

8.28 Cats: Keeping and Retaining

(1) DEFINITIONS. Terms used in this ordinance are defined as follows:

Owner:

Any person owning, harboring, sheltering, or keeping a cat. The occupant of any premises on which a cat remains or to which it customarily returns daily for a period of ten days is presumed to be harboring, sheltering, or keeping a cat within this definition. No person may keep, harbor, shelter, or possess more than five cats over the age of five months.

At Large:

Off the premises of its owner or upon the public streets, alleys, public grounds, school grounds, parks within the Village. A cat shall not be deemed at large if:

- (a) it is attached to a leash of sufficient strength to restrain the animal
or
- (b) when properly restrained within a motor vehicle or
- (c) if accompanied by or under the control of any person.

(2) CATS A NUISANCE-It shall be unlawful for any owner to own a cat which:

- (a) is at large.
- (b) assaults or attacks any person.
- (c) by frequent and habitual yelping or making other noises shall cause serious annoyance or disturbance to three persons each of whom lives in a separate residence in the Village limits.
- (d) acts in such a manner as to justify a reasonable person to believe it is vicious.

(3) REMEDY. Any cat which comes within the classification of section (2) above shall be seized and impounded by a police officer of the Village. If such cat is licensed, it shall be immediately returned to the owner and the owner shall receive a citation for violation of this ordinance. If the cat is not licensed, it shall be transported to the humane society. The owner or keeper of such cats, if identified, shall be notified, and said owner or keeper may claim his cat and the Village of Elkhart Lake shall be entitled to the payment of an impounding fee. Such impounding fees shall not to exceed \$10.00 for the pick up of each cat and \$30.00 for the transporting fee to the humane society.

(4) PENALTY. Any person who violates this section shall forfeit not more than \$250.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.