

Chapter 92

RECORDS

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[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 9 of the 1986 Code. Amendments noted where applicable.]

§ 92-1. Definitions.

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

AUTHORITY — Any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order, or a formally constituted subunit of the foregoing.

CUSTODIAN — That officer, department head, division head, or employee of the Village designated under § 92-3 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office, or who is lawfully in possession or entitled to possession of such public records and who is required by this chapter to respond to requests for access to such records.

RECORD — Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale or which are available for inspection at a public library.¹

VILLAGE — The Village of Ontario and its administrative subunits.

§ 92-2. Duty to maintain records.

- A. Except as provided under § 92-7, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

- B. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody, and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

§ 92-3. Legal custodians.

- A. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- B. Unless provided in Subsection C, the Clerk-Treasurer or the Clerk-Treasurer's designee shall act as legal custodian for the Village Board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Village Board. The following offices or authorities shall have as a legal custodian of records the individual so named:

Authority	Designated Legal Custodian
General records (including Board records)	Village Clerk-Treasurer
Financial records	Village Clerk-Treasurer
Fire Department	Fire Chief

- C. For every authority not specified in Subsections A and B, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- D. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the Clerk-Treasurer.
- E. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Ch. 19, Subch. II, Wis. Stats., and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

§ 92-4. Public access to records.

- A. Except as provided in § 92-6, any person has a right to inspect a record and to make or receive a copy of any record as provided in § 19.35(1), Wis. Stats.
- B. Records will be available for inspection and copying during all regular office hours.
- C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- D. A requester shall be permitted to use facilities comparable with those available to Village employees to inspect, copy or abstract a record.
- E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Village shall be removed from the possession of the legal custodian.
- F. A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (1) The cost of photocopying shall be as set by the Village Board. Said cost shall be calculated not to exceed the actual, necessary and direct cost of reproduction.²
 - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or videotapes, shall be charged.
 - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Village will determine the cost of locating a record by using the hourly rate of \$20 per hour for employees involved in attempting to locate the record.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.
 - (7) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Ch. A390, Fees.

- G. Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of §§ 92-4 through 92-6 of this chapter. This subsection does not apply to members of the Village Board.

§ 92-5. Access procedures.

- A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under § 92-4F(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- B. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- C. A request for a record may be denied as provided in § 92-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

§ 92-6. Limitations on right to access.

- A. As provided by § 19.36, Wis. Stats., the following records are exempt from inspection under this chapter:
- (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

- (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - (4) Pursuant to § 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secret" is defined as unpatented, secret, commercially valuable plans, appliances, formulas or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- B. As provided by § 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- C. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) Pursuant to § 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to § 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Pursuant to § 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
 - (5) Pursuant to § 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Village property, the investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to § 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

- (7) Pursuant to § 19.85(1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under § 905.03, Wis. Stats.
 - (8) Pursuant to § 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board and records of advice given by such ethics board on such requests.
- D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

§ 92-7. Destruction of records.

- A. Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such shorter period:³
- (1) Bank statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- B. Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit, subject to State Public Service Commission regulations, but not less than seven years

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:⁴

- (1) Contracts and papers relating thereto.
 - (2) Excavation permits.
 - (3) Inspection records.
- C. Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective, unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period:
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions.
- D. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.
- E. Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 92-8. Preservation through microfilm.

Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of §§ 92-4 through 92-6 of this chapter.

Chapter 104

VILLAGE BOARD

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| § 104-3. Village President. | § 104-14. Ordinances, resolutions and other communications. |
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[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 2 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Emergency government — See Ch. 45.
Code of Ethics — See Ch. 50.

Officers and employees — See Ch. 79.

§ 104-1. Constitution and powers.

The Trustees of the Village of Ontario shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

§ 104-2. Trustees.

- A. Number; election; term. The Village of Ontario shall have six Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six Trustees shall constitute the Village Board. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.
- B. Trustees to be Village residents. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.
- C. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

§ 104-3. Village President.

- A. Election; term. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- B. Duties. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

§ 104-4. Standing committees.

- A. Committee appointments. At the organizational meeting of the Village Board, the Village President shall appoint three Trustees to each of the following standing committees:
 - (1) Committee on Finance, Licenses, Ordinances and Personnel.
 - (2) Committee on Public Safety.
 - (3) Committee on Public Works, Utilities and Landfill.
 - (4) Committee on Public Streets and Lighting.
 - (5) Committee on Cemeteries.
 - (6) Committee on Public Welfare and Village Buildings.
 - (7) Committee on Recreation.
 - (8) Committee on Health.
- B. President to designate chairmen. The President shall designate the chairman of each standing committee. He shall appoint all special committees and designate the chairman of each. All committee appointments, except designation of chairmen, shall be subject to confirmation by a majority vote of the Board.
- C. Committee reports. Each committee shall at the next regular Board meeting submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.

§ 104-5. General powers.

- A. General provisions. The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances,

highways, streets, navigable waters and the public service and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

- B. Acquisition and disposal of property. The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- C. Acquisition of easements and property rights. Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land and scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under §§ 61.35 and 62.23, Wis. Stats. The Board may sell and convey such easements or property rights when no longer needed for public use or protection.
- D. Village finances. The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding 1/2 of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local school clerk. The rate of interest on any such loan shall be determined by the Village Board.
- E. Construction of powers. Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the Home Rule Amendment to the Constitution, the grants of power to the Village Board in this section and throughout this Code shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the village and its inhabitants.

§ 104-6. Cooperation with other municipalities.

The Village Board, on behalf of the Village, may join with other villages or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

§ 104-7. Salaries.

- A. The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.
- B. The salaries of Village officials shall be fixed by the Village Board from time to time. Information on current salaries is available at the office of the Village Clerk-Treasurer. [Amended 11-18-1998; 11-15-1999¹]

§ 104-8. Meetings.

- A. Regular meetings. Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 7:00 p.m. local time or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held on the following Monday at the same hour and place. All meetings of the Board shall be held at the Village of Ontario Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Ontario.²
- B. Annual organizational meeting. The Village Board shall hold an annual meeting on the first Thursday after the spring election in April for the purpose of organization.

§ 104-9. Special meetings.

Special meetings of the Board may be called by the Village President or by two Trustees by filing a written request with the Village Clerk-Treasurer at least 24 hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode. The Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of § 61.32 and Ch. 19, Subch. V, Wis. Stats. Representatives of the media who

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

have filed a request with the Clerk-Treasurer to receive notice of Board meetings shall be notified a minimum of 12 hours before the meeting.

§ 104-10. Open meetings.

All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.³

§ 104-11. Quorum.

- A. Three Trustees and the Village President shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.
- B. When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall proceed to call the roll in alphabetical order, noting who is present and who is absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

§ 104-12. Presiding officers.

- A. Village President shall preside. The Village President shall preside over meetings of the Village Board. In case of absence of the President, the Clerk-Treasurer shall call the meeting to order and preside until the Trustees present select a Trustee to preside temporarily.
- B. Duties. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.
- C. Participation in debate. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a Trustee to preside temporarily.

§ 104-13. Order of business.

- A. At all meetings, the following order may be observed in conducting the business of the Village Board:

3. Editor's Note: See §§ 19.81 to 19.98, Wis. Stats.

- (1) Call to order by presiding officer.
 - (2) Roll call (if a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date).
 - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings.
 - (4) Ordinances and resolutions.
 - (5) Unfinished business.
 - (6) New and miscellaneous business.
 - (7) Reports of Village officers.
 - (8) Communications and miscellaneous business.
 - (9) Adjourn.
- B. No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

§ 104-14. Ordinances, resolutions and other communications.

- A. Submission of ordinances and other communications. All ordinances, resolutions, bylaws or other communications submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter, a title and the name of the Trustee introducing the same and shall be referred to the appropriate committee by the President. The committee shall report back to the Board on the matter at the next Board meeting. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
- B. Subject and numbering of ordinances. Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and the title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. Written agenda; notice.
- (1) The Village Board may take action on an ordinance or resolution only if it appears on the written agenda for the meeting at which action is requested.
 - (2) Resolutions or ordinances will be placed on the agenda for Board action only if they are submitted to the Village Clerk-Treasurer in written form a minimum of seven days prior to the meeting at which action is requested.
- D. Disposition of petitions and other writing. Every petition or other writing of any kind addressed to the Village Board or to the Clerk-Treasurer or other Village officer for reference to the Village Board shall be delivered by the Clerk-Treasurer or such other Village officer to the Village President or to the presiding officer of the Board as soon as

convenient after receipt of the same and, in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of the same. Every such petition or other writing and every paper, communication or other proceeding which shall come before the Board for action may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

§ 104-15. Publication and recording of ordinances and regulations.

All general ordinances of the Village and all regulations imposing any penalty shall be published in the official paper of the Village once or posted according to state law and shall be immediately recorded, with the affidavit of publication, by the Village Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.

§ 104-16. Conduct of deliberations.

A. A roll call shall not be necessary on any questions or motions except as follows:

- (1) When the ayes and nays are requested by any member.
- (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the Village or any fund thereof.
- (3) When required by the state statutes of Wisconsin.

B. All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board, or the President, and the Clerk-Treasurer shall call the roll in alphabetical order, and the Clerk-Treasurer shall call the roll starting with "A" and then in alphabetical order one time and then starting with "Z" and in reverse alphabetical order the next time.

C. Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code.

- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board and confine his remarks to the question under discussion and avoid all personalities.
- (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person other than a member shall address the Board except under order of business, except that citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.

§ 104-17. Reconsideration of questions.

When a question has been once decided, any member of the majority or, in case of a tie, any member voting in the affirmative may move a reconsideration thereof; but if a motion to reconsider is made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

§ 104-18. Disturbances and disorderly conduct.

- A. The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance.
- B. Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct, except the Trustees.

§ 104-19. Amendment of rules.

The rules of this chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the Board.

§ 104-20. Suspension of rules.

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

PART II

GENERAL LEGISLATION

Chapter 112

AMUSEMENTS

ARTICLE I **Mechanical Amusement Devices**

§ 112-2. Application for license.

§ 112-3. Fee.

§ 112-1. License required.

[HISTORY: Adopted by the Village Board of the Village of Ontario as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Mechanical Amusement Devices** **[Adopted 12-9-1996 (Title 7, Ch. 12 of the 1986 Code)]**

§ 112-1. License required.

No person shall possess any mechanical amusement device which is operated for amusement or gain in any public place within the Village without first having obtained a license therefor. The wording "mechanical amusement device" as herein used shall include pool tables.

§ 112-2. Application for license.

Application shall be made in writing to the Clerk-Treasurer for such license by the owner of the premises wherein located, stating his full name and address and the model and serial number of the device or devices.

§ 112-3. Fee.

The license fee shall be set by the Village Board,¹ to be paid to the Village Clerk-Treasurer before the license is issued by the Clerk-Treasurer; such license shall expire on the 30th day of June following the date of issuance.

1. Editor's Note: See Ch. A390, Fees.

Chapter 117

ANIMALS

- | | |
|----------------------------------------------------|----------------------------------------------------------------|
| § 117-1. Definitions. | § 117-13. Sale of artificially colored animals. |
| § 117-2. Rabies vaccination required for license. | § 117-14. Providing proper food and drink to confined animals. |
| § 117-3. Dog licenses. | § 117-15. Providing proper shelter. |
| § 117-4. Late fees. | § 117-16. Neglected or abandoned animals. |
| § 117-5. Rabies quarantine. | § 117-17. Cruelty to animals and birds prohibited. |
| § 117-6. Restrictions on keeping animals. | § 117-18. Trapping. |
| § 117-7. Impoundment. | § 117-19. Limitation on number of dogs. |
| § 117-8. Duty of owner in case of dog or cat bite. | § 117-20. Restrictions on horses. |
| § 117-9. Animal feces. | § 117-21. Sanitary requirements. |
| § 117-10. Injury to property by animals. | § 117-22. Animals excluded from food-handling establishments. |
| § 117-11. Barking dogs or crying cats. | § 117-23. Violations and penalties. |
| § 117-12. Protected and prohibited animals. | |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as § 6-1-4 and Title 7, Ch. 1 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 252.

Peace and good order — See Ch. 267.

Parks and recreation — See Ch. 263.

§ 117-1. Definitions. ¹

In this chapter, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

AT LARGE — To be off the premises of the owner 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.

DOG — Any canine, regardless of age or sex.

1. Editor's Note: Original § 7-1-1(a), License required, which immediately preceded this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

NEUTERED — As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional generative 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, is presumed to be harboring or keeping the dog or cat within the meaning of this chapter.

§ 117-2. Rabies vaccination required for license.

- A. **Vaccination timing.** 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 Village of Ontario 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 obtained or brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of § 95.21(2), Wis. Stats.²
- 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 Department of Agriculture, Trade and Consumer Protection 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 vaccine administered and the manufacturer's serial number; 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 Village where the dog is required to be licensed.
- 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, a dog while hunting, a dog securely confined indoors or a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under 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.

§ 117-3. Dog licenses.

- A. It shall be unlawful for any person in the Village of Ontario 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.
- B. 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.
- C. The minimum license tax under this section shall be as set by the Village Board.³ 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.
- D. Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 117-2 of this chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Clerk-Treasurer 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.
- E. 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.
- F. 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, animal control or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- G. Notwithstanding the foregoing, 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 Clerk-Treasurer upon application therefor.⁴

3. Editor's Note: See Ch. A390, Fees.

4. Editor's Note: Original § 7-1-3(b), Kennel licenses, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

H. Kennels are not permitted within the Village.⁵

§ 117-4. Late fees. ⁶

The Village Clerk-Treasurer shall assess and collect a late fee as provided in § 174.05(5), Wis. Stats., 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.

§ 117-5. Rabies quarantine.

- A. Dogs and cats confined. If a district is quarantined for rabies, all dogs and cats within the Village 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 Village Clerk-Treasurer shall promptly post in at least three public places in the Village notices of quarantine furnished by the Department of Agriculture, Trade and Consumer Protection for posting.
- B. Exemption of vaccinated dog or cat from Village 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 Village 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. A law enforcement, animal control, humane or health officer shall order a dog or cat quarantined if such 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 or 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.

5. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Delivery to isolation facility or quarantine on premises of owner. A law enforcement, animal control, humane or health 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 of carcass; preparation; 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 of 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 Department of Agriculture, Trade and Consumer Protection, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that 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 Department of Agriculture, Trade and Consumer Protection, 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.

§ 117-6. Restrictions on keeping animals.

- A. Dogs and cats. It shall be unlawful for any person within the Village of Ontario to own, harbor or keep any dog or cat which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Village.
 - (4) Habitually barks or howls to the annoyance of any person or persons (see § 117-11).
 - (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 subsection, 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 law enforcement 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 Village. 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 Village ordinance to be licensed shall be seized and impounded by a humane, animal control 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.

§ 117-7. Impoundment.

- A. Impounding of animals. In addition to any penalty hereinafter provided for a violation of this chapter, any law enforcement, animal control or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village; assaults or attacks any person; is at large within the Village; 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 Village for any damages it sustains for improper or illegal seizure.
- B. Claiming animal; disposal of unclaimed animals. After seizure of an animal under this section by a law enforcement, animal control or humane officer, the animal shall be impounded. Such officer shall notify the owner personally or through the U.S. 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 Village 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 a fee as set by the Village Board.⁷ No animal shall be released from the pound without being properly licensed if so required by state law.

- C. 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.
- D. Village not liable for impounding animals. The Village shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.⁸

§ 117-8. 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 Village President or Clerk-Treasurer of the Village of Ontario and shall keep such dog or cat confined for not less than 14 days or for such period of time as the Village President shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement, animal control or humane officer upon demand for examination.

§ 117-9. 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. Anyone walking a dog without proper cleanup materials may be deemed in violation of this section. This section shall not apply to a person who is visually or physically handicapped.

§ 117-10. 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, flowerbed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

§ 117-11. Barking dogs or crying cats.

It shall be unlawful for any person knowingly to keep or harbor any 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 Village Board or a law enforcement agency within a four-week period.

7. Editor's Note: See Ch. A390, Fees.

8. Editor's Note: Original § 7-1-8, Dogs and cats restricted on cemeteries, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 149, Cemeteries, § 149-7.

§ 117-12. Protected and prohibited animals.

- A. Protected animals. 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 Village 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*); 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 (*chelonina mydas*); or Mexican ridley turtle (*lepidochelys kemp*).
- B. 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).
- C. Regulating the importation of certain birds. No person, firm, or corporation shall import or cause to be imported into this Village 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 American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- D. Exceptions. The provisions of Subsections A, B and C above shall not be deemed to prevent the importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, a person holding a scientific collector's permit issued by the Secretary of the Department of Natural Resources of the state or any person or organization licensed to present a circus.
- E. 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 Village any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals:
- (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 (Crocodilia), 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, white-tailed 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 (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (23) Rhinoceroses (*Rhinocero tidae*).
 - (24) Sharks (class *Chondrichthyes*).
 - (25) Snow leopards (*Panthera uncia*).
 - (26) Swine (*Suidae*).
 - (27) Tigers (*Panthera tigris*).
 - (28) Wolves (*Canis lupus*).
 - (29) Poisonous insects.
- F. Pet shops. The provisions of Subsection E above shall not apply to licensed pet shops, zoological gardens and circuses, if:
- (1) Their location conforms to the provisions of Chapter 370, Zoning, of this Code.
 - (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.

G. Keeping of bees.

- (1) Permit required. No person, firm or corporation shall keep bees within the corporate limits of the Village of Ontario without first obtaining a permit therefor from the Village Clerk-Treasurer. There shall be no charge for such permit.
- (2) It shall be unlawful to keep more than three swarms of bees within the Village limits.
- (3) The hives of all bees kept within the Village limits shall be located not less than 50 feet from any public street or road or from any residence other than that situated upon the premises where the bees are kept.

§ 117-13. Sale of artificially colored animals.

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.

§ 117-14. 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.

§ 117-15. Providing proper shelter.

- A. Proper shelter; farm animals. 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 the following:
 - (1) The ambient temperature shall be compatible with the health of the animal.
 - (2) 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 the following:

- (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. Structural and space standards. Minimum structural and space requirements for both indoor and outdoor enclosures shall include the following:
- (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.

§ 117-16. Neglected or abandoned animals.

- A. No person may abandon any animal.
- B. Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, or 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.
- C. 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, the animal may be treated as a stray and dealt with as such.
- D. 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.

- E. 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.

§ 117-17. Cruelty to animals and birds prohibited.

No person except a police officer or health or humane officer in the pursuit of his duties shall within the Village shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird nests or bird eggs.

§ 117-18. Trapping.

- A. In the interest of public health and safety, it shall be unlawful for any person in or on land within the Village of Ontario to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. "Live box-type traps" shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- B. This section shall prohibit the use of all traps other than live traps as described above, including but not limited to traps commonly known as "leg traps," "pan-type traps" or other traps designed to kill, wound or close upon a portion of the body of an animal.
- C. All such traps set, placed or tended shall comply with Ch. 29, Wis. Stats., as it relates to trapping.
- D. This section shall not apply to trapping within the confines of buildings or homes.
- E. Nothing in this section shall prohibit or hinder the Village of Ontario or its employees or agents from performing their official duties.

§ 117-19. Limitation on number of dogs.

- A. Findings. The keeping of a large number of dogs for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs is, therefore, declared a public nuisance.
- B. Limitations. There shall be a limit of two dogs per household with the following exceptions: ⁹
- (1) This limitation shall not apply to situations in which there are more than two dogs kept on a premises at time of enactment hereof; rather, the intent is that existing dogs in excess of two may continue to be kept but shall not be replaced, so that ultimately the number of dogs on such premises shall not exceed the limitation of two.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Dogs less than five months of age born to a dog(s) included in this limitation shall not be included in the two-dog limitation.
- (3) This limitation shall not apply to the temporary housing of stray dogs impounded under § 117-7 as may be arranged by the Village for periods not to exceed 30 days.

§ 117-20. Restrictions on horses.

Horses are allowed on streets and roads or may be tied securely to hitching posts. Horses shall not be allowed on grass, parks, boulevards or sidewalks at any time.

§ 117-21. 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.

§ 117-22. Animals excluded from food-handling establishments.¹⁰

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. This section shall not apply to a dog specifically trained to lead blind or deaf persons.

§ 117-23. Violations and penalties.

- A. Any person violating § 117-14, 117-15, 117-16, 117-17, 117-18, 117-19 or 117-20 shall be subject to a forfeiture of not less than \$50 and not more than \$200. This section shall also permit the Village 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 §§ 117-2, 117-3, 117-4 and 117-5 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 § 117-5 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.¹¹

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- D. Any person who violates §§ 117-6 through 117-13, 117-21 and 117-22 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.¹²

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).