

Chapter 104. Animals

§ 104-1. Definitions.

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

CAT: Any feline, regardless of age or sex.

COMMERCIAL: An endeavor undertaken with the view of selling some of the products.

DOG: Any canine, regardless of age or sex.

SHADE: Protection from the direct rays of the sun during the months of June through September.

SHELTER: As it applies to dogs, a moistureproof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

VICIOUS ANIMAL: Any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors the animal knows or should reasonably know that the animal tends to attack or bite persons.

WILD ANIMAL: 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.

§ 104-2. Keeping of certain animals prohibited; exceptions.

A. Animals prohibited. Except as otherwise provided in this Municipal Code, no person shall keep within the City any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, or other livestock.

B. Exceptions. This prohibition shall not apply in areas of the City that are zoned agriculture in nature nor to livestock brought into the City for the purpose of being shipped out of the City.[]

C. Powers of the Health Officer. The Health Officer may issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.

D. Special permits. The keeping of animals, birds or fowl otherwise prohibited by this Code may be permitted by applying for a special permit from the Common Council. Such permits may be issued to permit circus performances or other public exhibition or entertainment events. A fee as set by the Common Council shall be paid to the City for issuance of such permit. The exemptions listed in Chapter 100, § 100-1 of this Municipal Code shall also be considered exemptions to the permit requirement in this subsection.[]4]

§ 104-3. Licensing of dogs.

Every owner of a 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 within 30 days from the date such dog becomes five months of age, in the manner provided by law for the payment of personal property taxes, pay a dog license tax and obtain a license therefore as provided by §§ 174.05 and 174.07, Wis. Stats. The license year shall commence on January 1 and end on the following December 31. Such dog license tax shall be as set by the Common Council. An increased fee shall be paid by persons purchasing dog licenses after April 1 or more than three months after such dog becomes five months of age. Each applicant for a dog license shall present a valid certificate of vaccination in accordance with § 104-5 before being issued a license.

§ 104-4. Licensing of cats.

Every owner of a cat more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or within 30 days from the date such cat becomes five months of age, obtain a license for each cat from the City Hall. The license year shall commence on January 1 and end on the following December 31. Such cat license tax shall be as set by the Common Council. An increased fee shall be paid by persons purchasing cat licenses after April 1 or more than three months after such cat becomes five months of age. Each applicant for a cat license shall present a valid certification of vaccination in accordance with § 104-5 before being issued a license. All funds received from cat licenses shall be paid into the general fund of the City.

§ 104-5. Vaccinations.

A. Required. Every dog and/or cat owner shall have such dog or cat vaccinated against rabies by a veterinarian so that such vaccination is current for the license year commencing January 1 and ending December 31.

B. Exceptions. Dogs and cats under five months of age and any dog or cat for which a veterinarian licensed by the state issues a certificate to the effect that the proposed inoculation will be harmful shall not be required to be so inoculated.

C. Duties of veterinarian. A veterinarian licensed by the state shall provide a certificate and tag for each dog vaccinated as provided by § 95.21, Wis. Stats., or cat vaccinated and shall keep a copy of the certificate in his or her files. The certificate shall bear the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires, and the municipality where the dog or cat is required to be licensed. The tag shall be of a 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.

D. Duties of owner. The owner of a dog or cat vaccinated under this section shall immediately attach the rabies immunization tag issued by the veterinarian to the dog's or cat's collar.

E. Untagged cats and dogs. No person shall harbor or keep any cat or dog which does not have the tags as described in Subsection D.

F. Impoundment.

(1) Unlicensed animals. In addition to the penalties set forth in § 104-19, any City police officer or any person designated by the Chief of Police shall impound any dog or cat which does not carry the tags as provided above.

(2) Payment of fee. The owner of a dog or cat that has been impounded or seized may reclaim possession of such dog or cat by paying an impoundment fee in accordance with § 104-8D(3) and the reasonable costs of keeping such dog or cat during impoundment.

(3) Proof of inoculation. The dog or cat shall not be released until proof has been furnished to the police officer that the animal has been inoculated in accordance with this section.

(4) Disposal of unclaimed animals. If the dog or cat is not claimed within seven days of impoundment, the animal may be disposed of pursuant to § 173.23, Wis. Stats. Notice of impoundment shall be given by the person or officer possessing such animal to the owner within 24 hours if the owner is known.

§ 104-6. Injury to property by dogs or cats.

A. Damage to property. No cat or dog owner shall allow the same to go upon any sidewalk, parkway or private lands or premises without the permission of the property owner or break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner or defecate thereon.

B. Animal wastes. No cat or dog owner shall allow the same to be on any public or private property, not owned or possessed by such person, unless he has a device to scoop up excrement and an appropriate depository to put such excrement in. This shall not apply to visually or physically handicapped persons.

§ 104-7. Pens for keeping animals.

Pens and other structures in which animals are kept shall be constructed so as to be easily cleaned and kept in good repair.

§ 104-8. Dogs and cats running at large.

A. Prohibited. No dog or cat owner shall allow the same to run at large, defined as the presence of a dog or cat at any place except upon the premises of the owner. A dog or cat that is leashed and under control of a person physically able to handle it shall not be considered running at large. A dog that is off-leash and within the fenced area of a dog park shall not be considered running at large.

B. Cemeteries. No dog or cat shall be permitted in a cemetery.

C. Public areas. No dog or cat shall be permitted in parks, beaches or any swimming areas open to the public in the City, except dogs are allowed in a park or portion of a park that the City has designated and posted as a dog park, as set forth in § 234-2B.

D. Impoundment.

(1) Whenever any police officer or other person designated by the Chief of Police captures any dog or cat running at large, he shall impound the animal in a place as the Chief of Police may direct.

(2) If the animal bears an identification mark, the owner shall be notified within 24 hours. Animals shall be held for at least seven days, except the owner of the animal may reclaim possession of the animal by paying the costs and fees set forth in Subsection D(3) and providing proof of the required vaccinations. If the animal is suspected of rabies, it shall be handled as provided by state law. Cats are not required to be held unless suspected of rabies, in which case they shall be held for seven days.

(3) After seven days, the animal may be disposed of pursuant to § 173.23, Wis. Stats., unless reclaimed by the owner, who shall pay the reasonable cost of custody, care, required vaccinations and licensing of the animal, along with an impoundment fee as set by the Common Council.

§ 104-9. Habitually noisy animals.

No person shall knowingly keep or harbor any animal which habitually barks, cries, howls, yelps or otherwise makes noise that materially disturbs or annoys another. "Habitually" shall be defined herein as customarily, frequently and repeatedly. A citation may be issued to the animal's owner or to the person keeping or harboring the animal upon a complaint by a member of the public or upon a police officer's observation of a violation.

§ 104-10. Limitation on number of dogs and cats.

A. Findings. The keeping of an unlimited number of dogs and cats in the City 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 an unlimited number of cats and dogs is a public nuisance.

B. Number of animals limited.

(1) No person shall keep more than five dogs or five cats within the City, with the exception that a litter of pups or a litter of kittens, or a portion of a litter, may be kept for no more than five months from birth.

(2) The provisions of this Subsection B shall not apply to any establishment where dogs or cats are kept for breeding, sale, sporting purposes or boarding; however, the applicable provisions of Subsection C, Kennels, § 104-12, Keeping birds and animals commercially, and Chapter 315, Zoning, shall apply.

C. Kennels. In the areas where kennels as defined in § 173.40(1)(e), Wis. Stats., are permitted, no kennel shall be located closer than 100 feet to the boundary of the nearest adjacent residential lot.

§ 104-11. Cruelty to animals.

A. Prohibited. No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, or abuse or cruelly beat, strike or abuse any animal or by an act, omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive vicious or trespassing animals. Any unwanted animals should be delivered to the Humane Society for proper disposal.

B. Food and shelter. No person in charge of any animal shall fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or carry any such animal in or upon any vehicle in a cruel or inhumane manner.

§ 104-12. Keeping birds and animals commercially.

No person shall keep in the City a chicken coop, dove cote, dog kennel, rabbit warren or other establishment where birds and animals are kept for commercial purposes without a license therefor. The license fee shall be as set by the Common Council and payable each January 1. Licenses shall be approved by the Health Officer.

§ 104-13. Killing and injuring birds.

No person shall injure or destroy any birds or throw stones, shoot at or use any implements with the intention of killing or injuring any bird within the City.

§ 104-14. Pigeon control.

A. Prohibited. Pigeons which are allowed by their owners to roost or linger on the property or buildings of others pose a health hazard in addition to offending aesthetic senses by pigeon contamination. Such lingering or roosting is a public nuisance.

B. Complaints. Whenever a verified complaint of at least two citizens is presented to the Police Department alleging that a person is allowing pigeons to linger upon the property of the complainants, the Police Department shall inform the owner of such pigeons that such petition has been received and shall cite the owner of the pigeons for the violation alleged in the petition.

§ 104-15. Keeping of bees.

A. Restrictions. No person shall establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the City unless the bees are kept in accordance with the following provisions:

(1) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand, or box is located, a barrier that will prevent bees from flying through it no less than five feet shall be installed and maintained along such exterior boundary. The barrier may either be a plant or artificial.

(2) Fresh, clean watering facilities for bees shall be provided on the premises.

(3) The bees and equipment shall be kept in accordance with the laws of the state.

B. Exceptions. Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a school or university building for the purpose of study or observation.

§ 104-16. Keeping of wild and vicious animals.

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

B. Wild animals. No person shall keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources and by the Common Council.
[Amended 11-18-2003 by Ord. No. 1740(20)]

C. Vicious animals. No person shall harbor or keep a vicious animal within the City. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer, and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of the animal, it may be killed by a police officer or humane officer. This subsection shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

D. Temporary permits. 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.

§ 104-17. Rabies and animal bites.

A. Reporting bites. Anyone having knowledge or reason to believe that any animal in the City has bitten a person shall report within 24 hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the Police Department.

B. Control.

(1) Whenever any domesticated animal has bitten a person, it shall be confined in such place as the Police Department may direct and for such period of observation as may be necessary, unless the 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, pursuant to § 95.21, Wis. Stats.

(2) 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, pursuant to § 95.21, Wis. Stats.

§ 104-18. Pens, coops and other buildings for housing animals.

A. Restricted. No person shall erect, place, maintain or continue any pen, coop, yard or other building upon any lot or ground in the City for the purpose of confining or housing any domestic animal or bird unless the same is at least 25 feet away from any dwelling, house, apartment, hotel, restaurant, food or drinking establishment or rooming house, school, church, or any building wherein people are employed and unless the floor of such building or coop is constructed of such material and in such a manner that it can be kept clean and sanitary at all times and unless the location of such shall be authorized by the Health Officer.

B. Buildings and coops. All coops and other buildings wherein domesticated animals and birds are kept shall be provided with flytight bins or other tightly closed receptacles for manure, of dimensions sufficient to contain all accumulations of manure to prevent its becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent ground.