

Title 8

ANIMALS

Chapters:

8.08 Animals—Care and Control

Chapter 8.08

ANIMALS—CARE AND CONTROL

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8.08.001 Definitions. In this chapter, the following definitions apply:

- (a) “Animal” means any living vertebrate, domestic or wild, except a human being, which may be affected by rabies.

(b) “Cruel” means causing unnecessary and excessive pain/suffering or unjustifiable injury or death to an animal.

(c) “Dog” as used in this chapter shall not include any animal which is in whole or in part of the canis lupus or wolf species.

(d) “Domesticated cat or dog” means a cat or dog that is socialized to humans and is appropriate as a companion for humans.

(e) “Farm animal/poultry” means any warmblooded animal/fowl normally raised on farms and used or intended for use as food/fiber. This includes: horses, ponies, mules, donkeys, cows, pigs, goats, sheep, chickens, ducks and turkeys.

(f) “Marketplace” means a direct farm market where multiple growers can sell their goods directly to the consumer or other market in which multiple sellers convene and offer goods or services for sale at one outdoor location or premises.

(g) “Owner” means any individual, partnership or corporation 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 premises/property for five or more consecutive days. For purposes of this chapter, any individual designated in writing by an authorized TNR program, who acts as a caregiver for a feral or stray cat that has been ear tipped and neutered as part of a TNR program shall not be deemed to be an Owner of such feral or stray cat; provided however, that such individual complies with the provisions of Section 8.08.005 and provides a copy of the written designation to appropriate City Officials upon request.

(h) “Pet” means an animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

(i) “Temporary foster care” means the care of a dog or cat by a person residing in a single or two family dwelling until for 6 months or less and where such animal has been placed in the care of such person by a non-profit animal rescue, shelter, or welfare group qualifying as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

(j) “Unprovoked bite” means not stimulated to produce an angry or vexed reaction.

(k) “U.S.D.A. approved rabies vaccine” means rabies vaccine for dogs, cats, horses, cows or sheep only. (Ord. 61-5717 §1, 2016; Ord. 61-5701 §1, 2016; Ord. 61-5664 §1, 2015; Ord. 61-4774 §1, 1992; Ord. 61-4677 §1(part), 1989.)

8.08.002 Construction and application. This chapter shall not be interpreted as controverting any law regulating the taking of game as defined in Section 29.01 of the Wisconsin Statutes, the trapping of animals, the use of live animals in dog trials, in the training of hunting dogs or the slaughter of animals by persons acting under the state or federal law. (Ord. 61-4677 §1(part), 1989.)

8.08.005 Feral cat caregiver and TNR program requirements. (a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) “Authorized TNR program” means a TNR program directed and coordinated by the Community Cat Action Team, Inc., a Wisconsin corporation, provided it remains a non-profit animal rescue or welfare group and has as at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.
- (2) “Caregiver” means any person trained and designated by an authorized TNR program as a caregiver, who in accordance with a good faith effort to trap, neuter, vaccinate and return a feral or stray cat to a feral cat colony, provides food, water or shelter to or otherwise cares for a feral or stray cat.
- (3) “Ear-tipped” means a straight line cut of the tip of the ear on a cat, typically the left ear, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat as sterilized.
- (4) “Feral cat” means a cat that is wild, untamed, or unsocialized.
- (5) “Feral cat colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be a part of it.
- (6) “Free-roaming cat” means a cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.
- (7) “Stray cat” means a cat that is socialized to humans and does not have an owner.
- (8) “TNR” means a trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

(b) Caregivers shall be entitled to maintain feral cat colonies upon strict compliance with the terms and conditions of this section.

- (1) Registration of the feral cat colony with the authorized TNR program.
- (2) Taking reasonable steps to obtain the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.
- (3) Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population.

(4) Taking reasonable steps to find permanent, inside homes for colony cats that exhibit the potential for acclimating to such a placement.

(5) Providing adequate containment and disposal of excrement. Caregivers shall be subject to the provisions of section 8.08.220 notwithstanding any provision of section 8.08.001(f).

(6) Taking reasonable steps to prevent feral colony cats from creating a nuisance on adjacent properties.

(7) In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the feral cat colony after they have been weaned, and obtain placement of the kittens in permanent inside homes.

(8) Immediately report to the City Animal Control Officer any cat that appears to have been exposed to, or potentially suffering from rabies. Caregivers shall be subject to the provisions of section 8.08.240 notwithstanding any provision of section 8.08.001(f).

(c) The authorized TNR program shall comply with the provisions of this subsection.

(1) Review and approve caregivers.

(2) Help to resolve complaints over the conduct of a feral cat colony caregiver or of cats within a colony.

(3) Provide the City Animal Control Officer on an annual basis, or upon other reasonable request, with information relating to the authorized TNR program including number of cats and kittens spayed and neutered, number of cats and kittens placed in permanent homes.

(d) It shall be an affirmative defense to prosecution under sections 8.08.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large, that the animal is a feral or stray cat provided care by a Caregiver approved by the authorized TNR program. It shall be a condition of this provision that a Caregiver display a copy of his/her contract or other written agreement with the authorized TNR program to City officials upon request to verify approved participation in the authorized TNR program. (Ord. 61-5700 §1, 2016, File No. 15-0606)

8.08.010 Certain creatures forbidden. (a) No person shall bring into, keep, harbor or maintain in the city any bees, wasps, hornets, poisonous snakes, farm animals, wolves or any animal which is in part of the canis lupis species or any animal raised for fur-bearing purposes, unless otherwise permitted in this code.

(b) No person shall possess in any public park or place, including any playground or school ground, any animal or creature other than a domesticated dog or cat. Any such domesticated dog or cat in a public park or place shall be subject to all other applicable restrictions and requirements of this chapter.

(c) The prohibitions in subsection (a) and (b) of this section do not apply where the animals or creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs, shows or sales of farm animals/poultry sponsored by an agricultural organization which occur at Marathon Park and are no longer than seven days in duration; a display for judging purposes; an itinerant or transient carnival, circus or other like show; dog or cat shows or trials; public or private educational institutions; licensed or accredited research or medical institutions; retail pet shops; a horse, pony, mule or other beast of burden in connection with a horse-drawn carriage license under Chapter 5.74 of the Wausau Municipal Code.

(d) The prohibitions in subsection (a) and (b) of this section do not apply to the sale of live poultry or farm raised game birds (“Birds”) at a marketplace upon compliance with all of the following conditions:

(1) The sponsor of the marketplace, or the owner or lessee of property on which a marketplace is located, registers the location of the premises or marketplace as a livestock premises in accordance with Wis. Stat. §95.51 and the regulations and rules promulgated by the Wisconsin Department of Agriculture, Trade and Consumer Protection, Wis. Adm. Code ATCP ch. 17.

(2) The Birds are enrolled in the National Poultry Improvement Program, or with the Wisconsin Department of Agriculture, Trade and Consumer Protection as Wisconsin tested flocks or Wisconsin associated flocks pursuant to Wis. Adm. Code ATCP §10.40 or §10.41.

(3) The sponsor of the marketplace, or the owner or lessee of property on which a marketplace is located, obtains a permit issued by the city clerk, which shall be valid only for a period of April 1 to November 1. The fee for such permit shall be as provided in section 3.40.010(a). Prior to issuance of a permit, the applicant shall submit to an inspection and demonstrate that the requirements of this subsection (d) are met or shall be met prior to the sale of any Birds. Permits shall be approved by the Public Health & Safety Committee prior to issuance. A permit shall be subject to revocation or suspension upon failure to comply with any provision of this subsection (d). Once a permit is revoked, a permit shall not be reissued to the holder.

(4) The transportation, care, and handling of Birds is not in violation of provisions of chapter 8 of this Code, including but not limited to §8.08.020, mistreating animals, §8.08.050, transportation of animals, §8.08.130, providing proper food and drink, and §8.08.140, providing proper shelter.

(5) Birds shall not be transported to and from, kept, or maintained at the marketplace in overcrowded, unsanitary or inhumane conditions.

- (A) All cages, cage pans, and pens must be made of a material that can be and shall be routinely cleaned and disinfected.
- (B) Any cage or other carrier used to house Birds shall be of sufficient size to allow each Bird to stand upright in the cage without having its head protrude through the top of the cage. A Bird shall also be able to lie down, get up, spread its wings, move its head freely, turn around and rest. Cages shall be constructed to minimize the risk of injury or entrapment and constructed to minimize the soiling of Birds by fecal material from Birds in cages above.
- (C) If floors and pens are used to house Birds, sufficient room shall be provided for each Bird to stand, lie down, get up, walk, spread its wings, move its head freely, turn around and rest, and be constructed of a surface that provides a suitable environment for the health of the Birds.
- (D) Upon sale of any Bird, the Vendor shall place the Bird into a cage or other secure carrier provided by the Vendor for transport by the customer that meets the requirements of subsection (d)(5)(B) above.
- (6) Stalls, booths, or other marketplace sales areas where Birds are held out for sale shall be kept in a clean and sanitary manner at all times. The sponsor of a marketplace and owners or lessees of property on which a marketplace is located, shall ensure that adequate hand wash facilities are available and utilized by Vendors to avoid the transmission of germs, bacteria, and disease. Sponsors of a marketplace and owners or lessees of property on which a marketplace is located which permit the sale of Birds shall maintain an effective and safe pest control program that eliminates or minimizes pests including rodents, flies, cockroaches and other insects.
- (7) Vendors shall keep Birds held for sale at the marketplace out of doors. Birds shall not be located or permitted to be brought within 100 feet of any other outdoor area at the marketplace where food, produce, or other goods are held for sale or display. Birds shall not be brought into any indoor areas which may be located on the premises of the marketplace.
- (8) No slaughter of Birds may occur within the City of Wausau. Birds must be taken to a sanitary facility and slaughtered in a humane manner outside of the City limits. After slaughter, no Bird may be hung, displayed, or dressed within public view in the City limits.
- (9) Sponsors of the marketplace, or the owner or lessee of property on which a marketplace is located, shall ensure that every participating Vendor offering the sale of Birds prominently displays a sign of a minimum of 11 inches square advising customers purchasing Birds of the requirements of subsection (d)(7) and (d)(8). Vendors shall further provide, at the time of sale, each customer purchasing a Bird, a written notice of a minimum size of 3 by 5 inches advising customers of the requirements of subsection (d)(7) and (d)(8).

(10) Birds held for sale shall be transported to the marketplace on the day of sale. Birds shall not be permitted to remain on the premises of the marketplace after closing of the market for the day.

(e) The person or organization having custody and control of any animal permitted by this section shall be responsible for compliance with all other provisions of this chapter while the animal remains within the city limits. (Ord. 61-5717 §2, 2016; Ord. 61-5527 §1, 2012; Ord. 61-4940 §3, 1996; Ord. 61-4858 §1, 1994; Ord. 61-4774 §2, 1992; Ord. 61-4677 §1(part), 1989.)

8.08.011 Keeping of honey bees. (a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section.

(1) “Apiary” means the assembly of one or more colonies of bees at a single location.

(2) “Beekeeper” means a person who owns or has charge of one or more colonies of bees and has demonstrated to the Humane Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

(3) “Colony” means an aggregate of bees in a hive consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood.

(4) “Hive” means the shelter housing a colony of bees including the combs, honey, and pollen. Hive also includes the colony of bees where indicated by the context.

(5) “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.

(b) Permit Required. No person shall keep honey bees in the city without being a beekeeper and obtaining a valid permit issued by the city clerk. A permit shall be valid until and unless revoked pursuant to subsection (e). The permit process requires submission of a completed application accompanied with a fee as provided in section 3.40.010(a). A late fee of two times the application fee along with the application fee as provided in section 3.40.010(a) shall be collected from every owner or keeper of honey bees if the owner or keeper fails to obtain a permit prior to acquiring the honey bees. Prior to issuance of a permit, the applicant shall submit to an inspection and demonstrate that all requirements of subsection (c) are met. Upon written request, the Public Health & Safety Committee may consider waiver of any requirement specified in subsection (c) on a case by case basis upon a satisfactory showing that such requirement is not necessary for the protection and safety of the public, adjoining property owners, and the surrounding neighborhood in such case.

(c) Keeping of Honey Bee Hives. A permit authorizes the keeping of honey bee hives on a premises, provided the following requirements are met:

(1) No more than two (2) hives are allowed on a premises.

- (2) No hive shall exceed twenty (20) cubic feet in volume.
- (3) Honey bees are limited to eastern European races of *apis mellifera*.
- (4) Honey bees may only be kept on a premises with a minimum lot size of one third (1/3) of an acre. Two adjacent and contiguous lots owned by the same owner may constitute one lot for the purposes of this subsection.
- (5) A minimum 6 foot high closed or semi-solid fence which is child proof from the outside, building, or combination thereof shall enclose the apiary. A flyway barrier is not required if the hive or hives are kept at least ten (10) feet off the ground.
- (6) A constant and adequate supply of water shall be provided within the enclosure. The water source shall be designed to allow honey bees to access water by landing on a hard surface. This provision shall not apply during the winter.
- (7) All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- (8) All hives and related structures that form the apiary shall be located a minimum of 25 feet from the all property lines and public sidewalks.
- (9) Hives shall be located a minimum of fifty (50) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.
- (10) No honey bees shall be kept on any premises which is a multi-tenant facility or contains two or more dwelling units.
- (11) Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.
- (12) In any instance in which a hive exhibits unusually aggressive characteristics it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- (13) In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

(d) Right of Entry.

(1) The Humane Officer or Chief Inspector of the Inspection and Zoning Division, or his or her designee may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.

(2) If the Humane Officer or Chief Inspector of the Inspection and Zoning Division, or his or her designee, finds any hive kept in violation of these requirements, in addition to any other remedy available under this code, may order the violation corrected within fourteen (14) days. If the permit holder fails to correct the violation within fourteen (14) days, the hive in violation may be destroyed and/or removed from the municipality by the city and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stat. s. 66.0627.

(e) Permit revocation. A permit shall be subject to revocation upon failure to comply with any provisions of this section. Once a permit is revoked, a permit shall not be reissued. (Ord. 61-5659 §1, 2015; Ord. 61-5623 §1, 2014, File No. 14-0508)

8.08.020 Mistreating animals. No person may treat any animal, whether belonging to himself or another, in a cruel manner. Section 174.13, Wisconsin Statutes, is hereby adopted. (Ord. 61-4677 §1(part), 1989.)

8.08.030 Dognapping and catnapping. No person may take the dog or cat of another from one place to another without the owner's consent, or cause such a dog or cat to be confined or carried out of the city or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted in this chapter. (Ord. 61-4677 §1(part), 1989.)

8.08.040 Leading animal from motor vehicle. No person shall let any animal upon a city street from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle. (Ord. 61-4677 §1 (part), 1989.)

8.08.050 Transportation of animals. No person may transport any animal in or upon any vehicle in a cruel manner. Prima facie evidence of a violation of this section shall be that an animal was left in or upon a vehicle for more than thirty minutes, during which period the ambient air temperature as reported at the Wausau U.S. Flight Service Station was above seventy-five degrees Fahrenheit, unless attended by a human being who has attained the age of ten years. (See also section 8.08.140 of this code.) (Ord. 61-4677 §1(part), 1989.)

8.08.060 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 Section 161.14, Wisconsin Statutes, 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 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 used in accepted veterinary practice or in research by persons or organizations regularly engaged in such research. (Ord. 61-4677 §1(part), 1989.)

8.08.070 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; 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. (Ord. 61-4677 §1(part), 1989.)

8.08.080 Instigating fights between animals. (a) No person may instigate, promote, aid or abet as a principal, agent, employee or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(b) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting. (Ord. 61-4677 §1(part), 1989.)

8.08.090 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. (Ord. 61-4677 §1(part), 1989.)

8.08.100 Sale of baby rabbits, chicks and other fowl. (a) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

(b) No retailer, as defined in Section 100.30 (2) (g), Wisconsin Statutes, may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age, in any quantity less than six, unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes. (Ord. 61-4677 §1(part), 1989.)

8.08.110 Sale of artificially colored animals. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially. (Ord. 61-4677 §1(part), 1989.)

8.08.120 Number of dogs and cats limited. (a) No more than two dogs and/or three cats, over the age of five months, shall be kept in or upon one residential unit or by one or more persons constituting one residential unit, unless the premises is licensed as a kennel. (Ord. 61-4677 §1(part), 1989.)

(b) Any dog or cat that is owned by a person on November 1, 2012, and that is properly licensed with the city under Section 8.08.170 by March 31, 2013, will not be subject to the animal limitation in subsection (a). (Ord. 61-5538 §1, 2012.)

(c) Pet Fancier Permit. Notwithstanding the provisions of subsection (a), it shall be lawful to keep not more than five (5) dogs or cats combined, with the maximum number of dogs being four (4), the maximum number of cats being four (4), over the age of five (5) months, in a single or two-family dwelling unit if the owner or keeper complies with all of the following requirements:

- (1) Applies for and receives a pet fancier's permit from the public health and safety committee.
- (2) Files with the city clerk a fully executed application on a form prescribed by the city clerk and pays a non-refundable application permit fee as provided in section 3.40.010(a).
- (3) Provides proof of a current license for each animal covered by the permit, except as provided in section 8.08.170(e) in which case, in lieu of a current license, shall provide proof of compliance with the rabies control requirement of section 8.08.160. A person applying for a pet fancier permit to provide, in whole or in part, temporary foster care shall additionally provide in the application for the permit, the name and address of each animal rescue, shelter, or welfare organization placing animals in his or her temporary foster care.
- (4) Is not in violation or has not violated within the previous two (2) years, any provision of this chapter.
- (5) Does not have a conviction for cruelty, neglect or mistreatment of an animal.
- (6) Pet fancier's permits shall expire on December 31 each year.
- (7) The premises upon which the dogs and/or cats are kept is maintained in accordance with section 8.08.140, and said compliance is demonstrated to city personnel empowered to enforce this ordinance upon request; inspection of the premises and all animals located at the premises shall be permitted at any time.
- (8) When issued, a permit shall be kept upon the licensed premises and exhibited upon request to city personnel empowered to enforce this ordinance.
- (9) Only one pet fancier permit may be issued per dwelling unit.
- (10) Revocation, suspension and non-renewal of permit. Permits granted hereunder may be revoked, suspended or not renewed for just cause upon notice

and an opportunity to be heard. Just cause shall include but is not limited to a violation of any provision of this chapter, a violation of any provision of Chapter 951, Wisconsin Statutes, misrepresentation of any information required to be submitted under this section, or having an animal declared as a dangerous or prohibited dangerous animal under section 8.08.200 of this code or its equivalent under any other jurisdiction of any other city, village, town, county or state. The hearing shall be conducted by the public health and safety committee. (Ord. 61-5665 §1, 2015; Ord. 61-5646 §1, 2014, File No. 12-0807)

8.08.125 Restriction on animals other than dogs and cats. (a) Number. No person shall keep more than three domestic animals, to include rabbits, gerbils, hamsters, guinea pigs, rats or other similar pets, more than two months old on any premises at any place or in any one residence located within the city limits, except in a B-3 zone or in an area zoned for agricultural use.

(b) Location and Restraint Required. It is unlawful for any person to keep or maintain any yard establishment for the housing of small animals, except dogs and cats, closer than one hundred feet to the nearest portion of any building occupied by or in anywise used by human beings, other than the dwelling occupied by the owner or keeper of the animals, or closer than twenty-five feet to the property line of the lot on which such animals are kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals are kept for purposes of research in a laboratory. Animals so kept or maintained shall be enclosed, with screening or other similar material, on all sides and shall not be allowed to run or fly at large except for homing pigeons.

(c) Odors. Every yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.

(d) Disposal of Manure. Every yard establishment shall be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be securely covered at all times except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with covering of not less than six inches of earth, or if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property. (Ord. 61-4908 §1, 1995.)

8.08.130 Providing proper food and drink. 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:

(a) Food. The food shall be sufficient to maintain all animals in good health.

(b) Water. If potable water is not accessible to the animals at all times, it shall be provided daily in sufficient quantity for the health of the animal. (Ord. 61-4677 §1(part), 1989.)

8.08.140 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.

(a) 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.

(b) 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 subdivision, "caged" does not include farm fencing used to confine farm animals.

(2) Shelter from Inclement Weather. 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; for example, 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.

(c) 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.

(d) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include daily cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards. (Ord. 61-4677 §1 (part), 1989.)

8.08.150 Abandonment. (a) No person intentionally abandon any animal.

(b) Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner. The officer 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 medical attention and the expense of notice. This section shall not preclude any common-law right the keeper may have to recover the cost of distraintment from the owner.

(c) If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or if the owner or custodian 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.

(d) This section shall not be interpreted as lengthening the holding time required of any animal control agency, such as described in section 8.08.280. (Ord. 61-4677 §1(part), 1989.)

8.08.160 Rabies control. (a) "Vaccination against rabies" means the inoculation of a dog or cat (hereinafter "pet") with a rabies vaccine licensed by the U.S.D.A. Such vaccination shall be performed by a veterinarian duly licensed to practice in the state.

(b) Rabies Vaccination Required. Every dog and cat shall be vaccinated by a veterinarian within thirty days after they have reached three months of age, and shall be revaccinated within one year after the initial vaccination. Every pet obtained or brought into the city that is over three months of age, shall be vaccinated within thirty days, unless the pet is currently vaccinated, as evidenced by a current certificate of rabies vaccination from this state or another state. The owner shall have the pet revaccinated before the immunization expiration date stated on the vaccination certificate, or within three years, if a three-year vaccine was used or no date is specified on the vaccination certificate.

(c) Duties of Veterinarian—Certificate and Tag. At the time of vaccination, each veterinarian will complete a certificate indicating the following: Name and address of owner, name, sex, spayed or unspayed, neutered or unneutered, color and breed of pet, rabies tag number issued, type of vaccine administered, its manufacturer and serial number, the date 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 where the pet is to be licensed. The veterinarian shall keep one copy of the certificate on file until the date that the immunization expires or until the pet is revaccinated, whichever occurs first; one copy shall be given to the owner, who shall display it when purchasing a pet license. A durable tag shall be given the owner, who shall attach it to the pet's collar and a collar with a tag attached shall be kept on the pet at all times, except if the pet is securely confined indoors. The number on the collar shall match the number on the certificate. The tag shall also list the veterinarian's address and phone number and year of vaccination. Each veterinarian shall, on or before the 15<sup>th</sup> of each month, provide the city clerk, or his or her designated agent, with a copy of each rabies certificate issued by the veterinarian the preceding month, or a report of all such certificates issued the preceding month which contains all of the information required in this subsection. For the reporting period ending December 31, 2012, veterinarians shall provide rabies certificates or reports of all such certificates which contain the information required in

this subsection for all calendar years 2010, 2011 and 2012 on or before January 31, 2013. (Ord. 61-5542 §1, 2012, File No. 12-1014.)

(d) Quarantine or Sacrifice of Pet or Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.

(1) A dog or cat which is currently immunized against rabies as evidenced by a valid certificate of rabies vaccination suspected of being in contact with a rabid animal or infected with rabies or accused of biting a person shall be quarantined for ten days on the owner's property. The animal shall be examined by a veterinarian within twenty-four hours of the reported bite/exposure and on the last day of isolation and on one intervening day. An unvaccinated dog or cat shall be impounded at the Marathon County Humane Society for a period of ten days, if the owner can be located. If no owner is located, the dog or cat shall be humanely destroyed in a manner which avoids damage to the animal's head by a veterinarian or the Marathon County Humane Society and shipped to the Wisconsin State Laboratory of Hygiene for rabies testing in accordance with §95.21(6), Wisconsin Statutes.

(2) Any animal, domestic or wild, other than a dog or cat, that is suspected of having rabies and is believed to have bitten a person, shall be humanely destroyed in a manner which avoids damage to the animal's head by a veterinarian or the Marathon County Humane Society and shipped to the Wisconsin State Laboratory of Hygiene for rabies testing in accordance with §95.21(6), Wisconsin Statutes.

(3) Veterinary examination during quarantine: all dogs and cats, vaccinated or unvaccinated, and under quarantine for biting a person shall be examined by a veterinarian within twenty-four hours. Confinement shall be ten days with a re-examination on the tenth day and on one intervening day for vaccinated pets. If the veterinarian certifies that the pet has manifested no signs of rabies, the quarantine shall end at the end of the ten-day observation period. If rabies is suspected upon re-examination, the pet shall be humanely destroyed in a manner which avoids damage to the animal's head by the veterinarian or the Marathon County Humane Society and shipped for rabies testing in accordance with §95.21(6), Wisconsin Statutes. The veterinarian shall notify any person or their physician which the animal is suspected of biting that the animal is suspected of having rabies.

(4) The city police or the Marathon County health department shall be notified of all animal bites within twenty-four hours of their occurrence.

(5) 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 examination and the fee for the laboratory examination. If the owner is unknown, pursuant to §95.23(8), Wisconsin Statutes, the county is responsible for these expenses.

- (e) Animals bitten or scratched by a known or suspected rabid animal:
  - (1) Unvaccinated animals:
    - (A) Should be destroyed immediately;
    - (B) If the owner is unwilling to destroy his cat or dog, the pet must be kept in isolation in an escape-proof enclosure, under veterinary supervision, for one hundred eighty days. The owner shall have the pet vaccinated one hundred fifty-five to one hundred sixty-five days after exposure, with veterinary approval.
  - (2) Vaccinated pets: should be revaccinated as soon as possible after exposure and leashed or confined for sixty days.
- (f) Impoundment of Pets Without a Valid Rabies Vaccination Tag.
  - (1) Any pet found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. All impounded pets shall be given proper care and maintenance.
  - (2) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated pet may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and complying with rabies vaccination requirements of this chapter within seventy-two hours of release. Any vaccinated pet impounded because of lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
  - (3) Every dog or cat four months of age and older shall be licensed only upon proof of rabies vaccination in accordance with the provisions of this section.
  - (4) Notwithstanding all of the above, no pet need be vaccinated against rabies where a veterinarian certifies that, to a reasonable medical certainty, such vaccination would be fatal to the pet. The certification shall be upon a form provided by the city clerk, and shall be dated within the preceding twelve months. A license may be issued for pets so certified. Pets so certified shall nonetheless be subject to the provisions for quarantine and confinement of pets which have not received rabies shots.

(Ord. 61-5533 §1, 2012; Ord. 61-4831 §1, 1994; Ord. 61-4677 §1(part), 1989.)

8.08.170 Licenses. (a) Every owner of a dog or cat more than four months of age on January 1 of any year, or four months of age within the license year, shall annually; pay his dog or

cat license tax and obtain a license therefor before April 1 of the current year or on or before the date the dog or cat becomes four months of age. The license shall be securely affixed to an animal collar or harness and shall be worn by the dog or cat whenever such animal is out of doors. No such license shall be issued without proof of compliance with the rabies control section of this chapter.

(b) The license fees shall be provided in section 3.40.010(a). Proof that the dog or cat was neutered or spayed, or certification from a State of Wisconsin licensed veterinarian that, to a reasonable medical certainty, neutering or spaying would be dangerous or fatal to the health of such animal, shall be presented to the clerk upon payment.

(c) A license will be one-half of the amount provided in section 3.40.010(a) if the dog or cat becomes four months of age after July 1 of the license year.

(d) There shall be a late fee as provided in section 3.40.010(a) in addition to the required license fee collected from every owner of a dog or cat, four months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license on or before the date the dog or cat reached licensable age.

(e) The provisions of this section do not apply to a dog or cat in temporary foster care of a person who holds a valid pet fancier permit issued under section 8.08.120(c). (Ord. 61-5718 §1, 2016, File No. 12-1014; Ord. 61-5688 §1, 2015, File No. 12-1014; Ord. 61-5666 §1, 2015, File No. 12-1014; Ord. 61-5611 §1, 2014, File No. 12-1014; Ord. 61-5605 §17(part), 2014, File 13-1109; Ord. 61-5583 §1, 2013, File No. 12-1014; Ord. 61-5533 §2, 2012, File No. 12-1014; Ord. 61-5514, §1, 2012, File No. 02-1119; Ord. 61-5190 §1, 2002, File No. 02-1119; Ord. 61-4677 §1(part), 1989.)

8.08.190 Animals not to run at large. (a) It is unlawful to own, keep or harbor a dog or cat or other animal and allow such animal to run at large in the city.

(b) Under the provisions of this section, the animal shall be considered as running at large when it is not on the premises of its owner, unless it is on a leash no more than six feet in length, is in or upon a vehicle, or is in or on the property of another who does not object to the presence of such animal, is in a public park, other than The 400 Block, on a leash no more than 16 feet in length or is part of a 4-H project, is on a display for judging purposes, is in an itinerant or transient carnival, circus or other like show, is in a dog or cat show or trial, or is part of the program of a public or private educational institution, or in an officially designated off-leash area in the following parks:

- (1) Oak Island Park – 6:00 a.m. – 9:00 a.m. and 6:00 p.m. – 9:00 p.m.
- (2) Picnic Island Park – 6:00 a.m. – 9:00 a.m. and 6:00 p.m. – 9:00 p.m.
- (3) Memorial Park – 6:00 a.m. – 9:00 a.m.

(c) No animals shall be allowed in The 400 Block park during organized special events as approved by the city unless one of the following conditions are met:

- (1) The animal is performing in or on display for an event or show approved as part of a special event;
- (2) A person with a disability is being accompanied by an assistance dog trained for that person. An assistance dog is defined as follows:
  - (A) “Assistance dog” means a dog that has been or is being trained as a guide dog, hearing dog, or service dog. Such terms are further defined as follows:
    - (i) “Guide dog” means a dog that has been or is being specially trained to aid a particular blind or visually impaired person.
    - (ii) “Hearing dog” means a dog that has been or is being specially trained to aid a particular deaf or hard of hearing person.
    - (iii) “Service dog” means a dog that has been or is being specially trained to aid a person with a disability other than sight or hearing.
- (3) An emergency services worker is being accompanied by a dog trained to assist police, fire or paramedics. (Ord. 61-5499 §1, 2012, File No. 69-0537; Ord. 61-5485 §1, 2011, File No. 69-0537; Ord. 61-5481 §1, 2011, File No. 69-0537; Ord. 61-4677 §1(part), 1989.)

8.08.200 Dangerous animals. (a) Prohibitions.

- (1) No person shall own, harbor, keep, or maintain within the city limits, any “dangerous animal,” except as provided in subsection (d) below/
  - (2) No person may bring into or keep within the city limits, any animal that is determined to be a “prohibited dangerous animal” under this section.
  - (3) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous animal within the city except as permitted under this section.
  - (4) No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.
  - (5) The issuance of a citation under this section need not be predicated on a determination that an animal is a dangerous or prohibited dangerous animal.
- (b) Definitions.

“Dangerous animal” as used in this ordinance means:

- (1) Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property and after evaluation by the chief of police or the chief’s designee is determined to pose a threat to public safety or welfare;
- (2) Any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation, on public or private property and after evaluation by the chief of police or the chief’s designee is determined to pose a threat to public safety or welfare; or
- (3) Any animal owned, harbored, or trained primarily or in part for the purpose of fighting.

“Prohibited dangerous animal” as used in this ordinance means:

- (1) Any animal that, while off the owner’s or caretaker’s property, has killed a domesticated animal without provocation;
- (2) Any animal that, without provocation, inflicts bodily harm on a person on public or private property;
- (3) Any animal brought from another city, village, town or county that has been declared dangerous or vicious or its equivalent by that jurisdiction;
- (4) Any dangerous animal that is not in compliance with any of the provisions of subsection (d);
- (5) Any animal declared dangerous under this section that subsequently has a second or more reported unprovoked incidents in which the animal has bitten, inflicted injury, attacked, or otherwise unreasonably endangered with aggressive or threatening behavior, the safety of a human being or pet animal on public or private property;
- (6) Any dog that is subject to being destroyed under Section 174.02(3), Wisconsin Statutes; or
- (7) Any animal, owned, harbored or trained primarily or in part for the purpose of fighting.

(c) Procedure for declaring a dangerous animal.

- (1) The chief of police or the chief’s designee, upon conducting an investigation, may issue an order declaring an animal to be a dangerous animal whenever he/she finds that an animal meets the definition of a dangerous animal in

subsection (b). An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).

- (2) Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with the signage, leashing, muzzling and confinement requirements of subsection (d)(3) and (d)(5)-(7). The owner or caretaker shall comply with the requirements of subsection (d)(6)(B) within five (5) days of the order and with all other requirements in subsection (d) being satisfied within thirty (30) days of the order.
- (3) Upon written request by the owner or caretaker, the chief of police or the chief's designee may waive any requirement specified in subsection (d) that he/she deems to be inappropriate for a particular dangerous animal.

(d) Restrictions. The owner or caretaker of any animal determined by the chief of police or the chief's designee to be a dangerous animal shall comply with all of the following conditions:

- (1) Registration. The owner or caretaker of any dangerous animal shall register it with the city clerk within 30 days of the order, and thereafter before January 1 of each year, by providing a current color photograph of the animal and payment of a registration fee as provided in section 3.40.010(a). The initial registration fee shall be reduced to the fee as provided in section 3.40.010(a) if the animal is required to be registered as a dangerous animal after July 1. Upon payment of the fee and satisfactory proof of compliance with the provisions and conditions of this ordinance, the owner shall be issued a dangerous animal certificate of registration. The owner or caretaker shall post the certificate of registration on the front door of the residence where the dangerous animal is being kept.
  - (A) The owner or caretaker of any dangerous animal shall also provide proof of current license and rabies certificate as required under sections 8.08.160 and 8.08.170 respectively at the time of registration and each year thereafter.
- (2) Liability Insurance. At the time of registration, the owner or caretaker of any dangerous animal shall provide proof of liability insurance in the amount of at least \$250,000 for any acts of property damage or liability incurred by virtue of personal injury inflicted by such animal. Such insurance shall name the city as coinsured solely for the purpose of notice of cancellation of the policy.
- (3) Display of Sign. The owner or caretaker of any dangerous animal shall display signs on his or her premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from a public highway or thoroughfare or

within 20 feet of its placement. In addition, the sign shall include a pictorial symbol warning children of the presence of a dangerous animal.

- (4) Identification. The owner or caretaker of the dangerous animal shall provide written proof from a licensed veterinarian or humane society a device which can be later detected to aid in the proper identification of the animal. The device must be numbered and the number must be provided to the chief of police or the chief's designee.
- (5) Collar. A leather collar shall be worn by the animal at all times, except when being groomed.
- (6) Duty to keep animal under restraint while on owner's or caretaker's property. While on the owner's or caretaker's property, a dangerous animal must be securely and humanely confined indoors or when outdoors, kept in a secure enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping or as set forth in subsection (d)(7).
  - (A) Indoor confinement. No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the premises of its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
  - (B) Outdoor confinement. All owners or caretakers of a dangerous animal must maintain on the property a pen or kennel as provided in this subsection. The pen or kennel shall be child proof from the outside and animal proof from the inside. A strong metal double fence with adequate space between fences (at least two feet) shall be provided so that a child cannot reach into the animal enclosure. Such pen or structure must have secure sides and a secure top attached to all sides. The pen or structure shall be locked with a key or combination lock when the animal is within the structure. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal. All structures erected to house dangerous animals shall comply with all city building and zoning regulations and be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (7) Duty to keep animal under restraint when off property. No owner or caretaker may permit a dangerous animal to go outside its dwelling, kennel or pen unless the animal is muzzled and restrained by a leather collar with harness and leather lead not exceeding four feet in length and is under control

of an adult, able-bodied person competent to govern the animal and physically capable of controlling and restraining the animal. The animal may not be leashed to inanimate objects such as trees, posts and buildings. The animal shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.

- (8) Spay and neuter requirement. The owner or caretaker shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.
- (e) Procedure for declaring a prohibited dangerous animal.
- (1) The chief of police or the chief's designee, upon conducting an investigation, may issue an order declaring an animal to be a prohibited dangerous animal and order the animal to have a microchip or other device inserted for identification purposes, whenever he/she finds that an animal meets the definition of prohibited dangerous animal in subsection (b). The cost of a microchip or other device shall be at the expense of the owner or caretaker. An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).
  - (2) Upon issuance of an order declaring an animal to be a prohibited dangerous animal, the owner or caretaker shall remove the animal from the city with five (5) days after the date of the order.
  - (3) No owner or caretaker of a prohibited dangerous animal may sell or transfer possession of the animal to any other person within the city.
  - (4) Any animal declared to be a prohibited dangerous animal that is not removed from the city within five days of it being declared a prohibited dangerous animal may be seized by the city pursuant to Section 173.13(1), of the Wisconsin Statutes.
  - (5) The owner or caretaker shall provide the chief of police or the chief's designee within five days of the animal being declared a prohibited dangerous animal, the name, address, and telephone number of the person that will be in possession of the prohibited dangerous animal or a certification from a licensed veterinarian or local humane society that the prohibited dangerous animal was humanely euthanized. The owner or caretaker shall also present evidence to the police department showing that he or she has notified the police department or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner and advised that the animal is a prohibited dangerous animal.
- (f) Appeal process for dangerous and prohibited dangerous animal.

- (1) Whenever an owner or caretaker wishes to contest an order of the chief of police or the chief's designee to declare an animal dangerous under subsection (c) or prohibited dangerous under subsection (e), he or she shall, within five (5) days after receipt of the order, deliver to the city clerk, a written objection to the order, addressed to the Public Health and Safety Committee, stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Public Health and Safety Committee to be reviewed at the next regular meeting, unless the appeal is filed within four (4) days of the next meeting in which case it shall be heard at the following meeting, or at the discretion of the chair of the Public Health and Safety Committee at a specially scheduled meeting. The Public Health and Safety Committee shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous or prohibited dangerous. The city elects not to be bound by Chapter 68, Wisconsin Statutes with respect to administrative procedure in this regard.
  - (2) After the hearing, the owner or caretaker shall be notified of the Public Health and Safety Committee's determination.
  - (3) If the owner or caretaker wishes to further contest the determination, he or she may, within five (5) days of receiving the Public Health and Safety Committee's decision, seek a review of the decision by the circuit court.
- (g) Notification.
- (1) The owner or caretaker of a dangerous animal shall notify the police department immediately if a dangerous animal is at large.
  - (2) The owner or caretaker of a dangerous animal shall notify the police department with twenty four (24) hours if the dangerous animal has bitten or inflicted injury upon another animal or human being, or has died.
  - (3) No owner or caretaker may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal. The owner or caretaker shall also provide the police department with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or transferred to a person outside the city, the owner or caretaker shall present evidence to the police department showing that he or she has notified the police department or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner and advised that the animal is a dangerous animal.

- (4) The owner or caretaker shall update the city clerk and the police department within five days upon moving the dangerous animal to another location.
- (h) Impoundment.
- (1) Pending any investigation as to whether an animal is a dangerous or prohibited dangerous animal or pending a hearing on an appeal under subsection (f) of either determination, the animal must be securely confined in a humane manner either on the premises of the owner or caretaker, with a licensed veterinarian or other appropriate facility such as the local humane society. The owner or caretaker of any animal impounded on the premises of the owner or caretaker must comply with the restrictions set forth in subsection (d)(3) and (d)(5)-(d)(7). The chief of police or the chief's designee may order impoundment of the animal pending his/her investigation and through any appeal hearing under subsection (f), pursuant to Section 173.13(1) of the Wisconsin Statutes. If an animal is determined to be dangerous, it may remain impounded until the owner or caretaker has complied with all restrictions set forth in subsection (d) or until such time as the chief of police or the chief's designee determines the animal may be safely returned to its owner or caretaker and upon payment of all costs and expenses under subsection (h)(2). If an animal is determined to be a prohibited dangerous animal, it may remain impounded until the owner or caretaker provides the police department adequate assurances that the animal will be removed from the city as provided in subsection (e)(2), insertion of a microchip or other device for identification purposes, and upon payment of all cost and expenses under subsection (h)(2). Any animal that has been impounded and remains unclaimed by its owner or caretaker for more than seven (7) days after written notice by certified mail has been sent to the owner or caretaker to his/her last known address advising that a determination has been made that the animal may be returned to the owner or caretaker upon compliance with the requirements of this subsection may be humanely euthanized pursuant to Section 173.23 of the Wisconsin Statutes. Any owner or caretaker aggrieved by the impoundment order of the chief of police or the chief's designee may appeal such decision in the same manner and under the same procedures as set forth in subsection (f).
  - (2) The owner or caretaker of the animal shall be liable to the city for the costs and expenses of impounding an animal unless the chief of police or the chief's designee fails to declare the animal dangerous or prohibited dangerous or the determination is ultimately overturned by the Public Health and Safety Committee or a reviewing court.
  - (3) The owner or caretaker of an animal confined on the premises under subsection (h)(1) shall immediately notify the police department if the animal is loose, unconfined, has attacked or bitten or injured another animal, or has

attacked, bitten or injured a human being or has died. The animal shall not be sold or given away during the confinement or impoundment period.

- (4) The chief of police or the chief's designee shall make a reasonable attempt to promptly notify the owner or caretaker in writing of any impoundment under this subsection if he or she can be identified and located with reasonable effort. Mailing written notice to the owner's or caretaker's last known address shall satisfy this requirement.

- (i) Destruction. Any dog that has caused serious injury to a person or a domestic animal on two separate occasions off the owner's premises, without reasonable cause may be destroyed as a result of a judgment rendered by a court of competent jurisdiction as specified under Section 174.02(3) of the Wisconsin Statutes. The city attorney may petition an appropriate court to obtain a court order to destroy such a dog.

- (j) Duration of dangerous animal status.

- (1) The chief of police or the chief's designee may remove the declaration of dangerous animal upon petition by the owner or caretaker of an animal upon a finding of all of the following:

- (a) The owner or caretaker demonstrates that changes in circumstances or measures taken by the owner or caretaker have mitigated the risk to public safety;
- (b) The owner or caretaker demonstrates there have been no additional reported instances of the behavior set forth in subsection (b) within a 36 month period from the date of the order declaring the animal dangerous;
- (c) The owner or caretaker provides documentation from an accredited dog training specialist of attending and passing either an animal socialization program offered through the Association of Pet Dog Trainers or the American Kennel Club Canine Good Citizen Program; and
- (d) The chief of police or the chief's designee concludes from all of the evidence presented the animal no longer presents a risk to public safety.

- (k) Penalties for violations.

- (1) An owner or caretaker of a dangerous animal who fails to comply with the provisions of subsection (d) is subject to a forfeiture of not less than \$100.00 nor more than \$250.00 per day.

- (2) An owner or caretaker of a dangerous animal who violates subsections (a)(1), (3), or (4) is subject to the forfeiture provided for in the cash deposit schedule established under section 1.01.025(c)(1)(B).
- (3) An owner or caretaker of a prohibited dangerous animal who violates subsection (a)(2) is subject to a forfeiture of not less than \$250.00 nor more than \$500.00 per day.
- (4) An owner or caretaker of a dangerous or prohibited dangerous animal who violates any other provision of this section is subject to a forfeiture of not less than \$25.00 or more than \$250.00 per day.

(l) Every day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.

(m) Exemptions. The provisions of this ordinance regarding dangerous animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

(n) Severability. If any provision of this ordinance is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this ordinance. (Ord. 61-5614 §1, 2014, File No. 00-920; Ord. 61-5605 §18(part), 2014, File No. 13-1109; Ord. 61-5588 §1, 2013, File No. 00-0920; Ord. 61-5545 §1, 2013, File No. 00-0920; Ord. 61-5335 §1, 2007, File No. 00-0920; Ord. 61-5128 §1, 2001, File No. 00-0920; Ord. 61-5091 §1, 2000; Ord. 61-4927 §1, 1995; Ord. 61-4677 §1(part), 1989.)

8.08.210 Female animals in season. Any female dog or cat in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season. (Ord. 61-4677 §1(part), 1989.)

8.08.220 Removal of Animal Excreta. (a) The owner or person having immediate care, custody or control of any animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property.

(b) No person shall permit animal excreta to accumulate on any real property or premises owned or occupied by such person.

(c) It is unlawful for any person to permit an animal to be on public property or private property whether or not owned or possessed by such person, unless such person has, in his immediate possession, an appropriate means of removing animal excreta. (Ord. 61-5616 §13 (part), 2014; Ord. 61-5482 §1, 2011, File No. 84-0335; Ord. 61-4677 §1(part), 1989.)

8.08.225 Requirements for horses and horse-drawn vehicles. No horse, pony, mule or other beast of burden shall be allowed on any public street, alley, sidewalk or other public right-of-way or upon public property unless the animal is properly attired to prevent animal waste from being

deposited upon such public property or the owner of the animal shall be otherwise responsible for cleanup of all animal waste deposited upon public property by the animal. (Ord. 61-4836 §1, 1994; Ord. 61-4831 §2, 1994.)

8.08.230 Howling animals. No person shall own, keep, possess or harbor any animal within the city which by frequent or habitual howling, yelping, barking or wailing disturbs other persons; provided, that the provisions of this section shall not apply to licensed animal hospitals operated for the treatment of animals or to the premises used and occupied by the city for impounding animals. (Ord. 61-4677 §1(part), 1989.)

8.08.240 Injured animals. (a) 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. In the event 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. The owner thereof shall reimburse the person or organization for the costs of such treatment.

(b) The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Wausau police department or an animal control agency whose jurisdiction extends into the city. (Ord. 61-4677 §1(part), 1989.)

8.08.250 Animal control agency. (a) The common council of the city may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of a city animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs.

(b) The common council of the city delegates to any such animal control agency the authority to act pursuant to the provisions of this chapter. (Ord. 61-4677 §1(part), 1989.)

8.08.255 Feeding or baiting of deer. (a) Feeding or baiting prohibited. No person shall feed or bait any deer in the city of Wausau, except as provided in subsection (b) herein. Each day such violation continues shall constitute a separate offense.

(b) Exception. The feeding of deer may be authorized by the mayor of the city of Wausau, solely for the purpose of assisting in any program for the removal of deer from the city of Wausau. (Ord 61-5371, § 2, 2008, File No. 93-0835; Ord. 61-5106, §1, 2001, File No. 00-0822; Ord. 61-5086 §1, 2000.)

8.08.260 Liability. The city and/or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this chapter. (Ord. 61-4677 §1(part), 1989.)

8.08.270 Penalty. (a) Every person, firm or corporation convicted of a violation of any of the provisions of this chapter, with the exception of those listed in (b) and (c) below, shall for each

offense be punished by a forfeiture not to exceed two hundred dollars, together with the cost of prosecution, and in lieu of payment and costs assessed shall be imprisoned in the county jail for a term not to exceed fifteen days.

(b) Any person who violates sections 8.08.120, 8.08.130, 8.08.140, 8.08.150, 8.08.160, 8.08.200 and 8.08.220, shall be subject to the following penalties:

- (1) A forfeiture of \$75.00 plus costs for the first violation;
- (2) A forfeiture of \$125.00 plus costs for the second violation;
- (3) A forfeiture of \$275.00 plus costs for the third and subsequent violations.

(c) Any person who violates sections 8.08.190 and 8.08.230 shall be subject to the following penalties:

- (1) A forfeiture of \$50.00 plus costs for the first violation;
- (2) A forfeiture of \$100.00 plus costs for the second violation;
- (3) A forfeiture of \$250.00 plus costs for the third and subsequent violations.

(Ord. 61-5515 §1, 2012; Ord. 61-4677 §1(part), 1989.)

8.08.280 Severability. The provisions of any part of this chapter are severable. If any provision or subsection hereof or the application thereof to any person or circumstance is held invalid, the other provisions, subsections and application of this chapter to other persons or circumstances shall not be affected thereby. It is the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein. (Ord. 61-4677 §1(part), 1989.)