

**ORDINANCE CREATING SECTION _____ OF THE VILLAGE CODE
OF THE VILLAGE OF EDEN REGARDING RESTRAINT OF DOGS AND CATS**

The Village Board of the Village of Eden do ordain as follows:

Section _____ of the Village Code regarding restraint of dogs and cats is hereby created to read as follows:

SECTION _____ - RESTRAINT OF DOGS AND CATS

(1) Restraint of Dogs

Any person owning or having charge, custody, care or control of any dog in the Village of Eden shall keep the dog inside an enclosed structure, upon an appropriate chain or tie no less than six feet in length, in an enclosed yard, whether walled or fenced, or in any other appropriate restraining enclosure. Public access to one entrance of each residence or building open to the public must be provided without interference from such animal. No tie, chain or enclosure shall allow the dog to be within six feet of any street, sidewalk or other public way, or within six feet of any neighbor's driveway or walkway. In addition, any dog not so tied or enclosed, whether upon the owner's premises or upon the public streets and highways, shall be restrained by an appropriate leash or chain, not exceeding six feet in length, in the hands of a person directly controlling the movement of such dog, who is of sufficient strength and stature to physically control such dog.

a. Exceptions

The following shall be excepted from the above restrictions:

1. A police dog, properly trained and directly subject to the voice control of the dog's assigned officer.
2. A seeing-eye dog owned by and within the control and voice control of its blind owner.
3. A dog that remains within the confines of the owner's or custodian's rear yard under the personal and direct supervision of the owner or custodian or other person either of whom is physically present and able to control the dog by voice command. Rear yard is defined as the yard area behind a house or other structure which is separated from all public streets and sidewalks by a residence or similar building.

b. Seizure, Impoundment and Disposition

Any dog found or discovered running loose and untied, or not leashed as provided in this section, shall be considered a private nuisance and may be seized, restrained by physical or chemical means, and impounded by any police officer, humane officer or Village officer. The fact that a dog is licensed does not exempt the animal from the provisions of this subsection. If any such dog is so seized, restrained and impounded, the police officer, Humane officer or Village officer shall give notice as provided in Section 174.046 WIS. STATS., as amended, which section is hereby incorporated into this

subsection, and if the owner claims said dog, he/she shall be liable for a Village-determined per diem or fraction thereof charge for the time in which the dog has been in the possession of the officer or Humane Society, plus the cost of notice. Said owner shall further be subject to the forfeitures and costs provided under the penalty section of this ordinance, which forfeiture shall not exceed \$500 per occurrence. If no person or owner claims the dog after such time as is allotted under WIS. STAT. § 174.046, as amended, the dog shall be disposed of by a Humane officer, police officer, Village officer or Humane Society in a proper and humane manner.

(2) Cats

Any person owning or having charge, custody, care or control of any cat in the Village of Eden shall keep such animal exclusively upon his/her own premises, which shall include his/her automobile, either by personal and direct supervision, such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than six feet in length, or by keeping such animal in an enclosed yard, either walled or fenced, or by keeping such animal in any other appropriate restraining enclosure. Public access to one entrance of each home or other building open to the public must be provided without interference from such animal. Such cat may be off the premises of the owner or other person having charge, custody, care or control of the cat if it is restrained by an appropriate leash or chain not exceeding six feet in length in the hands of a person directly controlling the movement of such animal.

(3) Penalty

The penalty for a violation of this ordinance is a forfeiture not to exceed \$500.

Dated this 17th day of OCTOBER, 2002.

VILLAGE OF EDEN

By: Robert J. Hubel
VILLAGE PRESIDENT

ATTEST:

Jim Scott
VILLAGE CLERK