

Chapter 10 ANIMALS*

***Cross references:** Health and welfare, ch. 42.

State law references: Strays generally, Wis. Stats. § 170.01 et seq.; animals distrained, Wis. Stats. § 172.01 et seq.

- Article I. In General
 - [Sec. 10-1. State statutes adopted.](#)
 - [Sec. 10-2. Definitions.](#)
 - [Sec. 10-3. Penalties.](#)
 - [Sec. 10-4. Rabies quarantine.](#)
 - Secs. 10-5--10-30. Reserved.
- Article II. Licenses
 - [Sec. 10-31. Required.](#)
 - [Sec. 10-32. Rabies vaccination requirements.](#)
 - [Sec. 10-33. Fees.](#)
 - [Sec. 10-34. Issuance.](#)
 - [Sec. 10-35. License year.](#)
 - Secs. 10-36--10-55. Reserved.
- Article III. Impoundment
 - [Sec. 10-56. Animal control agency.](#)
 - [Sec. 10-57. Enforcement.](#)
 - [Sec. 10-58. Disposition.](#)
 - Secs. 10-59--10-75. Reserved.
- Article IV. Regulations
 - [Sec. 10-76. Restrictions on keeping of dogs, cats, fowl and other animals.](#)
 - [Sec. 10-77. Limitation on number of animals.](#)
 - [Sec. 10-78. Animal wastes.](#)
 - [Sec. 10-79. Barking dogs or crying cats.](#)
 - [Sec. 10-80. Duty of owner in case of dog or cat bite.](#)
 - [Sec. 10-81. Providing proper food and drink to confined animals.](#)
 - [Sec. 10-82. Providing proper shelter.](#)
 - [Sec. 10-83. Neglected or abandoned animals.](#)
 - [Sec. 10-84. Cruelty to animals and birds prohibited.](#)
 - [Sec. 10-85. Injury to property by animals.](#)
 - [Sec. 10-86. Animals restricted on public grounds and cemeteries.](#)
 - [Sec. 10-87. Prohibited and protected animals, fowl, reptiles and insects.](#)
 - [Sec. 10-88. Trapping of animals.](#)
 - [Sec. 10-89. Feeding of wildlife prohibited in parks and other public and private areas.](#)

ARTICLE I. IN GENERAL

Sec. 10-1. State statutes adopted.

The rules and regulations pertaining to licensing, specifically Wis. Stats. §§ 174.001(2m), 174.05, 174.054, 174.055 and 174.07, together with any future additions, deletions or supplements thereto, are incorporated as part of this chapter and shall be enforced with the same force and effect as though set forth in full in this section. Providing, however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Code shall apply. The rules and regulations pertaining to

licensing shall apply also to cats within the city.

(Ord. No. OR97-14, § 1, 11-10-1997)

Sec. 10-2. Definitions.

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

Animal means mammals, reptiles and birds.

At large means to be off the premises of the owner and not under the control of some person by leash. However 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 the dog or cat, shall be deemed to be upon the owner's premises.

Cat means any feline, regardless of age or sex.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Farm animal means any warmblooded animal normally raised on farms in the United States and used for food or fiber.

Law enforcement officer has that meaning as appears in Wis. Stats. § 967.02(5), and includes a humane or animal control officer under Wis. Stats. § 58.07, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Neutered, as describing a dog or cat, means a dog or cat having nonfunctional reproductive organs.

Owner means 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 ten days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.

Pet means an animal kept and treated as a pet.

Residential lot means a parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

Restrain includes notifying the dog or cat's owner or any officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.

Untagged means not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

Cross references: Definitions generally, § 1-2.

Sec. 10-3. Penalties.

Any person violating any provision of this chapter shall be subject to a forfeiture of not less than \$25.00 and not more than \$500.00. This section shall also permit the city 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.

Sec. 10-4. Rabies quarantine.

- (a) *Dogs and cats confined.* If a district is quarantined for rabies, all dogs and cats within the city 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 city clerk/treasurer shall promptly post in at least three public places in the city notices of quarantine.
- (b) *Exemption of vaccinated dogs or cats from city 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 city quarantine provisions of subsection (a) of this section 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.* An animal control or law enforcement officer shall order a dog or cat quarantined if the 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 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.*
 - (1) *Delivery to isolation facility or quarantine on premises of owner.* An animal control or law enforcement 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 ten days after the incident occurred. In this paragraph, "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 certified 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 or 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 city, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the 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 city, 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 extermination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Secs. 10-5--10-30. Reserved.

ARTICLE II. LICENSES*

***State law references:** Dog licenses generally, Wis. Stats. §§ 174.05--174.10.

Sec. 10-31. Required.

- (a) It shall be unlawful for any person in the city to own, harbor or keep any dog or cat more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05 through 174.10, relating to the listing, licensing and tagging of the same.
- (b) Every person residing in the city who owns, harbors or keeps a dog or cat which is more than five months of age on January 1 of each year shall annually obtain a license therefor.
- (c) When a dog or cat becomes five months of age, the owner shall obtain a license within 30 days thereof.

(Ord. No. OR97-14, § 1, 11-10-1997)

Sec. 10-32. Rabies vaccination requirements.

- (a) *Required license.* No license shall be issued for any dog or cat unless the applicant provides a certificate of a qualified veterinarian showing that the dog or cat has been inoculated for rabies and distemper within the two years prior to application.
- (b) *Time limitations.* The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reached five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the city after the dog or cat has reach five months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is brought into the city unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).
- (c) *Issuance of certificate.* A veterinarian who vaccinates a dog or cat 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 city stating 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 vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the city.

- (d) *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 or cat is revaccinated, whichever occurs first.
- (e) *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.
- (f) *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 or cat at all times, but this requirement does not apply to a dog or cat during competition or to a dog or cat securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog or cat which is not required to be vaccinated under subsection (b) of this section.
- (g) *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.
- (h) *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.
- (i) *Statutes.* The provisions of Wis. Stats. § 95.21, relating to rabies control are hereby adopted and incorporated by reference.

(Ord. No. OR97-14, § 1, 11-10-1997)

Sec. 10-33. Fees.

- (a) License fees for licenses under this article are as follows:
 - (1) For a neutered male dog or cat or spayed female dog or cat, upon presentation of evidence that the dog or cat is neutered or spayed, the fee shall be \$3.00.
 - (2) For an unneutered male dog or cat or unspayed female dog or cat the fee shall be \$8.00. If a dog or cat became five months of age after July 1 of the license year the amounts shall be one-half the fee.
- (b) A late fee of \$5.00 shall be paid by every owner of a dog or cat 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 cat, or if the owner failed to obtain a license on or before the dog or cat reached licensable age.

(Ord. No. OR97-14, § 1, 11-10-1997)

Sec. 10-34. Issuance.

- (a) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by section 10-32, the city clerk/treasurer shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The city clerk/treasurer shall so 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.
- (b) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except as provided in section 10-32(f).
- (c) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any city law enforcement or humane officer shall seize, impound or restrain any dog or cat for which a dog or cat license is required which is found without such tag attached.
- (d) 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 city clerk/treasurer upon application therefor.

Sec. 10-35. License year.

The license year for a license under this article commences on January 1 and ends on the following December 31.

(Ord. No. OR97-14, § 1, 11-10-1997)

Secs. 10-36--10-55. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 10-56. Animal control agency.

- (a) The city may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of any animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (b) The city does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this article.

Sec. 10-57. Enforcement.

- (a) *Confinement of dogs and cats.* The police department or any other officer appointed by the common council shall apprehend any dog or cat running at large within the city or which does any of the things prohibited under section 10-76 and confine the same in a suitable dog and cat pound.
- (b) *Duties of police.* The chief of police or his qualified assistants shall be responsible for the apprehension and confinement of dogs and cats as provided in this article and such police officer shall apprehend and confine dogs and cats as provided in this section and may enforce this section including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the city.
- (c) *Impounding of animals.* In addition to any penalty provided for a violation of this chapter, a law enforcement or animal control officer may impound any dog or other animal which habitually pursues any vehicle upon any street, alley or highway of this city, assaults or attacks any person, is at large within the city, 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 section 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 city for any damages it sustains for improper or illegal seizure.

(Ord. No. OR97-14, § 1, 11-10-1997; Ord. No. OR02-11, § 1, 11-25-2002)

Sec. 10-58. Disposition.

- (a) *Notice.* After seizure of animals under this article by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. mail, if such owner be known to the officer or can be ascertained with reasonable effort.
- (b) *Selling or destroying animal.* The keeper of the pound shall keep all dogs and cats apprehended for seven days at the city pound (unless sooner claimed by the owner or keeper) and if any dog or cat is not reclaimed by the rightful owner within such time, the dog or cat may be sold for the amount incurred in apprehending, keeping and caring of the dog or cat or it may be destroyed in a proper and humane manner.
- (c) *Disposition or reclamation of animal.* If within seven days, the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for ten days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the common council. No animal shall be released from the pound without being properly licensed if so required by state law or city ordinance.
- (d) *Sale of impounded animals.* If the owner does not reclaim the animal within seven days, the animal control officer may sell the animal to any willing buyer.
- (e) *Costs to be paid by owner or keeper.* The owner or keeper of any dog or cat so

confined may reclaim such a dog at any time before the same is disposed of, upon payment of all costs and charges incurred in apprehending, keeping and caring of the dog or cat. Such costs and charges may include expenses for inoculations or other medical treatment of the dog or cat. The owner or keeper's payment of costs and charges incurred in apprehending, keeping and caring of the dog shall be made directly to the chief of police.

- (f) *Bail to be posted by owner or keeper.* The owner or keeper of any dog or cat so confined shall, in addition to any costs required to be paid under subsection (e) of this section, be required to post bail in the following amounts prior to reclaiming such dog or cat:
- (1) For the first offense involving such dog or cat within one calendar year, \$5.00.
 - (2) For the second offense involving such dog or cat within one calendar year, \$10.00.
 - (3) For the third offense involving such dog or cat within one calendar year, \$15.00.
 - (4) For the fourth or more offenses involving such dog or cat within one calendar year, \$25.00.
- (e) *City not liable for impounding animals.* The city and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this article.

(Ord. No. OR97-14, § 1, 11-10-1997)

Secs. 10-59--10-75. Reserved.

ARTICLE IV. REGULATIONS

Sec. 10-76. Restrictions on keeping of dogs, cats, fowl and other animals.

- (a) *Restrictions.* It shall be unlawful for any person within the city to own, harbor or keep any animal which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the city.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the city.
 - (4) Habitually barks or howls to the annoyance of any two or more persons.
 - (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) Is vicious. A showing that the animal has bitten, attacked or injured any person shall constitute a prima facie showing that such animal is vicious.

- (8) Is required to be licensed, but is not.
- (b) *Vicious dogs and animals.*
 - (1) 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.
 - (2) Any animal found within the city which there is good reason to believe is rabid, vicious or dangerous to the public or which has bitten any person so as to cause a wound which bleeds, may be killed by law enforcement or humane officers who may enter upon private premises for the purpose of taking or killing any such animal. When any such animal shall have been killed, law enforcement or humane officers shall have the same removed and buried or otherwise disposed of unless the owner thereof or other person in charge shall agree to see that the carcass of such animal is buried.

(Ord. No. OR97-14, § 1, 11-10-1997; Ord. No. OR00-15, § I, 8-14-2000)

Sec. 10-77. Limitation on number of animals.

It shall be unlawful to keep more than two dogs and three cats six months of age in any one household unless other arrangements are made through a request to the common council. Except are litters of offspring from one female dog or cat which may be kept for not more than 16 weeks from birth.

Sec. 10-78. Animal wastes.

- (a) *Person walking animal required to remove.* It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses, and cats, to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate container for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog, horse or cat to be on property not owned or possessed by such person shall immediately remove all excrement of such dog, horse or cat to a receptacle located upon property owned or possessed by such person. No person shall permit their dog or cat or other animal to excrete feces upon public rights-of-way or in any park in the city. This section shall not apply to a person who is visually or physically handicapped. A proper container shall be interpreted to be pail, bag, box or other object of nonporous material suitable for holding animal waste.
- (b) *Accumulation of prohibited on private yards.* The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

Sec. 10-79. 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 declared to be a public nuisance.

(Ord. No. OR04-08, § 1, 12-20-2004)

Sec. 10-80. 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 chief of police and shall keep such dog or cat confined for not less than ten days or for such period of time as the animal control officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement, health or animal control officer upon demand for examination.

Sec. 10-81. 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.

State law references: Providing proper food and drink to confined animals, Wis. Stats. § 95.1-13.

Sec. 10-82. Providing proper shelter.

- (a) *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.
- (b) *Indoor standards.* Minimum indoor standards of shelter shall include:
 - (1) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
 - (2) *Ventilation.* 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:
 - (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 paragraph, "caged" does not include farm fencing used to confine farm animals.

- (2) *Shelter from inclement weather.*
 - a. *Animal 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) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures shall include:
 - (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.

State law references: Providing proper shelter for animals, Wis. Stats. § 851.14.

Sec. 10-83. Neglected or abandoned animals.

- (a) *Neglected or abandoned animals.*
 - (1) No person may abandon any animal.
 - (2) Any law enforcement or animal control officer may remove, shelter and care for an 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.
 - (3) 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, it may be treated as a stray and dealt with as such.
 - (4) 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.

- (5) Wis. Stats. § 948.16, concerning investigation of cruelty complaints, and Wis. Stats. § 948.17, concerning expenses of investigation, are adopted by reference and made a part of this chapter.
- (b) *Injured animals.* No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. If the owner of such animal cannot be located, the city or any animal control agency with whom the city has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State law references: Neglected or abandoned animals, Wis. Stats. § 951.15; investigation of cruelty complaints, Wis. Stats. § 951.16; reimbursement of expenses, Wis. Stats. § 951.17.

Sec. 10-84. Cruelty to animals and birds prohibited.

- (a) *Acts of cruelty prohibited.* No person except a police officer or health or humane officer in the pursuit of his duties shall, within the city, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) *Leading animal from motor vehicle.* No person shall lead any animal upon a city street from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.
- (c) *Use of poisonous and controlled substances.* No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. § 161.14, whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection (c) shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) *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 bur, tack bur 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.
- (e) *Shooting at caged or staged 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.

Sec. 10-85. 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, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

Sec. 10-86. Animals restricted on public grounds and cemeteries.

No dog or cat shall be permitted in any public playground, school grounds, public park, beach, or swimming area within the city unless such dog or cat is on a leash and under control. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this section.

Sec. 10-87. Prohibited and protected animals, fowl, reptiles and insects.

(a) *Protected animals.*

- (1) *Possession and sale of protected animals.* It shall be unlawful for any person to possess with intent to sell or offer for sale, or buy or attempt to buy, within the city any of the following animals, alive or dead, or any part of product thereof:
 - a. All wild cats of the family felidae;
 - b. Polar bear (*thalarctos maritimus*);
 - c. Red wolf (*canis niger*);
 - d. Vicuna (*vicugna vicugna*);
 - e. Alligator, caiman or crocodile of the order of crocodilia;
 - f. Gray or timber wolf (*canis lupus*);
 - g. Sea otter (*enhydra lutris*);
 - h. Pacific ridley turtle (*lepidochelys alivacea*);
 - i. Atlantic green turtle (*chelonia mydas*);
 - j. Mexican ridley turtle (*lepidochelys kemp*i).
- (2) *Compliance with federal regulations.* It shall be unlawful for any person to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibia or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United State 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).
- (3) *Regulating the importation of certain birds.* No person shall import or cause to be imported into this city any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection (a)(3) 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 the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(4) *Exceptions.* The provisions of this subsection (a) shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collectors permit issued by the secretary of the department of natural resources of the state, or to any person or organization licensed to present a circus.

(b) *Wild animals.*

(1) *Prohibition on keeping.* Except for state-licensed game farms, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any poisonous reptile or any other dangerous or carnivorous wild animal, insect 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 city any of the following animals, reptiles or insects:

- a. All poisonous animals and reptiles including rear-fang snakes.
- b. Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- c. Baboons (Papoi, Mandrillus).
- d. Bears (Ursidae).
- e. Bison (Bison).
- f. Cheetahs (Acinonyx jubatus).
- g. Crocodilians (Crocodilia) and alligators.
- h. Constrictor snakes, three feet in length or more.
- i. Coyotes (Canis latrans).
- j. Game cocks and other fighting birds.
- k. Hyenas Hyaenidae).
- l. Jaguars (Panthera onca).
- m. Leopards (Panthera pardus).
- n. Lions (Panthera leo).
- o. Lynxes (Lynx).
- p. Ostriches (Struthio).
- q. Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
- r. Sharks (class Chondrichthyes).
- s. Snow leopards (Panthera uncia).

- t. Tigers (*Panthera tigris*).
 - u. Wolves (*Canis lupus*).
 - v. Poisonous insects.
 - w. Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens, poultry or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
- (2) *Exceptions; pet shops.* The prohibitions of this subsection (b) shall not apply where the creatures are in the care, custody or control of: a state-licensed game farm; a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat show or trials; public or private educational institutions; zoological gardens; if:
- a. Their location conforms to the provisions of the zoning ordinance of the city.
 - b. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - c. Animals are maintained in quarters so constructed as to prevent their escape.
- (c) *Farm animals.* The keeping of cattle, horses, hogs, poultry and other farm animals is prohibited within the city, except in areas zoned agricultural.

Sec. 10-88. Trapping of animals.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on city-owned land within the city to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal except as authorized by city.
- (b) This section shall prohibit the use of all traps, 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 Wis. Stats. ch. 29 as they relate to trapping.
- (d) This section shall not apply to trapping on private property.
- (e) Nothing in this section shall prohibit or hinder the city or its employees or agents from performing their official duties.

Sec. 10-89. Feeding of wildlife prohibited in parks and other public and private areas.

- (a) No person shall feed any wildlife in any public parks or on any other property owned or occupied by the city. Wildlife shall be defined as geese, gulls, waterfowls, or other

non-domesticated animals.

- (b) It shall be unlawful for anyone to place any type of food or a feeder, above or on the ground for the purpose of offering any feed such as salt, minerals, apples, corn, sunflower seeds, deer suckers, grain or any other type of feed for the purpose of enticing wild animals or birds, except for song birds, into any specific area of anyone's property in the city, except as provided in exception below
- (c) The penalty for violation of any provision of this article shall be a forfeiture as provided in section 10-3 of the Brillion City Code, together with the costs of prosecution.

(Ord. No. OR07-13, § II, 9-24-2007)