

12.03 DOG LICENSING AND REGULATION.

(1) LICENSE REQUIRED. Every person residing in the City who owns a dog which is more than 5 months of age on January 1 of any year shall annually at the time and in the manner prescribed by law for the payment of personal property taxes obtain a license therefor.

(2) FEES. (Am. #91-0282) The owner shall pay to the City Treasurer a fee as provided in §12.01 of this chapter for each dog.

(3) ISSUANCE OF LICENSE. Upon payment to the City Treasurer of the required fee, the Treasurer shall issue to each person a license to keep such dog for one year and such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him/her by the City Treasurer or the county clerk.

(4) STATE REGULATIONS. Ch. 174, Wis. Stats., shall apply so far as applicable.

(5) DOGS RUNNING AT LARGE.

(a) Prohibited. No person who owns, harbors or keeps a dog shall permit the same to run at large.

(b) Defined. For the purpose of this section, the phrase "at large" means all places within the City except the owner's premises and includes streets, alleys, sidewalks or other public property which may abut on the owner's premises. A dog shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control it.

(c) Turning Dogs Loose. No person except the owner or his/her agent shall open any door or gate of any private premises for the purpose of getting or setting any dog at large or otherwise enticing or enabling any dog to leave any private premises within which such dog is kept for the purpose of setting such dog at large.

(d) Restraint of Dogs. (Cr. #1-79) Any person owning or having charge, custody, care or control of any dog shall keep such animal exclusively upon his/her own premises, which shall include his/her automobile, either by personal and direct supervision, such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than 6 feet in length, or in an enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. Dogs may be kept off such premises if they are restrained by an appropriate leash or chain not exceeding 6 feet in length, in the hands of a person directly controlling the movement of such animal, provided the person is of sufficient strength to control the animal.

(6) KEEPING OF DOGS RESTRICTED.

(a) Number of Dogs. No person or family unit living together shall keep more than 2 dogs upon any premises, except a litter of pups or a portion thereof may be kept for not exceeding 5 months from birth. Kennels as defined in §174.06, Wis. Stats., are exempt from this paragraph, provided the placement of such kennels shall be regulated by Chapter 17 of this Municipal Code.

(b) Manner of Keeping Dogs. Any pen or structure in which a dog is kept shall be of such construction as to be easily cleaned and shall be kept in good repair.

(7) HARBORING CERTAIN DOGS PROHIBITED. No person shall own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway.

(b) Assaults or attacks any person.

(c) Reserved. (Rep. #02-0531)

(d) Habitually barks, howls or yelps and thereby disturbs the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Disturbance to persons residing in 3 separate households shall be deemed evidence of neighborhood disturbance. (Am. #90-0246)

(e) Is required to be licensed, but is not.

(7A) WILD OR VICIOUS ANIMALS. (Cr. #02-0531)

(a) Generally.

1. Definitions; Keeping Wild Animal as Pet.

a. Definitions.

Canine animal. Includes all members of the family Canidae except foxes.

Coyote. Canis latrans.

Dingo. Canis dingo.

Domesticated dog. Canis familiaris.

Jackal. Canis aureus.

Vicious animal. Vicious animal means any animal that, when unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property, unless the behavior is caused by acts as provided in §12.03(7A)(b)2.

Wild animal. Wild animals means any live monkey or other nonhuman primate, raccoon, skunk, fox, wolf, wolf-dog hybrid, poisonous snake exceeding 3 feet in length, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

Wolf. Includes both *Canis lupus* and *Canis niger*.

Wolf-dog hybrid. Any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo, or resulting from the mating of any wolf-dog hybrid and another wolf-dog hybrid or domesticated dog.

b. Keeping Wild Animal as Pet. No person shall keep or permit to be kept any wild animal as a pet.

(b) Vicious Animals.

1. Procedure for Declaring Animal Vicious. Any law enforcement officer empowered to conduct an investigation into the circumstances surrounding an unprovoked animal attack, after conducting such an investigation, is hereby empowered to declare the animal in question vicious. The owner of the animal declared vicious pursuant to this section shall be served personally, or by certified mail with return receipt, with an order declaring the animal vicious. Any animal owner aggrieved by the order may petition the Common Council for a review of the order in accordance with the procedure set forth in this section. Upon receipt of the petition of the aggrieved owner, the Common Council shall schedule a hearing at the next regular meeting of the Common Council. If the petition is received within 7 days of the next regularly scheduled meeting, the hearing shall be scheduled at the next monthly meeting. The hearing shall be conducted in conformance with the existing rules of the Common Council regarding administrative hearings. After the hearing, the owner or keeper of the animal shall be notified in writing of the determination. If a determination is made that the animal is vicious, the owner or keeper shall comply with the provisions of this division in accordance with a time schedule established by the Common Council, but in no case more than 30 days subsequent to the date of determination. If the owner or keeper of the animal contests the determination, he/she may, within a reasonable time, seek review of the Common Council's decision by the circuit court. The aggrieved party may also seek review of the Common Council's declaration of viciousness upon showing of a significant change in circumstances regarding the animal's disposition.

2. Pit Bull Dogs Presumed Vicious. There shall be an irrefutable presumption that any dog registered with the City as a pit bull dog is a dangerous dog and is therefore subject to the requirements of this ordinance. Pit bull dog means and includes any of the following dogs: the Staffordshire Bull Terrier breed of dogs, the American Staffordshire Terrier breed of dogs, the American Pit Bull Terrier breed of dogs, dogs that have the appearance and characteristics of

being predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

3. Certain Animals Not Be Declared Vicious. Notwithstanding the definition of a vicious animal in §12.03(7A)(a)1.a.

a. No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained was intentionally committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal, was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

b. No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained was teasing, tormenting, abusing or assaulting the animal.

c. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

d. No animal may be declared vicious for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

4. Confinement and Restraint.

a. On Premises of Owner. While on the owner's or caretaker's property, a vicious animal must be:

(i) Securely confined indoors;

(ii) In a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure must be constructed with chain link fencing on all 4 sides and top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than 2 feet, or have a concrete pad for the bottom; or

(iii) Securely leashed or chained to an immovable object, with the owner or caretaker being physically present.

b. Off Premises of Owner. While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding 4 feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal.

c. Warning Signs. All owners or caretakers of vicious animals shall display, in prominent places on their premises, near all entrances to the premises, signs in letters of not less than 2 inches high using the words "Warning-Vicious Animal." A similar sign is required to be posted on the kennel or pen of the animal.

5. Sale or Transfer of Animal. No person may sell or transfer possession of a vicious animal to another person without first notifying the person to whom the vicious animal is being sold or transferred of the fact that such animal is a vicious animal and of any requirements imposed upon the selling or transferring party. No person may sell or transfer possession of a vicious animal to another person without first notifying the Police Department in writing at least 3 days in advance of the sale or transfer of possession.

6. Impoundment and Destruction of Animal Injuring Humans. If the animal control officer has probable cause to believe that an animal has caused serious injury to a person by an attack without provocation, the officer shall request the Common Council to convene a hearing for the purpose of determining whether or not the animal in question should be impounded and destroyed by the City. The owner of the animal shall be notified of the hearing date as specified in subsection (b)1. hereof, and the hearing shall be conducted and the final determination made in accordance with the procedure set forth therein.

(7B) WOLF-DOG HYBRID REGULATION AND CONFINEMENT. (Cr. #02-0531)

(a) [Exemptions.] Any person currently harboring, keeping or maintaining a wolf-dog hybrid within the City on the effective date of this subsection is exempt from the provisions of §12.03(7A) as far as the terms thereof relate to wolf-dog hybrids. This exemption does not apply to wolf-dog hybrids once relocated outside the City limits. Once relocated, the person harboring, keeping or maintaining a wolf-dog hybrid so relocated may not again relocate said animal within the City.

(b) [Registration Required.] This exemption does not exempt a person who is harboring, keeping or maintaining a wolf-dog hybrid within the City from registering said animal pursuant to §12.03(7B)(j) of the Municipal Code. Registration shall be accomplished on or before September 1, 2002. Wolf-dog hybrids permitted in the City shall be confined as set forth in this ordinance.

(c) [Nonregistered Hybrids.] Whenever any person is charged with harboring, keeping or maintaining a wolf-dog hybrid in the City which does not fall within the exemption set forth in paragraphs (a) and (b) above and which has not been registered on or before September 1, 2002, that person shall, to the satisfaction of the court, remove said animal from the City until a trial on the citation. If said animal has not been so removed within 48 hours of the service of the citation, the said animal may be impounded as directed by the City Police Department until the trial on the citation. In that case the owner of any such animal shall pay all expenses incurred due to such impoundment, including but not limited to, the cost of shelter, food, handling and veterinary care. If it is determined by plea or trial that said animal is a wolf-

dog hybrid not registered pursuant to §12.03(7B) on or before September 1, 2002, it shall be removed from and not returned to the City.

(d) [Confinement Required.] The owner of any wolf-dog hybrid permitted to be kept in the City, and the owner of any property on which such wolf-dog hybrid is kept, shall see that the animal is at all times confined according to the minimum requirements of this subsection.

(e) [Enclosure Requirements.] A wolf-dog hybrid may be kept only in enclosures meeting the following minimum requirements:

1. The enclosure shall be constructed of woven, galvanized after weaving wire, securely anchored by stainless steel or copper rings. Such enclosure shall be not less than 500 square feet in extent, plus 250 square feet for each additional canine animal kept therein and shall be the location in which the animal is primarily kept. An exception may be granted by the Building Inspector if the lot is substandard in area (per the zoning code), in which case the Building Inspector may modify the required square footage of the enclosure; provided, however, that it be of a size adequate to protect the animals confined against weather extremes and still provides for the well-being of the animals.

2. The enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of 4 feet by one-quarter inch galvanized mesh screening.

3. The base and top of the enclosure shall be constructed of securely anchored galvanized mesh screening to extend inward a distance of not less than 2 feet at the top of the enclosure at an angle of not less than 45 degrees. Fabric mesh shall be installed to a height of one foot above ground level and shall be rolled out underneath the inside of the enclosure not less than 4 feet and below a crushed stone base of not less than 4 inches.

4. The enclosure shall be kept locked with a case hardened lock at all times when the animal is unattended and the enclosure shall have double entrance gates or doors so as to prevent an animal from escaping past an open gate or door.

5. Any person who was, at the time of the enactment of this section the owner of a single wolf-dog hybrid, may obtain an exemption from the requirements of subsection (e) above by obtaining an inspection by the Building Inspector. The inspection fee shall be \$50.00. The inspector shall file a report with the Common Council to the adequacy of the enclosure to protect the safety of the public and provide for the well being of the animal. The Common Council shall review the report and if the Common Council is satisfied that the owner has provided a secure enclosure that is adequate for the protection of the public and the well being of the animal, it may issue a written exemption from the terms of subsection (e) above. Such exemption shall be valid for the animal's lifetime; provided, however, that a conviction of the owner for allowing the animal to run at large in violation of this section shall void such exemption. In issuing exemptions, the Common Council shall consider the size and observed behavior of the animal and any prior convictions of the owner for allowing any animal to run at

large. The Common Council may require modifications to be made to existing enclosures as a condition of issuing an exemption.

(f) Wolf-Dog Bites; Sacrifice of Animal. Every person, including the owner of a wolf-dog hybrid who knows such animal has bitten any person, shall immediately report such fact to the Police Department. Pursuant to §95.21(4)(b) and (6), Wis. Stats., the Police Department may kill such animal, taking care to preserve the head, and deliver such animal to a veterinarian for preparation of the carcass to be sent to the State Laboratory of Hygiene for testing.

(g) Transportation. A wolf-dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with fine mesh screen. This paragraph does not prohibit the walking of such animal on a leash, provided that said animal is muzzled at all times.

(h) Registration Papers. In order to insure compliance with the terms of this section, no person in possession of any registration papers, certificate, advertisement or other written evidence by which the blood lines of a canine animal found within the City or its ownership might be ascertained may refuse to produce the same for the inspection of any law enforcement, conservation or public health officer or court upon demand.

(i) Exception. The provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of such animals in the ordinary course of their practice.

(j) Registration and Insurance. All owners of any wolf-dog hybrid in the City shall, on or before September 1, 2002, and annually thereafter on or before April 1 of each year, register such animal and provide a current color photograph of such animal with the City Clerk's office and pay a registration fee of \$25.00. At the time of registration, each owner of any wolf-dog hybrid kept within the City limits shall provide to the City Clerk proof of liability insurance in the amount of at least \$100,000.00 for any acts of property damage, personal injury or other liability incurred by virtue of any injury or damage inflicted by such wolf-dog hybrid. Such insurance shall name the City of Oconomowoc as a co-insured solely for the purpose of notice of cancellation of such insurance policy.

(8) RESERVED. (Rep. #02-0531)

(9) CERTIFICATE OF INOCULATION REQUIRED. No license shall be issued hereunder for any dog unless the applicant exhibits a certificate of a qualified veterinarian showing that the dog has been inoculated for rabies and distemper within the 2 years prior to the application.

(10) IMPONDING AND DESTRUCTION OF DOGS. (Cr. #8-10-71)

(a) Confinement and Notification of Owner. Any police officer finding any dog running at large shall pick up and confine such animal in some suitable place as the Chief of

Police may direct; however, if any such dog is vicious or dangerous, it may be disposed of immediately. Whenever any impounded dog bears an identification mark such as a collar or license tag, the owner shall be notified immediately. Any dog impounded shall be held for 7 days and at the end of such period shall be disposed of unless the owner thereof reclaims such dog and pays the reasonable costs of keeping the dog plus an impounding fee determined by resolution of the Council.

(b) Destruction of Impounded Dogs. The destruction of any impounded dog hereunder shall be done by a method approved by the Waukesha County Humane Society.

(11) RABIES. Any person who has in his/her possession a dog or other such animal which has contracted rabies, or which has been subject to the same, or which has bitten any person shall, upon demand by the Police Department, have such animal examined by a veterinarian selected by such person and, if found to be suffering from rabies, or if treatment is recommended by such veterinarian, such animal shall be placed in the custody of the examining veterinarian for treatment and shall thereafter be disposed of as the circumstances or the law may require.

(12) DOG ADOPTION. (Cr. 9-8-77)

(a) General Conditions. All unwanted dogs shall be sheltered for a period of 7 full days after the date of their pickup. At the end of 7 days, the City shall offer any such animal for adoption by authorizing the Director of the Department of Public Works to publish a notice in the next edition of the Oconomowoc Enterprise that such animals are available for adoption. If the dogs are not adopted within 7 days following such publication, the dogs may be destroyed.

(b) Fee. The adoption fee shall be \$20.00, \$15.00 of which would be returned upon receipt by the City of a certification from a veterinarian that the animal has been spayed or neutered.

(c) Owner Wishing Dog Adoption. Any dog owner who wishes to dispose of his/her dog through the City in this manner may sign a waiver indicating a willingness for the dog to be adopted and waiving the 7-day retention period required herein.

(13) DISPOSAL OF DOG FECES. (Cr. #86-0165) Any person owning or having control of a dog on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it or otherwise dispose of the same on property owned or occupied by such person.