

11.05 REGULATION OF DOGS AND DOG KENNELS.

1. ADOPTION OF STATE STATUTES.

Except as otherwise specifically provided in this Code, the current and future statutory provisions of Chapter 174, Wisconsin Statutes describing and defining regulations with respect to dogs, exclusive of any provisions therein relating to penalties to be imposed are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Section. Any further additions, amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of dogs.

2. KINDS OF LICENSES.

a. **Dog license.**

b. **Kennel Licenses.**

(1) Commercial Kennel Licenses

(2) Hobby Kennel Licenses

3. DEFINITIONS (SUPPLEMENTAL INFORMATION).

a. "Keeping of Dogs" shall mean the owning, boarding, confinement and general maintenance of dogs on premises on a periodic or full-time basis.

b. "Commercial Kennel Licenses". An establishment, structure or premise where dogs are raised and sold, bred, boarded, trained, or groomed for other than private purposes. The raising and selling of three (3) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel.

c. "Hobby Kennel Licenses". A non-commercial establishment, structure, premises or pursuit accessory to the principal use of the property where more than three (3) dogs of six (6) or more months of age are kept for such private purposes as pets, field trails, shows or hobby. The occasional raising of not more than two (2) litters of dogs per year on a premises and the sale or disposal of said dogs within six (6) months of their birth shall also be considered a hobby kennel.

4. LICENSES REQUIRED.

a. When Dog License Required.

Every owner or person having physical care or custody of a dog which is at least six (6) months of age on January 1 of any year, or which reaches six (6) months of age within the license year shall annually, or within thirty (30) days from the date such dog becomes six (6) months of age, and in the manner provided for the payment of personal property taxes, pay a dog license fee and obtain a license therefore. Such license fees and late penalty fees shall be established by the City Common Council by separate resolution and may be periodically changed from time to time. The fee may be prorated by the City Treasurer quarterly to the previous quarter for those dogs reaching license age during the year. Licenses and renewals shall be due each year between January 1 and March 1.

b. When Kennel License Is Required.

No more than three (3) dogs subject to be licensed as set forth hereinbefore shall be kept on any premises within the City without obtaining a kennel license from the City Common Council as required under the terms of the City Ordinances, City Zoning Code and as set forth in the following subsection. The fee for such license shall be determined by separate resolution of the City Common Council.

5. LICENSING PROCEDURE REQUIRED FOR APPROVAL OF KENNEL

LICENSES.

a. General.

No person, group of people, firm or corporation shall be granted a kennel license from the City Common Council or keep more than three (3) dogs which are six (6) months old or older without first obtaining approval for such keeping by the City Plan Commission.

b. Application Process.

The Plan Commission, in reviewing the application or request for permission to keep more than three (3) dogs which are six (6) months old or older, shall take into account at least the following information.

- (1) Size of premises on which the kennel or confinement area is proposed to be located.**
- (2) Maximum total number of dogs to be kept on the premises at any time.**
- (3) The expected male/female mix of dogs at any time.**
- (4) The type of kennel enclosure, if any, including:
 - (a) Size of enclosure(s).**
 - (b) Fencing type and height.**
 - (c) Type and size of year-round shelters**
 - (d) Source and location of water supply.**
 - (e) Sanitary maintenance, including provision for collection and disposal of excrement and other waste solution or material.**
 - (f) Lighting.**
 - (g) Landscaping and other visual and noise barriers (screening).**
 - (h) Surface drainage.****
- (5) Expected weekly traffic related to the keeping of dogs.**
- (6) Hours of operation.**
- (7) Any other information related to the keeping of the dogs as requested by the Plan Commission.**

c. Specific Kennel Restrictions.

In addition to the requirements or provisions of Chapter 174 of the Wisconsin Statutes, persons keeping dogs in the City and successfully obtaining a permit for such keeping, shall be required to keep the dogs in a healthful and sanitary condition and minimum requirements of the City for such keeping shall be as follows:

- (1) An enclosed, insulated shelter shall be constructed and made accessible to every dog on the premises with the shelter having no less than 8 square feet in floor area for each dog required to have a license. Such shelter shall be kept clean and free of**

 - vermin and shall be ventilated so that in times of hot weather the building can be**
 - fully ventilated to allow for through movement of air and limited. ventilation can be maintained during the winter months. In addition, such enclosure shall be provided with transparent or translucent windows or skylights so that there is outside light entering the shelter during the day.**

- (2) Fence runs or enclosures for the dogs shall be provided at the direction of the owner/operator of the kennel. When so provided, the runs shall be closed so that the dogs cannot run at-large and shall be visually screened from the general public and from the direction of the neighboring residences. Such screening may include a permanent wood or fabric screening in combination with the fence material or may be composed of evergreen planting, adjacent to the fence enclosure. The fenced enclosure shall be kept clean and in a sanitary condition, free of excrement, and when provided, shall be large enough to accommodate the number of dogs licensed for the premises without crowding.**

- (3) Any dog waste shall be removed each day from the kennel area and shelter and shall be stored on the premises in a sealed container which is located a minimum of 50 feet from any residence and/or water supply until such time as it can be properly disposed of in accordance with health and sanitation regulations.**

- (4) A site plan for the kennel and building shall be required including:**

 - (a) Location to scale of all of the existing and proposed buildings on the premises.**
 - (b) Location to scale of any fenced-in enclosures**
 - (c) Dimensions showing the distance of existing and proposed buildings from existing property boundaries.**
 - (d) Location of the underground containers or facilities, including any water wells within the vicinity of the kennel on the premises.**

d. Kennel Size Restriction.

The number of dogs allowed to be kept or kenneled in the City shall be related to the size (area) of the premises on which the dogs are kept; and requests for permission to keep or kennel dogs shall be approved by the Plan Commission based upon the following size restrictions:

PREMISES	NUMBER OF DOGS*	MINIMUM TOTAL ACRES OF
	4—5	4.0
	6— 15	0.5 acre/dog + 1.5
	16 or more	0.4 acre/dog +3.0

*Maximum total dogs six (6) months old or older at any time.

In addition, any outdoor visually open dog “run” or enclosure shall be located not closer than ten (10) feet from the nearest private property boundary for each dog allowed to be kept on the premises (i.e. five dogs = 50 feet; 12 dogs = 120 feet). Any totally enclosed

- shelter shall be located not closer than the requirements that are dictated in the City Zoning Ordinance, or eight (8) feet from the nearest private property boundary for each dog allowed to be kept on the premises, whichever is larger, (i.e. 5 dogs = 40 feet or 12 dogs 96 feet).

6. DOGS RUNNING AT LARGE.

It shall be unlawful for the owner or keeper of any dog or dogs to permit the same to run at large at any place within the City unless accompanied by and under the control of the owner or keeper of said dog or dogs. A dog will be considered running at-large under this Section if it is upon the property of another without consent of the owner or occupant of that property. The restriction set forth herein shall not be construed as to prevent any dog or dogs running at-large upon the premises of the owner or keeper of said dog or dogs as long as the dog or dogs remain on said premises.

7. DOG EXCREMENT DISPOSAL.

The owner, keeper or person having physical possession of a dog or dogs shall remove and properly dispose of any dog excrement deposited by said animal on the same day of such deposit whether that animal be on private or public property.

8. VICIOUS DOGS.

It shall be unlawful to keep a vicious dog within the City. A visual confirmation that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such a dog is vicious. Upon finding a dog to be vicious the Court shall order immediate destruction of the dog or removal from the City after passage of any detention period required for rabies or other health reason.

9. IMPOUNDMENT OF DOGS.

- a. It shall be the duty of the dog catcher, police officer or any other officer duly appointed by the City Common Council to apprehend any dog or dogs running at-large within the City, as defined in Section 11.05, Subsection (8), and confine the animal in the Waukesha County Animal Shelter or other pound as designated by the City Common Council.**
- b. The Humane Officer or dog pound operator shall keep at the said dog pound all apprehended dogs for a period of seven days or until the owner picks up his dog, whichever occurs earlier, and if the dog(s) is (are) not reclaimed by its rightful owner within such time, it may be sold for the amount incurred in keeping said animal plus an administrative fee for the City of \$8.00; or the animal may be destroyed in such manner as the dog pound operator or Humane Officer shall direct.**
- c. The owner or keeper of any dog so confined by the dog pound or Humane Officer may reclaim such dog before the same is disposed of by payment of all costs and charges incurred by the City in impounding and keeping said dog. Payment shall be made to the City Clerk during regular office hours and shall include payment of the said administration fee for the apprehension and processing of said dog. Before said dog shall be released to the owner, said dog shall be licensed as provided for herein and its owner or keeper shall receive a receipt from the City Clerk authorizing the Animal Shelter or dog pound to release said dog.**

10. BARKING OR HOWLING DOGS A NUISANCE.

A dog that barks or howls to such an extent that the noise disturbs any neighbor residing nearby by reason of excessive sound or unusual hours is hereby declared a nuisance. The owner or keeper of a dog that barks or howls in violation hereof shall, upon complaint of any person, upon verification of the Humane Officer or appropriate City Officer, be personally served with a notice in writing by the authorized City officer directing said owner or keeper to take whatever steps are necessary to stop said nuisance within three (3) days of the date of service of said notice. Continuance of said nuisance thereafter shall constitute a violation of this Ordinance.

11. COMPLAINT BY CITIZEN.

Should a violation of this Ordinance be reported by a citizen, the City shall not be required to pursue prosecution unless and until the complaining citizen shall present his/her complaint in writing on forms supplied by the City and have same complaint notarized. Said citizen shall also agree in writing that, in the event said complaint is filed with the Court for prosecution, he/she will cooperate fully with the City Attorney in said prosecution including, if necessary, testifying in a Court trial to support said complaint. Any failure by a complaining citizen to cooperate with the City shall result in immediate dismissal of the complaint.

12. PENALTIES.

Any person, firm, corporation or group of persons who shall violate any provision of this Section shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. In addition to the penalty as provided, the Court shall have the power to order abatement of any illegal activity under this Section including the power to order destruction of the offending animal. •