATE CHAPTER III OFFENSES AGAINST PUBLIC DECENCY, SECTIONS 9.05.010, 9.05.020, 9.05.030, 9.05.040 AND 9.05.050 OF THE CODE: STANDARDS FOR THE CARE OF DOMESTIC ANIMALS

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That Section 1.50.020 of the code be amended to read:

9.05.050 Standards for the Care of Domestic Animals-penalty 500.00

SECTION 2. That Chapter 8.30 of the code be created to read:

CHAPTER 8.30

STANDARDS FOR THE CARE OF DOMESTIC ANIMALS

Sections:

- 9.05.010 Purpose.
- 9.05.020 Jurisdiction and enforcement.
- 9.05.030 Definitions.
- 9.05.040 Violations.
- 9.05.050 Penalty.

9.05.010 Purpose. The purpose of this Chapter 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 Chapter adopts the provisions of Wis. Stat. §§951.01- 951.15 by reference the Eau Claire Humane Association and properly permitted and licensed kennels are exempt from this chapter.

9.05.020 Jurisdiction and Enforcement. The ordinance codified in this chapter shall be effective and enforceable in all areas of Eau Claire County except where municipalities have enacted legislation for the standards and care of domestic animals which is more restrictive than this ordinance.

Enforcement. Consistent with Wis. Stat. §173.07(4m) provisions of this chapter shall be enforced by a law enforcement officer lawfully employed by any law enforcement agency located within Eau Claire County.

9.05.030 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, 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 chapter “animal” is generally considered to be a warm-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.

9.05.040 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 may not weigh more than 15% of the animal’s body weight. Pinch, prong, or choke collars are prohibited for tethering to a fixed object. No animal shall be tethered outside during extreme weather conditions.

B. 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 animals 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 animal's only protection from the sun. 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.

C. 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.

D. Transportation. No person may transport an animal on public roads in the bed of a truck without the animal being properly restrained or placed in a crate to ensure the animal cannot fall, jump or be strangled. No person may leave an animal unattended in a vehicle in conditions that endanger the health or safety of an animal due to excessive heat or cold, lack of ventilation, lack of water, or other conditions that could cause suffering, injury, or death to the animal.

E. To commit acts of abuse or neglect on an animal as defined by this chapter.

9.05.050 Penalty. Any person who violates or refuses to comply with the provisions of this chapter 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.

Enacted January 18, 2022

Sue McDonald  
County Clerk