

Chapter 6

ANIMALS

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Article I. In General

Sec. 6-1. Penalties.

- (a) Any person who violates the following sections shall, upon conviction, be subject to a forfeiture of not more than \$250.00, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with state statutes.

Code Section:	Subject:
6-31	Dog running at large
6-32	Limitation on number of dogs
6-33	Barking dogs
6-51, 6-52	Licenses, dog and kennel
6-85	Vehicle accidents
6-111	Rabies control
6-112	Reporting of biting incidents
6-171 – 5-175	Wild or vicious animals

- (b) Any person who violates the following listed sections shall, upon conviction, be subject to a forfeiture of not more than \$500.00, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with state statutes.

Code Section:	Subject:
6-34	Dognapping
6-81	Animals, neglected or abandoned
6-82	Providing proper food and drink to confined animals
6-83	Providing proper shelter
6-84	Cruelty
6-86	Care of horses

(Code 1982, § 9.08(3))

Sec. 6-2. Humane Officer.

- (a) *Purpose.* The purpose of this section is to establish the position of Humane Officer and authorize the Humane Officer to enforce this Chapter and issue citations for any violations within the Village of Yorkville.
- (b) *Establishment, duties and powers of the Humane Officer.* The position of Humane Officer is hereby established. The Humane Officer shall have the powers and duties set forth in Wis. Stat. Chapter 173.
- (c) *Appointment of the Humane Officer.* The Village Board shall appoint the Humane officer. The Humane Officer shall serve at the pleasure of the Village Board. The Village Clerk shall report the appointment and termination of the Humane Officer to the Department of Agriculture, Trade and Consumer Protection (“Department”). The Humane Officer shall have proper certification as defined by Wis. Stat. § 173.05. Failure of a Humane Officer to

obtain proper certification within the time periods required by the Department shall be grounds for termination of the appointment.

- (d) *Jurisdiction.* The Humane Officer shall carry out his or her duties within the boundaries of the Village of Yorkville pursuant to Wis. Stat. § 173.03(3).
- (e) *Abatement citation review.* Pursuant to Wis. Stat. §§ 173.03(2) and 173.11(3), the Village President is authorized to review and affirm, modify, or withdraw abatement orders issued by the Humane Officer.

Secs. 6-3. – 6-30. Reserved.

Article II. Dogs

Division 1. Generally

Sec. 6-31. Dog running at large.

No person owning or possessing any dog shall permit such animal to run at large. The term "run at large" means the presence of dog at any place except upon the premises of the owner, unless it is on a leash held by a person physically able to control the animal, or unless the animal is in an automobile of a person with the consent of the owner of dog.

(Code 1982, § 9.08(2)(a))

Sec. 6-32. Limitation on number of dogs.

No person shall own, harbor or keep in his/her possession more than three dogs over five months of age at any one time in the village, without holding a kennel license. In addition, no owner or occupant shall permit anyone to own, harbor or keep more than three dogs over five months of age within the village at any time without holding a kennel license.

Sec. 6-33. Barking dogs.

- (a) *Prohibition.* It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps 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.
- (b) *Warning.* Any adult person, alone or together with other adults, may seek relief from animals which habitually disturb the peace, by contacting the health department or other person designated by the village, setting forth the specific date and approximate time the animal of a particular owner was habitually howling, barking, yelping and disturbing the peace. The code enforcement officer or other person designated by the village shall notify the owner or person having possession or control of the animal, in writing, of the alleged violation.

- (c) *Form of complaint.* If the warning given to the person alleged to be keeping an animal as set forth in subsection (b) of this section is ineffective, then a verified complaint of at least two adults, not from the same family, may be presented to the code enforcement officer or other person designated by the village for commencement of prosecution to obtain compliance with this section. Such written petition shall contain the following:
- (1) Name and address of complainant.
 - (2) Description of the animal and its location.
 - (3) Dates and times violations were noted.
 - (4) Date first reported to the health department or other person designated by the village.
 - (5) Statement that complainants would be willing to appear and testify in court.
- (d) *Notice.* The code enforcement officer or other person designated by the village shall inform the owner or person possessing or controlling the animal that a complaint has been received and may cite such person for the violation if in the village's discretion prosecution is warranted.

(Code 1982, § 9.08(2)(c))

Cross reference— Noise, § 22-31 et seq.

Sec. 6-34. Dognapping.

No person may take the dog of another from one place to another without the owner's consent or cause such a dog to be confined or carried out of the Village or held for any purpose without the owner's consent. This section does not apply to the Humane Officer or humane society agents engaged in the exercise of their official duties, or as otherwise permitted in this chapter.

(Code 1982, § 9.08(2)(k))

Secs. 6-35—6-50. Reserved.

Division 2. Licenses

State Law reference— Dog license, Wis. Stat. §§ 174.05—174.09.

Sec. 6-51. Dog licenses.

- (a) *Generally.*
- (1) A person who owns a dog, which is or will become five months of age or older during any license year, shall obtain a license for each such dog every license year

by making application to the clerk under the terms and conditions contained in this section.

- (2) The dog license tax shall be paid according to the schedule of fees on file in the village clerk's office and may be revised by village board resolution.
 - (3) No dog license shall be issued unless the applicant presents a valid certificate of vaccination obtained in accordance with section 6-111.
- (b) *License year.* The license year under this article commences on January 1 and ends on the following December 31.
- (c) *Late fee.* The treasurer/finance director shall, in addition to the license tax provided for in this section, assess and collect a late fee as set forth in the schedule of fees on file in the village clerk's office and which may be revised by village board resolution for every application for a license for a dog more than five months of age, unless such application is made prior to April 1 of any calendar year or unless such application is made within 30 days of acquiring ownership or a licensable dog, or if the owner failed to obtain a license on or before the dog reached a licensable age.

(Code 1982, § 9.08(1)(a)—(c); Ord. No. 2008-01, § 1, 12-22-2008)

Sec. 6-52. Kennel license required.

- (a) No person shall maintain or operate a dog kennel in the village without obtaining a license as provided in this section. For the purpose of Article II, the term "kennel" means any location where more than three dogs over five months of age are kept. The application for a dog kennel license shall be filed in writing with the village clerk disclosing the name and address of the applicant, the location at which the proposed kennel is to be kept, the number of dogs proposed to be kept, a description of various facilities of the dog kennel, and such other information as the village board may require.
- (b) The application for a kennel license shall be accompanied by an application/license fee paid according to the schedule of fees on file in the village clerk's office and as may be revised by village board resolution. Any person obtaining a kennel license must reapply for the kennel license on an annual basis.
- (c) By the filing of such application, the applicant shall be deemed to have consented to an inspection, prior to the issuance of such license, by the village board, plan commission, a code enforcement officer or any other village officer for the purpose of determining whether or not such license should be granted. Prior to the issuance of a kennel license for premises not previously licensed by the village, the application shall be considered at a regular meeting of the village board and plan commission. Notice of the kennel license application and applicable village board and plan commission meeting shall be provided by the clerk by first class mail or hand-delivery to owners of properties adjacent to or within 300 feet of the property upon which the proposed kennel will be located. The village board may issue or deny a license in the exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare. The village board may require proof of adequate insurance, and may impose additional

conditions on the issuance of a permit related to the exercise of its powers under Wis. Stat. § 61.34.

- (d) No premises shall be licensed to allow use as a dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. No kennel shall be located on less than 20 acres of land. All buildings and dog yards from the kennel shall be enclosed in a secure woven wire fence of not less than six feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the dogs and public.
- (e) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on leash or temporarily for the purpose of hunting, breeding, trial, training or competition.
- (f) Any person seeking a kennel license on premises that does not fully comply with the above requirements may request a waiver or modification from the village board from said provision(s). However, before a waiver or modification may be considered by the village board, the applicant shall obtain the written consent of the owners of all properties adjacent to or within 300 feet of the property upon which the proposed kennel is to be located. In addition, the applicant shall be prepared to discuss the following factors that the village board may consider in deciding whether to grant the requested waiver or modification, in addition to any other factors deemed relevant by it:
 - (1) Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the kennel license requirements.
 - (2) Whether the applicant is in full compliance with other applicable ordinances and agreements with the village.
 - (3) Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the applicant.
 - (4) Whether the conditions upon which the request for a modification or waiver is based are unique to the situation or property for which the modification or waiver is sought and are not applicable generally to other situations or property.
 - (5) Whether the request for modification or waiver, if granted, would be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Once a waiver or modification is granted by the village board, the applicant may apply for renewal kennel license for the same premises without having to appear again before the village board. However, the village board may modify or revoke a previously issued permit, waiver or modification when conditions imposed by the village board are not complied with or activities at the licensed premises require, in the judgment of the village board, additional scrutiny. Any such modification or revocation shall only take place after notice and an opportunity to be heard is given to the licensee.

(Code 1982, § 9.08(1)(d); Ord. No. 2008-01, § 2, 12-22-2008)

Secs. 6-53—6-80. Reserved.

Article III. Care And Control

State Law reference— Animals, Wis. Stat. ch. 95 and Wis. Stat. ch. 174.

Division 1. Generally

Sec. 6-81. Neglected or abandoned animals; police powers.

- (a) No person may abandon any animal.
- (b) The Humane Officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, 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.

(Code 1982, § 9.08(2)(e))

State law reference— Care and custody of animals, Wis. Stat. § 173.13 and Wis. Stat. § 173.15.

Sec. 6-82. Providing proper food and drink to confined animals.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

- (1) *Food.* The food shall be sufficient to maintain all animals in good health, free of contamination, wholesome and palatable.
- (2) *Water.* Adequate water shall be provided at all times.

(Code 1982, § 9.08(2)(f))

Sec. 6-83. Providing proper shelter.

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.

- (1) *Indoor standards.* Minimum indoor standards of shelter shall include:
 - a. *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
 - b. *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (2) *Outdoor standards.* Minimum outdoor standards of shelter shall include:
 - a. *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, the term "caged" does not include farm fencing used to confine farm animals.
 - b. *Shelter from inclement weather.*
 1. *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.
 2. *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.
- (3) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures shall include:
 - a. *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.

- b. *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.
- (4) *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. Such enclosures shall be free of standing water and mud.

(Code 1982, § 9.08(2)(g))

Sec. 6-84. Cruelty.

- (a) *Cruelty generally.* No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse an animal, or by any act, or omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injuries or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the humane society for proper disposal.
- (b) *Use of poisonous and controlled substances.* No person may expose any domestic animal owned by another to any known poisonous substance, any controlled substance included in schedule I, II, III, IV or V of Wis. Stat. ch. 961 or any controlled substance analog of a controlled substance included in schedule I or II of Wis. Stat. ch. 961, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.
- (c) *Use of certain devices prohibited.* No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle burr, tack burr or like device, or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed, nails, tacks or other sharp points.
- (d) *Shooting at caged or staked animals.* No person may instigate, promote, aid or abet, as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.
- (e) *Leading an animal from a motor vehicle.* No person shall lead any animal upon a highway from a motor vehicle, or from a trailer or a semitrailer drawn by a motor vehicle.

(Code 1982, § 9.08(2)(h))

State law reference— Crimes against animals, Wis. Stat. ch. 951.

Sec. 6-85. Vehicle accidents.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other domestic animal which appears to be a pet shall immediately notify the police department or an animal control agency whose jurisdiction extends into the village.

(Code 1982, § 9.08(2)(l))

Cross reference— Traffic and vehicles, ch. 50.

Sec. 6-86. Care of horses.

- (a) *Responsibility.* The owner of a horse shall be responsible at all times for the care and welfare of such horse.
- (b) *Shade in pastures.* All horses kept in pastures without access to barn facilities during the months of April to October, inclusive, shall have access to an area shaded from direct sunlight.
- (c) *Barns.* The stalls wherein horses are kept shall be kept reasonably clean. An adequate supply of bedding of straw or comparable material shall be kept in the stalls at all times.
- (d) *Food and water.* Proper feed of an adequate amount and adequate water shall be provided to horses at all times. When the usual water supply becomes frozen, water shall be provided to horses twice a day in such amounts as will permit each horse to drink his fill.
- (e) *Defects.* A horse adjudged by a law enforcement officer, or other person designated by the village board, to be sick, lame or injured shall not be used for work or recreation.

(Code 1982, § 9.08(2)(m))

Secs. 6-87—6-110. Reserved.

Sec. 6-111. Vaccination required.

- (a) The owner of a dog shall have such animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches four months of age and revaccinated within one year after the initial vaccination. The owner shall further have any such animal revaccinated against rabies by a veterinarian before the date any such immunization expires, as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.
- (b) Unless otherwise exempted in this chapter, it shall be unlawful to own, harbor or keep any dog which does not carry a vaccination.

(Code 1982, § 9.08(2)(i))

Sec. 6-112. Report of biting incidents.

- (a) Anyone having knowledge or reason to believe that any animal in the village has bitten a person shall report within 24 hours, so far as is known, the name and address of the owner of the animal and circumstances of such bite. Such report shall be made to the clerk, who shall communicate this information to the sheriff's department or other applicable agency.
- (b) Whenever any domesticated animal has bitten a person, it shall be confined in such place as the code enforcement officer, or other person designated by the village board, may direct and for such period of observation as in his judgment may be necessary, unless such animal is too vicious and dangerous to be impounded safely, in which case it may be killed and the head shipped to the state laboratory of hygiene for rabies examination.
- (c) Whenever a wild animal has bitten a person, it shall be killed, avoiding damage to the head (brain) area, and shipped to the state laboratory of hygiene under refrigeration, but not frozen, for rabies examination.

(Code 1982, § 9.08(2)(j))

Secs. 6-113—6-140. Reserved.

Article IV. Potbellied Pigs

Sec. 6-141. License required.

No person shall own, harbor or keep a potbellied pig, also known as "Vietnamese pig," in the village unless he shall obtain a license for such animal as provided in this article.

(Code 1982, § 12.20A(1))

Sec. 6-142. License.

Any person who owns, harbors or keeps a potbellied pig in the village, which pig is five months of age or older, shall obtain a license for such pig by applying therefor to the clerk.

(Code 1982, § 12.20A(2))

Sec. 6-143. License fee.

Any applicant for a license for a potbellied pig shall pay an annual license fee as set forth in the schedule of fees on file in the clerk's office and which may be revised by village board resolution.

(Code 1982, § 12.20A(3))

Sec. 6-144. Requirements.

- (a) No license shall be issued under this article unless the applicant presents certification or other evidence that the potbellied pig has been spayed or neutered.
- (b) No license shall be issued under this article unless the applicant presents certification or other evidence that the potbellied pig is not in excess of 22 inches in height nor weighs over 100 pounds.

(Code 1982, § 12.20A(4))

Sec. 6-145. Exception.

No license shall be required under this article as to potbellied pigs, which are raised as a part of an agricultural business or operation and for agricultural purposes on lands zoned for such purposes.

(Code 1982, § 12.20A(5))

Secs. 6-146—6-170. Reserved.

Article V. Prohibited Dangerous Animals

Sec. 6-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means any live, domestic, livestock, or wild vertebrate creature, or any reptile.

Bodily harm means bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

Caretaker means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.

Domestic animal means any animal which normally can be considered tame and converted to a pet.

Enforcement officer includes any law enforcement officer, the Code Enforcement Officer, and any other person(s) designated by the Village Board.

Livestock means an animal kept for use or profit on a farm or agricultural setting, including cows, pigs, goats, chickens, and horses.

Owner means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his or her premises or property.

Prohibited dangerous animal means any of the following:

- (a) Any animal that, while off the owner or caretaker's property, has killed a domestic animal or livestock without provocation.
- (b) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
- (c) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
- (d) Any dog that is subject to being destroyed under Wis. Stats. §174.02(3).
- (e) Any animal trained, owned, or harbored for the purpose of animal fighting.
- (f) Any animal that, without provocation, causes bodily harm to any domestic animal, livestock, or person twice.

Serious bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Wild animal means any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

Sec. 6-172 Procedure for declaring a prohibited dangerous animal.

- (a) Upon conducting an investigation of an incident involving an animal, an enforcement officer may issue an order declaring an animal to be a prohibited dangerous animal.
- (b) The declaration shall include the following:
 - (1) Name and address of the owner or caretaker of the dog
 - (2) A description of the dog
 - (3) A police report of the incident
 - (4) A history of the animal
 - (5) An evaluation of the animal from a licensed animal behavior specialist

- (c) The evaluation report of the animal shall be the responsibility of the owner or caretaker and they shall be responsible for any fee incurred for the report.
- (d) If the owner or caretaker fails to have the animal evaluated within 10 days from an incident then the animal shall be declared a prohibited dangerous animal.
- (e) After determining the animal is a prohibited dangerous animal the owner or caretaker shall have 15 days to remove the animal from the Village.

Sec. 6-173. Notice of determination of prohibited dangerous animal.

The enforcement officer shall send by regular mail to the owner or caretaker a copy of the declaration of a prohibited dangerous animal at the owner or caretaker's last known address.

Sec. 6-174. Administrative review of a determination of prohibited dangerous animal.

Whenever an owner or caretaker wishes to contest a determination of a prohibited dangerous animal, he or she may follow the administrative appeal process under Village Code of Ordinances Section 2-396 through Section 2-403.

Sec. 6-175. Harboring prohibited dangerous animals.

- (a) *Prohibited dangerous animals regulated.*
 - (1) No person may harbor or keep a prohibited dangerous animal within the Village.
 - (2) The issuance of a citation for a violation of this section need not be predicated on a prior determination that an animal is a prohibited dangerous animal.
- (b) *Euthanasia.* If the owner or caretaker of an animal that has been designated a prohibited dangerous animal and is unwilling or unable to comply with the regulations in accordance with this section, he or she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian. The costs and fees of euthanizing the animal shall be borne by and be the responsibility of the owner or caretaker.

Sec. 6-176. Certain animals not to be declared dangerous.

Notwithstanding the definition of a prohibited dangerous animal above:

- (a) No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; or was

committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

- (b) No animal may be declared dangerous if death, injury or damage was sustained by a domestic animal or livestock which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.
- (c) No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
- (d) No animal may be declared dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

Sec. 6-177. Display or exhibition prohibited; exceptions; keeping wild animal as pet prohibited.

No person shall keep or permit to be kept on his premises any wild or prohibited dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. No person shall keep or permit to be kept any wild animal as a pet.

Sec. 6-178. Temporary permit for care of infant native animal.

The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area, which has been deemed to be homeless.

Sec. 6-179. Penalty.

- (a) Any person not complying with any part of Article V above, shall be subject to penalties under Village Code of Ordinances Section 1-14.
- (b) Whenever the Village commences and pursues an action for involuntary euthanization under the state statutes or any other authority, the Village Attorney shall seek and request all applicable statutory court costs, the costs and expenses of euthanization, and any extraordinary investigative expenses incurred during the pendency of the action if the owner or caretaker absconds with the animal or hinders or deters the location of the animal during the pendency of the action or during enforcement of any judgment.