

## CHAPTER 1

### Licensing of Dog, Cat or Ferret and Regulation of Animals

#### SEC 7-1-1 DOG, CAT, OR FERRET LICENSE REQUIRED; DEFINITIONS

- (A) License Required. It shall be unlawful for any person in the City of Menasha to own, harbor, or keep any dog or cat that is more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter related to the listing, licensing, and tagging of the same, unless otherwise licensed in another municipality.
- (B) Definitions. In this Chapter, unless the context or subject matter otherwise require:
- (1) "Owner" or "Responsible party" includes any person owning, harboring, or keeping a dog or cat.
  - (2) "At large" means to be off the premises of the owner or responsible party and not under the control of some person either by leash or otherwise; but 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 said dog or cat, shall be deemed to be upon the owner's premises.
  - (3) "Dog" shall mean any domesticated member of the canis familiaris commonly domesticated in the United States, regardless of age or sex.
  - (4) "Cat" shall mean any domesticated member of the felis domestica commonly domesticated in the United States, regardless of age or sex.
  - (5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
  - (6) "Animal" means mammals, reptiles, and birds.
  - (7) "Domesticated animal" means any bird or animal of any species which usually lives in or about the habitation of humans as a pet or animal companion. The term does not include a dangerous animal, a prohibited dangerous animal, or a feral cat.
  - (8) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (9) "Law Enforcement Officer" has that meaning which appears in Wis. Stats. §967-02(5) and includes a humane officer under Wis. Stats. §58.07, but does not include a conservation warden appointed under Wis. Stats. §23.10.
  - (10) "Farm animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (11) "Pet" means a domestic or tamed animal kept and used for human companionship.
  - (12) "Dwelling Unit" is a building, or portion thereof, designed or used exclusively for residential purposes.
  - (13) "Supervisor of Building Inspection Services" is the designated enforcement official.
  - (14) "Licensed Kennel" shall be an establishment when or whereupon five (5) or more dogs and/or cats are kept, owned, boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising.  
Before a kennel license may be applied for, the applicant must apply for a special use permit through the Community Development department and unless such permit is granted such kennel license will not be granted.
  - (15) "Bite" shall mean to seize, pierce, or cut with the teeth or with parts of the jaw or to create a wound, usually superficial, inflicted by nails or claws pulled across the skin.
  - (16) "Potentially Dangerous" means any animal that when unprovoked:
    - a. Bites a human or domestic animal either on public or private property without causing great or substantial bodily harm;
    - b. Chases or approaches a person upon the streets, sidewalks, or public grounds

in a menacing fashion or apparent attitude of attack, or any animal with the known propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise to threaten the safety of human beings or domestic animals.

- (17) “Dangerous Animal” means any animal that:
- a. Inflicts substantial bodily harm on a human being or domestic animal without provocation on public or private property;
  - b. Engages in, or is found to have been trained to engage in, exhibitions of fighting; or
  - c. Has been previously found, within the last 36 months, to be a potentially dangerous animal, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of human beings or domestic animals.
  - d. An animal shall not be deemed a dangerous animal if it bites, attacks, or menaces any person or animal to:
    - i. Defend its owner, caretaker, or another person from an attack by a person or animal;
    - ii. Protect its young or another animal
    - iii. Defend itself against any person or animal which has tormented, assaulted, or abused it; or
    - iv. Defend its owner’s or caretaker’s property against trespassers.
- (18) “Prohibited Dangerous Animal” means any animal that:
- a. Without provocation has killed a human being or domestic animal;
  - b. Without provocation inflicts great bodily harm on a human being or domestic animal;
  - c. Has on two or more reported occasions bitten or attacked a human being or domestic animal, without provocation, on either public or private property, at a level of aggression that meets the definition for dangerous animal;
  - d. No person may bring into or keep in the City an animal that a Wisconsin City, Village, Town, or County has described as dangerous or vicious, has banished from said City, Village, Town, or County, or has been ordered to be destroyed. The Chief of Police may declare such an animal to be a prohibited dangerous animal in the City of Menasha upon receipt of an official written declaration from the other City, Village, Town, or County setting forth the grounds for the declaration, the name of the animal, if known, and the description of the animal.

## **SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.**

- (A) **RABIES VACCINATION.** The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by a veterinarian within thirty (30) days after the animal reaches five (5) months of age and re-vaccinated within one (1) year after the initial vaccination. If the owner obtains the dog, cat or ferret or brings the dog, cat or ferret into the City of Menasha after the animal has reached five (5) months of age, the owner shall have the animal vaccinated against rabies within thirty (30) days after the animal is brought into the City unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog, cat or ferret shall have the animal re-vaccinated 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 three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats. Should the owner of a dog, cat or ferret evidence from a veterinarian that a particular dog, cat or ferret should not be vaccinated for rabies, this requirement shall not

apply. The owner must file such veterinarian statement annually when applying for the cat, dog or ferret license. The Finance Department shall notify the Police Department of any cat, dog or ferret whose owner files such a veterinarian statement

- (B) **ISSUANCE OF CERTIFICATE OF RABIES VACCINATION.** A veterinarian who vaccinates a dog 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, 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.
- (C) **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 is re-vaccinated, whichever occurs first.
- (D) **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.
- (E) **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 training, to a dog or cat securely confined indoors or to a dog or cat securely confined in a fenced area, or to a dog or cat on the premises of the owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog *or cat* which is not required to be vaccinated under Subsection (a).
- (F) **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.
- (G) **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.

### **SEC. 7-1-3 ISSUANCE OF DOG, CAT AND KENNEL LICENSES.**

#### **(A) DOG AND CAT LICENSES.**

- (1) It shall be unlawful for any person in the City of Menasha to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The fee under this Section shall be established by the Common Council upon the recommendation of the Comptroller. The fee for spayed females or neutered males may be lower than the fee for unspayed or unneutered animals. These amounts shall be reduced by one-half (1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31. A duplicate license may be obtained upon payment of a fee established by the Common Council upon the recommendation of the Comptroller.

- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The City Treasurer shall also 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.
- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- (7) 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 Treasurer upon application therefor.

**(B) KENNEL LICENSES.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. The annual kennel license fee shall be issued upon payment of the applicable fee as follows: Seventy-five Dollars (\$75.00) for each kennel authorized to house between ten (10) and twenty-five (25) animals; One Hundred Twenty-five Dollars (\$125.00) for each kennel authorized to house between twenty-six (26) and thirty-five (35) animals; Two Hundred Fifty Dollars (\$250.00) for each kennel authorized to house thirty-six (36) to fifty (50) animals. Kennels for more than fifty (50) animals will be assessed Five Dollars (\$5.00) per animal based upon proposed operating population with a minimum fee of Two Hundred Seventy-five Dollars (\$275.00). Upon payment of the required kennel license tax and, if required by the Common Council, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

State Law Reference: Section 174.053, Wis. Stats.

**SEC. 7-1-4 LATE FEES.**

The City Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

**SEC. 7-1-5 RABIES QUARANTINE.**

- (A) **DOG, CAT OR FERRET CONFINED.** If a district is quarantined for rabies, all dogs, cats or ferrets within the City shall be kept securely confined, tied, leashed or muzzled. Any dog, cat or ferret 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 shall promptly post in at least three (3) public places in the City notices of quarantine.
- (B) **EXEMPTION OF VACCINATED DOG, CAT OR FERRET FROM CITY QUARANTINE.** A dog, cat or ferret 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) if a rabies vaccination tag or substitute tag is attached to the animal'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, cat or ferret. An officer shall order a dog, cat or ferret 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 quarantine cannot be imposed because the dog, cat or ferret cannot be captured, the officer may kill the animal. The officer may kill a dog, cat or ferret only as a last resort if the owner agrees. 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, cat or ferret if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (D) **QUARANTINE OF DOG, CAT OR FERRET.**
- (1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog, cat or ferret 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 twenty-four (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, cat or ferret 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 (10) 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 (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog, cat or ferret 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, cat or ferret is ordered to be quarantined because there is reason to

believe that the animal has been exposed to a rabid animal and if the animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

b. If a dog, cat or ferret 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, cat or ferret is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

(4) Sacrifice of a dog, cat or ferret exhibiting symptoms of rabies. If a veterinarian determines that a dog, cat or ferret exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and 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, cat or ferret 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 examination and the fee for the laboratory examination. If the owner is unknown, the County is responsible for these expenses.

## **SEC 7-1-6 RESTRICTIONS ON KEEPING DOGS, CATS, FOWL, AND OTHER ANIMALS**

(A) Restrictions. It shall be unlawful for any person within the City of Menasha to own, harbor, or keep any dog or cat which:

(1) Is at large within the limits of the City;

(2) Habitually barks, cries, or howls to the annoyance of any person or persons (see Sec. 7-1-12);

(3) 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; or

- (4) In the case of a dog, is unlicensed.
- (B) Dangerous animals
- (1) Chief of Police's authority. The Police Chief or the Chief's designee may, in accordance with the definitions of Section 7-1-1, determine an animal to be a potentially dangerous animal, dangerous animal, or prohibited dangerous animal.
- (2) Keeping a potentially dangerous animal. The Chief of Police or the Chief's designee may issue a written order declaring an animal to be a potentially dangerous animal. The written order shall put the owner on notice that the animal has engaged in behavior that has resulted in the Chief's declaration and that any future similar actions by the animal may result in the animal being declared a dangerous animal or prohibited dangerous animal. The written order shall also require the animal to pass the Canine Good Citizen Test within six (6) months of receipt of declaration and may include suggestions for preventing aggressive behavior by the animal. The written order shall be delivered in person or sent with certified delivery.
- (3) Keeping a dangerous animal prohibited; exception. No person shall own, possess, harbor, keep, or maintain a dangerous animal except under the following terms and conditions:
- a. Written Order. The Chief of Police or the Chief's designee shall issue a written order declaring the animal to be a dangerous animal.
  - b. Additional License Requirements. In addition to the license requirement found at Section 7-1-3 of this Code, a dangerous animal license issued by the Finance Department shall be obtained before any person owns, possesses, harbors, or maintains a dangerous animal. Prohibited dangerous animals shall not be allowed in the City.
  - c. Fee and Term. The license term shall be from January 1 through December 31. The license fee, which is not pro-ratable, shall be established by the Common Council.
- (4) Conditions for license issuance. A dangerous animal license may only be granted and issued subject to the owner or responsible party providing proof of the following;
- a. Current vaccination for rabies;
  - b. Current City License;
  - c. Neuter or spay records of the dangerous animal;
  - d. The pet animal's age, weight, coloring, breed, and any special identifying characteristics;
  - e. Two four-inch by six-inch (4x6) color photographs of the dangerous animal;
  - f. Within thirty (30) days after a dog has been designated dangerous, the owner or responsible party must provide written proof from a licensed veterinarian that a microchip has been placed in the dog so the dog may be easily identified. The microchip must be numbered and the number must be provided to the Chief of Police or the Chief's designee.
  - g. The owner or responsible party of a dangerous animal shall present to the Chief of Police or the Chief's designee a certificate of insurance that shows that the owner or responsible party has procured liability insurance in an amount not less than \$1,000,000.00 for any personal injuries inflicted by the dangerous animal. Whenever such policy is cancelled or not renewed, the insurer and animal's owner or responsible party shall notify the Chief of Police or the Chief's designee of such cancellation or nonrenewal in writing by certified mail. Notification in writing shall be within five (5) days of the cancellation or nonrenewal.

- (5) Conditions for license maintenance. A license granted and issued hereunder is conditioned upon the following;
- a. Compliance with subsections (2) and (3) above.
  - b. The dangerous animal, while off premises will be kept muzzled and restrained by a fluorescent yellow collar with harness and sturdy, non-retractable lead of unfrayed material not exceeding four (4) feet in length and under the direct control and supervision of a competent person at least fifteen (15) years of age. The muzzle must be a basket-type muzzle and made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must be able to prevent it from biting any human being or domestic animal. The collar must be a bright fluorescent yellow visible at fifty (50) feet in normal daylight.
  - c. Dangerous animals are not permitted in dog exercise parks and shall not be transported in a vehicle that might allow the animal to escape or gain access to any person or animal outside the vehicle.
  - d. The license issued to the owner or responsible party shall be worn by the dangerous animal at all times as proof of registration, except when being groomed.
  - e. While indoors, the dangerous animal shall be securely confined. 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 responsible party that would allow the animal to exit the building 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 obstacle preventing the animal from exiting the structure.
  - f. Except when leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or responsible party and constructed in a manner that does not allow the animal to exit the pen or kennel of its own volition. No dangerous animal may be kept in an outdoor yard, including a yard controlled by an electric pet barrier. The animal may not be leashed to inanimate objects such as trees, posts, and buildings on either public or private property.
  - g. The pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. 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 (2) feet) shall be provided so that a child cannot reach into the animal enclosure. The pen or kennel shall have secure sides and a secure top attached to all sides. The pen or kennel used to confine a dangerous animal shall be locked with a key or combination lock. The pen or kennel shall either have a secure bottom or floor attached to the sides of the pen or kennel or the sides of the pen or kennel shall be imbedded in the ground no less than two feet. All pens and kennels erected to house dangerous animals shall comply with all city zoning and building regulations. All pens and kennels shall be adequately lighted, ventilated, and kept in a clean and sanitary condition.
- (6) Non-canine dangerous animals. If the dangerous animal is not a dog, said animal must be confined at all times within the premises of the owner or responsible party of said animal.
- (7) Notice of dangerous animal. The owner or responsible party shall have posted a



conspicuous and clearly legible sign made of metal or plastic and fluorescent in color at each possible entrance to the premises on which the animal will be held and on the pen or kennel where the dangerous animal is kept. Such sign must be at least eight and one-half inches by eleven inches (8.5x11) in rectangular dimensions and shall contain only the words “Dangerous Animal” in bold faced lettering not less than 120 point type (one and one-half inches in height).

- (8) Seizing a dangerous animal. An animal declared dangerous that is in violation of this section and is not subject to a current appeal, may be seized by the City pursuant to Wis. Stats. §173.13(1)
- (9) Declaring a dangerous animal as a prohibited dangerous animal. Any animal declared dangerous by this Chapter 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 domestic animal on either public or private property shall be declared a prohibited dangerous animal by the Chief of Police.
- (10) Order to kill a dog. Any dog that has caused serious injury to a person, persons, or a domestic animal on two separate occasions off the owner’s or responsible party’s premises, without provocation, may be destroyed as a result of judgement rendered by a court of competent jurisdiction, as specified under Wis. Stats. §174.02(3).
- (11) Euthanization of dangerous animals. If the owner or responsible party of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the dangerous animal in accordance with this section, they may have the dangerous animal humanely euthanized by a licensed veterinarian, an animal shelter, or the humane society.
- (12) Notification.
  - a. The owner or responsible party of an animal declared dangerous shall notify the Police Department immediately if the animal is at large.
  - b. The owner or responsible party of an animal declared dangerous shall notify the Police Department within 24 hours if the dangerous animal is unconfined or has bitten or inflicts injury to a human being or domestic animal.
  - c. No owner or responsible party may sell or transfer possession of a dangerous animal to another individual within the City of Menasha without first notifying the individual to whom the dangerous animal is being sold or transferred of the fact that said animal has been determined to be a dangerous animal and that all of the requirements imposed upon the former owner or responsible party of said animal by this Chapter will be imposed upon the new owner or responsible party.
  - d. No owner or responsible party may sell or transfer possession of a dangerous animal to another individual without first notifying the Chief of Police or the Chief’s designee thereof in writing to be received at least five (5) business days in advance of the sale or transfer of possession.
  - e. If a dangerous animal is euthanized, the owner or responsible party thereof shall provide the Chief of Police or the Chief’s designee a certificate or other written proof of euthanasia from a licensed veterinarian within five (5) business days of the date of death of the animal.
  - f. If a dangerous animal is killed, destroyed, or dies from any other cause or means, the owner or responsible party shall provide the Police Chief of the Chief’s designee written notice within five (5) business days of the date of death of the animal to.

(13) Prohibited dangerous animal.

- a. The Chief of Police or the Chief's designee may determine an animal to be a prohibited dangerous animal whenever the Chief of Police or the Chief's designee finds that an animal meets the definition as provided for under Section 7-1-1.
- b. The Chief of Police or the Chief's designee shall issue a written order by certified delivery, which declares the animal to be a prohibited dangerous animal and requires the owner or responsible party to remove the animal from the City within five (5) business days or have the animal humanely euthanized.
- c. No owner or responsible party may sell or transfer possession of a prohibited dangerous animal to another individual within the City of Menasha.
- d. An animal declared to be a prohibited dangerous animal that is not removed from the City within five (5) business days of it being declared a prohibited dangerous animal and is not subject to a current appeal, may be seized by the City pursuant to Wis. Stats. §173.13(1).
- e. The owner or responsible party shall provide the Chief of Police or the Chief's designee within five (5) business days of the animal being declared a prohibited dangerous animal the name, address, and phone number of the individual that will be in possession of the prohibited animal or a certification from a license veterinarian that the prohibited dangerous animal was humanely euthanized.

(14) Appeal process for dangerous and prohibited dangerous animals.

- a. The owner or responsible party aggrieved by the decision of the Chief of Police or the Chief's designee to declare an animal dangerous or prohibited dangerous under Subsections (9) or (13) may appeal such decision by filing a written notice of appeal with the City Clerk within five (5) business days of the certified delivery of the written order from the Chief of Police or the Chief's designee. Appeals shall be heard by the Board of Health, which shall make a final decision to uphold, deny, or modify the Chief's determination. A determination of an animal that is potentially dangerous is not appealable.
- b. The animal shall be securely confined in a humane manner either on the premises of the owner or responsible party or with a licensed veterinarian, but not destroyed, until the time of the appeal is expired or until any timely appeal has been heard and a written decision rendered. All costs incurred shall be the responsibility of the owner or responsible party of the animal.
- c. If the owner or responsible party further contests the final decision of the Board of Health, they may, within five (5) business days of the certified delivery of the written decision, seek review of the decision by the Circuit Court.

(15) Removal of animal from dangerous animal status. Upon the written petition of the owner or responsible party of an animal that has been previously determined to be dangerous, the Chief of Police or the Chief's designee may remove the animal from the list of dangerous animals if:

- a. The owner or responsible party demonstrates that changes in circumstances or measures taken by the owner or responsible party have mitigated the risk to public safety.
- b. The owner or responsible party demonstrates there have been no additional reported instances anywhere of the behavior that constitutes a potentially dangerous animal or dangerous animal as defined in Section 7-1-1, within a

- 36 month period from the date of the order determining the animal to be dangerous; and
- c. The owner or responsible party provides documentation from an accredited dog training specialist of the dog attending and passing an animal socialization program offered through the American Kennel Club Canine Good Citizen Program.
  - d. The Chief of Police or the Chief of Police's designee concludes from all the evidence presented that the animal no longer presents a risk to public safety.
- (C) Animals Running at Large
- (1) No person having in his possession or ownership any animal shall allow the same to run at large within the City. The owner or responsible party of any animal, whether licensed or unlicensed, shall keep the animal tied or enclosed in a proper enclosure so as to not allow said animal to interfere with the passing public or neighbors. Any animal running at large, unlicensed and required by State Law or City Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
  - (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.
- (D) Owner's Liability for Damage Caused by Dogs; Penalties. Wis. Stats. §174.02 and §174.12 are adopted by reference.
- (E) Limitations on number of dogs and cats. The total combination number of dogs and cats per dwelling unit shall be limited to four (4). A dwelling unit that has obtained a previous exemption under this paragraph allowing more than four (4) but no more than twelve (12) dogs and cats shall retain its exemption for only the listed dogs and cats named on the original petition for the life of the animal or until applicant's ownership ceases, whichever occurs first

**SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.**

- (A) **ANIMAL CONTROL AGENCY.** The City of Menasha does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (B) **IMPOUNDING OF ANIMALS.** In addition to any penalty hereinafter provided for a violation of this Chapter, any Police or Humane Officer may impound any dog, cat 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.
- (C) **CLAIMING ANIMAL; DISPOSAL OF UNCLAIMED ANIMALS.** After seizure of animals under this Section by a law enforcement or humane 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, but if such owner be unknown or not ascertainable, the officer shall post written notice in three (3) public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice 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 (10) 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) **DISPOSAL OF IMPOUNDED ANIMALS.** If the owner doesn't reclaim the animal within the time established by s. 173.23, the animal shelter may dispose of the animal pursuant to s. 173.23 Wis. Stats.

**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 Section.

**SEC. 7-1-8 DOGS AND CATS RESTRICTED ON CEMETERIES.**

No pet shall be permitted in any public cemetery. Every dog specially trained to assist blind, deaf or mobility handicapped persons shall be exempt from this Section.

**SEC. 7-1-9 DUTY OF OWNER IN CASE OF DOG, CAT OR FERRET BITE.**

Every owner or person harboring or keeping a dog, cat or ferret who knows that such animal has bitten any person shall immediately report such fact to the City Health Officer and shall keep such animal confined for not less than ten (10) days or for such period of time as the Health Officer shall direct. The owner or keeper of any such dog, cat or ferret shall surrender the animal to a law enforcement or humane officer upon demand for examination.

**SEC. 7-1-10 ANIMAL FECES.**

The owner or person in charge of any dog, cat or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed there from by said owner or person in charge. The person in charge of any dog, cat or other animal shall have in his or her possession a means to comply with this section.

**SEC. 7-1-11 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 thereon.

**SEC. 7-1-12 BARKING DOGS AND HOWLING CATS.**

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, or yelps or cat which whines 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 or cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Police Department within a four (4) week period.

**SEC. 7-1-13 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.**

- (A) **PROTECTED ANIMALS.** It shall be unlawful for any person, firm or corporation 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 or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf

(canis lupus), sea otter (enhydra lutris), Pacific ridley turtle (lepidochelys olivacea), Atlantic green turtle (chelonia mydas), Mexican ridley turtle (lepidochelys kempfi).

(B) **EXCEPTIONS.** The provisions of Subsection (a) above 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.

(C) **WILD ANIMALS; PROHIBITION ON KEEPING.** 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 the 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:

(1) All poisonous animals and reptiles including rear-fang snakes.

(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and ans siamangs (Symphalangus).

(3) Baboons (Papoi, Mandrillus).

(4) Bears (Ursidae).

(5) Bison (Bison).

(6) Cheetahs (Acinonyx jubatus).

(7) Crocodilians (Crocodilia), thirty (30) inches in length or more.

(8) Constrictor snakes, six (6) feet in length or more.

(9) Coyotes (Canis latrans).

(10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.

(11) Elephants (Elephas and Loxodonta).

(12) Game cocks and other fighting birds.

(13) Hippopotami (Hippopotamidae).

(14) Hyenas (Hyaenidae).

(15) Jaguars (Panthera onca).

(16) Leopards (Panthera pardus).

(17) Lions (Panthera leo).

(18) Lynxes (Lynx).

(19) Monkeys, old world (Cercopithecidae).

(20) Ostriches (Struthio).

(21) Puma (Felis concolor); also known as cougars, mountain lions and panthers.

(22) Rhinoceroses (Rhinocero tidae).

(23) Snow leopards (Panthera uncia).

(24) Tigers (Panthera tigris).

(25) Wolves (Canis lupus) and wolf hybrids

(26) Poisonous insects.

(27) Bees, wasps and hornets.

(28) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

(29) **EXCEPTIONS; PET SHOPS.** The prohibitions of subsection (c) above shall not apply where the creatures are in the care, custody or control of: 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 shows or trials; public or

private educational institutions; licensed pet shops; zoological gardens; if:

- (1) Their location conforms to the provisions of the zoning ordinance of the City.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.

No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

(D) **KEEPING OF CHICKENS IN THE CITY.** In addition to all other regulations in this Chapter, the following shall apply to the keeping of chickens within the City.

(1) **Definitions.** The following terms, when used in this section, shall have the meanings set forth below:

- a. **Chicken**—a domestic chicken of the sub-species *Gallus gallus domesticus*.
- b. **Keep**—the owning, keeping, possessing, or harboring of a chicken.
- c. **Rooster**—a male chicken of any age, including a capon or otherwise neutered male chicken.
- d. **Coop**—a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.
- e. **Chicken Run**—a fenced cage attached to a coop.
- f. **Hen**—a female chicken of any age.
- g. **Front Yard** — a front yard shall be as defined by the City of Menasha Zoning Code under Title 13.

(2) **Permit Required.**

- a. Any person who keeps chickens on land in the City which the person owns, occupies, or controls shall first obtain an initial zoning permit issued by the Community Development Department. A permit application shall be accompanied by an application, an application fee as established by resolution of the Common Council, specification of the proposed coop/run, and a site plan. Upon the issuance of an initial zoning permit, an initial inspection of the coop shall be certified by the Health Officer and/or designee prior to the occupancy of chickens.
- b. All permit applications shall be accompanied by satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to Wis. Stats. §95.51 and ATCP 17 Wis. Admin. Code.
- c. One permit shall be permitted per R-1 Single Family Residence District, R-1A Low Density Single Family Residential District and R-2 Two-Family Residence District zoned parcel.
- d. Any person other than the recorded title owner looking to permit chickens shall first provide written consent of the property owner with the zoning review application.
- e. Following the initial approval of a permit, any person who continues to own, harbor, or keep chickens, shall annually prior to January 1, of each

year, pay a license fee and obtain an annual license. The annual fee shall be as established by resolution of the Common Council.

**(3) Keeping of Chickens Allowed.**

- a. Up to six (6) chickens are allowed per parcel with a permit.
- b. No person shall keep any rooster.
- c. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- d. Coops shall be constructed in a workmanlike manner, be moisture-resistant, shall either be raised up off the ground or placed on a hard surface, and be adequately weather proofed and insulated to allow the comfortable living of chickens within the coop year-round.
- e. Coops with or without a chicken run shall be constructed and maintained to reasonably prevent the collection of standing water and shall be cleaned of hen droppings, uneaten feed, feathers, and other waste daily and as is necessary to ensure the coop and yard do not become a health, odor, or other nuisance. All feed containers shall be vermin-proof.
- f. Coops shall be large enough to provide at least three (3) square feet per chicken. Coops and chicken runs shall have an aggregate maximum of sixty- four (64) square feet and the height of the coop shall not exceed seven (7) linear feet as measured from the ground.
- g. No chicken coop shall be located closer than twenty (20) feet to any principal residential structure on an adjacent lot. All coops and runs shall be located at least three (3) feet off of the side and back yard property line.
- h. No chicken coop shall be located in the Front Yard of a property as defined herein.
- i. In addition to compliance with the requirements of this section, no person shall keep chickens that cause any other public nuisance as defined by Title 11 of the Menasha Code.

**(4) Public Health Requirements.**

- a. Upon the Health Officer and/or designee having reasonable suspicion of any coop or run having unhealthy or unsanitary conditions, any permit or license holder shall allow the Health Officer and/or designee to inspect the conditions of the coop and/or chickens upon reasonable notice (no less than 24 hours' notice). The Health Officer and/or designee shall provide notice to the permit or license holder to cure any violations found. Failure to correct said violations may result in the revocation of the permit per Section (5) below.
- b. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- c. Any person keeping chickens shall immediately report any unusual or sudden death or illness of chickens to the City of Menasha Health Department.
- d. The Health Officer may order testing, quarantine, isolation, vaccination,

or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease. The owner of the chicken shall be responsible for all costs associated with the procedures ordered hereunder.

- e. No person may slaughter any chickens within the City.
- f. Sale of Eggs and Baby Chicks Prohibited. No person may offer to sell eggs or chicks accumulated from the activities permitted hereunder.
- g. The breeding of any chickens is strictly prohibited.

- (5) **Permit Revocation.** A permit is subject to revocation by the Health Officer and/or designee upon failure to comply with any provisions of sub. (3) or (4). Such revocation is subject to appeal by the Board of Health, upon the aggrieved filing an appeal request within thirty (30) days of the revocation with the Board of Health. Once a permit is revoked, a permit shall not be reissued.

#### **SEC. 7-1-14 TRAPPING OF ANIMALS.**

- (A) In the interest of public health and safety, it shall be unlawful for any person, in or on City parks or other municipally owned property, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (B) This Section shall prohibit the use of all traps other than live traps as described above, 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 Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (D) This Section shall not apply to trapping within the confines of buildings or homes.
- (E) Nothing in this Section shall prohibit or hinder the City of Menasha or its employees or agents from performing their official duties.

#### **SEC. 7-1-15 KEEPING OF BEES.**

- (A) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the City unless the bees are kept in accordance with the following provisions:
  - (1) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary.
  - (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
  - (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
  - (4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.
- (B) Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.