

11.06 REGULATION AND LICENSING OF DOGS. (1) DEFINITIONS. For purposes of this section, certain words and terms are defined as follows:

(a) Owner. Any person or group of persons owning, keeping or harboring a dog.

(b) kennel. The commercial business of breeding, buying, selling or boarding dogs.

(c) At Large. Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

(d) Restraint. A dog is under restraint within the meaning of this section if it is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

(e) Spayed Female Dog. Any female dog which has been operated upon to prevent conception.

(f) Animal Shelter. Any premises designated by the Council for the purpose of impounding and caring for all animals found running at large in violation of this section.

(g) Exposed to Rabies. An animal that has been exposed to rabies within the meaning of this section if it has been bitten by, or come in contact with, any animal known to have been infected with rabies.

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(2) ENFORCEMENT. The provisions of this section shall be enforced by police officers.

(3) LICENSING OF DOGS. (a) License Required. It shall be unlawful for any person in the City to own, harbor or keep any dog more than 5 months of age without complying with the provisions of §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same. In addition to the dog license tax imposed under §174.05(2) and (3), Wis. Stats., there is hereby imposed a City dog license tax, payable to the Clerk-Treasurer, in the amount of:

1. \$3 for spayed or neutered dog.
2. \$8 for others per year for all dogs required to be licensed under the Wisconsin Statutes.

(b) Lost License Tag. In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag from the Clerk-Treasurer upon the payment of \$1.00.

(c) Change of Ownership. If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$1.00.

(d) Transfer Prohibited. No person shall use for any animal a license receipt or license tag issued for another animal.

(e) Late Fees. The Clerk-Treasurer shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older 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 if the owner failed to obtain a license before the dog reached licensable age.

(f) Kennel License Option. The owners of kennels may opt to pay a kennel license fee of \$25 in lieu of the fees provided in par. (e) and the Clerk-Treasurer shall issue tags for each dog owned by the kennel owner, as provided in §174.06, Wis. Stats.

(4) RABIES VACCINATION REQUIRED. It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times except as provided in §95.21 (2) (f), Wis. Stats.

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(5) DOGS RUNNING AT LARGE AND UNTAGGED DOGS. (a) Dog Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the restraint of the owner or some other person as defined in sub. (1)(d).

(b) Untagged Dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(c) Dog Subject to Impoundment. Any officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog permits the dog to run at large or be untagged, the owner shall forfeit \$5 plus costs for the first offense, \$10 plus costs for the second offense and an additional \$5 for each subsequent offense. If the dog is unlicensed, the above penalties shall be doubled.

(6) CONFINEMENT OF CERTAIN DOGS. (a) The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely leashed and/or under adequate control.

(b) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that such female dog or cat cannot come in contact with another dog or cat, except for intentional breeding purposes.

(c) Any animal described in the foregoing paragraphs which is found at large shall be impounded by police officers.

(7) DUTY TO REPORT DOG BITE. Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person, shall immediately report such fact to the Health Officer.

(8) IMPOUNDING AND DISPOSITION OF DOGS. (a) Impounding of Dogs. Any police officer or other person restraining a dog running at large shall take such dog to the City Animal Shelter. The boarding fee for impounded dogs shall be \$5 for the first day and \$2 daily thereafter. The police shall attempt to identify and notify the owner.

(b) Release of Dog to Owner or Representative. The caretaker of the Animal Shelter or police officer may release the dog to the owner or his representative if:

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1. The owner or representative presents evidence of ownership and gives his name and address,

2. Presents evidence that the dog is licensed and vaccinated against rabies, and

3. Pays the dog's boarding fee.

(c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the caretaker of the Animal Shelter may release the dog to a person other than the owner if such person:

1. Gives his name and address; and

2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(d) Disposition of Dog or Use for Humane Purposes. If the dog is not released to the owner or other person in 7 days, the Police Chief may dispose of the dog as provided in §174.13, Wis. Stats., or dispose of the dog in a proper and humane manner.

(9) INVESTIGATION. For the purpose of discharging the duties imposed by this section and to enforce its provisions, any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that a police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires removal from the premises.

(10) INTERFERENCE PROHIBITED. No person shall interfere with or hinder any police officer in the performance of any duty of such agent or seek to release any animal in the custody of the caretaker of the Animal Shelter, except as herein provided.

(11) RECORDS REQUIRED. (a) It shall be the duty of the caretaker to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody. Such records shall be open to public inspection.

(b) It shall be the duty of the Police Chief to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same.

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(c) It shall be the duty of the caretaker or Police Department to keep, or cause to be kept, accurate and detailed records of all moneys coming into their possession, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City, and shall be turned into the Clerk-Treasurer quarterly.

(12) PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a

dog or cat who refuses to comply with an order issued under this section to deliver the animal to a police officer, the City pound or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

(c) Penalty. Any person violating any other provision of this section shall be subject to a penalty as provided in sec. 20.04 of this Code.

11.065 REMOVAL OF ANIMAL DEFECATION(Ord. #05-2001). (1) An owner or keeper of any animal shall not allow the animal to defecate on any public or private property, within the City, other than the premise of the owner or keeper of the animal unless such defecation is immediately removed. The foregoing provisions of this paragraph (1) shall not apply to any person being assisted by a seeing-eye dog.

(2) All pens, yards, structures or areas where animals are kept shall be maintained in a reasonably safe and sanitary condition, which maintenance include the regular removal and disposal of defecation, so as not to attract insects or rodents, or to become unsightly or cause objectionable odors, or to result in any other condition recognized as a nuisance by this municipal code by any other common or statutory law.

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LICENSES AND PERMITS 11.07

11.07 KEEPING OF VICIOUS DOGS REGULATED. (1) DEFINITIONS. The terms used herein shall be defined as follows:

(a) Vicious Dog. 1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

2. Any dog which attacks a human being or another domestic animal without provocation.

3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

4. Any pit bull dog.

(b) Pit Bull Dog.

1. The pit bull terrier breed of dog.
2. The Staffordshire bull terrier breed of dog.
3. The American pit bull terrier breed of dog.
4. The American Staffordshire terrier breed of dog.
5. Dogs of mixed breed or of other breeds than listed under subpars. 1. to 4. above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.

(2) REQUIREMENTS AND PROHIBITIONS. (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief.

(b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen,

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kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.

(e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

(3) VICIOUS DOG DETERMINATION. The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Police Chief makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

(4) APPEAL OF VICIOUS DOG DETERMINATION. Any person aggrieved by the determination of the Police Chief, as provided in sub. (3) above, may appeal such determination, as provided in Ch. 6 of this Code.

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(5) COMPLIANCE. Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub. (4) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

(6) DISPOSITION OF VICIOUS DOG. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(7) PENALTY. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.