

CITY OF CHIPPEWA FALLS, WISCONSIN

NOTICE OF PUBLIC MEETING

In accordance with the provisions of the Wisconsin State Statutes, Sec. 19.84, notice is hereby given that a public meeting of:

Committee #3 **Transportation, Construction, Public Safety and Traffic**

Will be held on Thursday, February 1, 2024 at 8:30 am, Council Chambers, City Hall, 30 West Central Street, Chippewa Falls, WI.

Items of business to be discussed or acted upon at this meeting are shown on the agenda below:

1. **Discuss possible amendment of Chippewa Falls Municipal Code Section §12.11 – Animal Care and Licenses. Possible recommendations to the Council.**
2. **Adjournment.**

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.
NOTE: REASONABLE ACCOMMODATIONS FOR PARTICIPATION BY INDIVIDUALS WITH DISABILITIES WILL BE MADE UPON REQUEST. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT THE CITY CLERK AT 726-2719.

Please note that attachments to this agenda may not be final and are subject to change. This agenda may be amended as it is reviewed.

CERTIFICATION OF OFFICIAL NEWSPAPER

I hereby certify that a copy of this notice has been posted on the City Hall bulletin board and a copy has been given to the Chippewa Herald on January 29, 2024 at 10:50 am by BNG.

(14) PROPER SHELTER. No person owning or responsible for confining or impounding any animal shall fail to provide the animal with proper shelter as prescribed in this subsection. In the case of farm animals, nothing in this subsection shall be construed to impose shelter requirements or standards more stringent than normally accepted husbandry practices.

(a) Indoor standards. Minimum indoor standards of shelter shall include:

- (1) Ambient temperatures which shall be compatible with the health of the animal.
- (2) 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 confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(2) Shelter from inclement weather.

(a) Animals generally. 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.

(b) Dogs. If a dog is tied or confined unattended outdoors: **Primary shelters must meet the following minimum standards: (a) Shelters must be structurally sound, made of durable materials, and able to insulate against temperature extremes.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals **(b) Shelters must consist of at least four walls, a roof, and a solid nonmetal floor. (c) Shelters must be waterproof and windproof with no gaps that allow light or wind in. (d) Shelters must be built in such a manner to create adequate drainage around the shelter to prevent standing water or ice to accumulate inside, or around the perimeter of the shelter. (d) Shelters must have an entrance that will keep the wind from blowing in. (d) The entrance covered by a self-closing swinging covering, or an "L" shaped entrance to prevent the wind from blowing directly in the house. (City of La Crosse Sec 6-162(5))**

(e) The shelter must contain sufficient space to allow the animal to sit, stand, turn around and lie down, but be a size to allow the animal to retain or dissipate body heat that is appropriate for the animal's age, breed, health, and physical condition. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(f) Shelters must be kept clean, dry and contain a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote retention of body heat. (g) interior surfaces that cannot be cleaned and sanitized must be replaced when worn or soiled. (h) Shelter must provide sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating. (i) Materials not suitable for shelters include but are not limited to: Inadequately insulated containers 2. Any structure that fails to provide sufficient protection from the elements. 3. Crates with exposed sharp edges 4. Metal 5. Abandoned or parked vehicles 6. Open porches or decks.

~~(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 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 periodic cleaning to remove excreta and other waste materials, dirt and trash to minimize health hazards.

Standards for the care of domestic animals

Purpose: The purpose of this Chapter is to ensure the health, safety, and general welfare of domestic animals by requiring that they are adequately fed, watered, and sheltered, and to require forfeiture for caretakers who neglect, abuse, or refuse to provide adequate care and supervision for domestic animals in their custody. This Chapter adopts the provisions of Wis. Stat. 951.01-951.15 by reference.

Definitions.

- A. "Caretaker" means a person or persons responsible for the care and safety of the animal and may include the owner of the animal or an individual who is not the owner and resides within the same residence as the animal and who assumed responsibility for the care of the animal; or an individual who is caring for the animal in the absence of the owner and who violates the provisions of this ordinance.
- B. "Animal" for purposes of this chapter "animal" is generally considered to be a vertebrate animal, typically a domesticated dog or cat, and may include other domesticated animals.
- C. "Abuse" shall mean to intentionally torment, strike, physically harm or mutilate an animal in a manner that causes the animal to suffer severe pain or injury, and includes torturing an animal which includes any action that inflicts extreme physical pain or injury on an animal through acts of abuse, by purposeful electrocution, freezing, heating, poisoning, or shooting at animal; in addition abuse can be caused by purposefully exposing an animal to dangerous situations including dangerous chemicals, other dangerous or infected animals, instigating animal fights. Knowingly or unknowingly leaving an animal exposed to extreme weather conditions such that it may cause injury or death.
- D. "Neglect" shall include the failure of the caretaker or owner of the animal to provide proper care for the animal by failing to provide adequate shelter, clean water, nutritious food, and grooming care for the animal. "Neglect" shall include leaving an animal exposed to the elements either in an enclosure or tethered for more than 24 hours, failing to provide food and clean water for the animal, failure to attend to sores, injuries, or illness of the animal, failure to properly groom the animal so as to allow matting or burrs in the animal's fur, or allowing nails to grow where they are overturned. Neglect also includes the failure to

provide vaccination against rabies.

E. "Tethering" is the act of attaching an animal to a fixed object or building by means of a rope, chain, cable, leash, or other means. Tethering is not permitted as a means of permanent or primary confinement and shall not be done when the animal is unattended by its caretaker for a period of more than 24 hours, or in a manner that leads to abuse, neglect, or cruelty to the animal.

F. "Shelter" is a man-made structure that provides an animal protection from the elements including the sun, wind, cold, rain or snow.

G "Collar" is a piece of fabric, leather, or other material placed around an animal's neck for the purpose of providing a place to attach a tether, licenses, or other identifying information about the animal.

9.05.040 Violations.

In addition to the violations listed in Wis. Stats. 951.01-951.15, it shall be a violation of this ordinance to commit an act that is contrary to the following;

A. Tethers and leashes permitted. Tethers and leashes are permitted where animals are required to be on a leash or tethered in areas that include but not limited to public places or businesses, parks, campgrounds, etc., or places where animals are required to be on a tether or leash and in the direct control of its owner and the tether or leash is necessary for compliance with local ordinances, rules, or regulations and where a tether is necessary to prevent the animal from injuring itself, other persons, or animals. Tethers attached to fixed object shall be at least 10 feet long and shall allow the animal to reach food, a constant supply of clean water in a secured container, and adequate shelter. Tethers shall be made of material at a weight that it will not injure, or unnecessarily burden the animal because of the size or weight of the tether in comparison to the size and weight of the animal; no more than one-eighth of body weight of the animal. Tethers shall be attached to the animal in a manner that allows the owner sufficient control of the animal but does not harm the animal. Pinch, prong, or choke collars are prohibited for tethering to a fixed object. No animal shall be tethered outside during extreme weather conditions constituting a health

hazard to said animal. No animal shall be tethered outdoors for a period of longer than 30 minutes in temperatures above 90 degrees or below 32 degrees Fahrenheit. No animal shall be continuously tethered for a period of more than 24 hours.

B. Shelter. Primary shelters must meet the following minimum standards:

(a) Shelters must be structurally sound, made of durable materials, and able to insulate against temperature extremes.

(b) Shelters must consist of at least four walls, a roof, and a solid non metal floor.

(c) Shelters must be waterproof and windproof with no gaps that allow light or wind in.

(d) Shelters must be built in such a manner to create adequate drainage around the shelter to prevent standing water or ice to accumulate inside, or around the perimeter of the shelter.

(d) Shelters must have an entrance that will keep the wind from blowing in.

(e) The shelter must contain sufficient space to allow the animal to sit, stand, turn around and lie down, but be a size to allow the animal to retain or dissipate body heat that is appropriate for the animal's age, breed, health, and physical condition.

(f) Shelters must be kept clean, dry and contain a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote retention of body heat.

(g) Interior surfaces that cannot be cleaned and sanitized must be replaced when worn or soiled.

(h) Shelter must provide sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating.

(i) Materials not suitable for shelters include but are not limited to:

1. Inadequately insulated containers
2. Any structure that fails to provide sufficient protection from the elements.
3. Crates with exposed sharp edges
4. Metal
5. Abandoned or parked vehicles
6. Open porches or decks

C. Collars. Collars shall be made of leather or nylon or other similar material, be of a non-self-tightening design with a buckle or snap. Collars must fit with no signs of choking or injury to the animal

D. Transportation. No person may transport an animal on public roads in the bed of a truck without the animal being properly restrained or placed in a crate. No person may leave an animal unattended in a vehicle in conditions that endanger the health or safety of an animal due to excessive heat or cold, lack of ventilation, lack of water, or other conditions that could cause suffering, injury, or death to the animal

E. To commit acts of abuse or neglect on an animal as defined by this chapter.

Penalty. Any person who violates or refuses to comply with the provisions of this chapter shall be subject to forfeiture of not less than \$100 and not more than \$500. Each day a violation exists shall be considered a new and separate offense.

Sources

-Monroe county municipal code sec.5-294

- **Sec. 5-294. - Proper shelter requirement.**

Wis. Stats. § 951.14 is adopted as shelter requirements. In addition, minimum outdoor standards of shelter, as necessary for the health of a dog, shall include:

(1)

A moisture-proof structure.

(2)

A structurally sound structure made of durable material.

(3)

A structure of suitable size to provide sufficient space to allow each dog adequate freedom of movement.

(4)

A solid floor raised at least two inches off the ground.

(5)

A sufficient quantity of suitable bedding material to provide insulation and protection against the cold and dampness as well as promote retention of body heat.

(6)

Have an entrance covered by a self-closing covering if the shelter does not provide the dog with protection from the wind blowing directly into the shelter.

(7)

The requirements of subsections (5) and (6) of this section will be suspended the months of May through September, inclusive.

Failure to provide proper shelter may be mistreatment of an animal. A monetary forfeiture or possible impoundment of the dog may be imposed on anyone found in violation of the shelter requirements contained in this section. The decision as to the necessity of impoundment of the dog due to mistreatment shall be at the sole discretion of the humane officer.

(Code 1986, § 12.03(16); Ord. No. 88-103; Res. No. 09-14-08, 9-24-2014; Res. No. 07-20-10, 8-26-2020)

https://library.municode.com/wi/monroe_county/codes/code_of_ordinances?nodeId=CH5AN

-La Crosse County municipal code sec. 6-106 & 6-162

Sec. 6-106. - Kennels or catteries.

(a)

Each kennel or cattery permit holder shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. A permit fee or license fee shall be paid for each license year in the amount established by resolution.

(b)

Standards.

(1)

Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(2)

Building temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control.

(3)

Each animal shall have sufficient space to stand up, lie down and turnaround without touching the sides or top of the cage or enclosure.

(4)

Cages are to be of material and construction that permits cleaning and sanitizing (stainless steel or fiberglass preferred).

(5)

Runs shall provide an adequate exercise area and protection from the weather. Runs and side walls to a height of four feet shall have an impervious surface to allow for cleaning, disinfecting and odor control.

(6)

All animals must be quartered and all animal quarters and runs are to be kept clean, dry and in a sanitary condition.

(7)

The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of animal.

(8)

All animals shall have potable water available at all times.

(9)

Every dog or cat owned or kept in the City that is five months of age or older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within 30 days after they have reached the age of five months. Unvaccinated dogs and cats acquired or moved into the City must be vaccinated within 30 days after arrival, unless under five months of age as specified in this section. Every dog and cat shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used.

(c)

No dog or cat shall be accepted for boarding, grooming or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the kennel operator (exemption to distemper or rabies vaccination requirement upon written recommendation from the owner's veterinarian). Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this chapter.

(d)

Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.

(e)

In the event an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:

(1)

The body preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which the body may be disposed of in compliance with this chapter.

(2)

Bodies submitted to a licensed veterinarian and a necropsy performed at the kennel operator's expense, unless prior agreement for payment of such services by the owner. A copy of the necropsy report is to be given to the owner.

(f)

Animals shall not be group-housed at any time, unless they are owned by the same person and are compatible.

(g)

If the owners of animals do not appear or contact the kennel or cattery operator within seven days of their stated return time, the operator has the right to dispose of the animal.

(Code 1980, § 20.22(H))

Sec. 6-162. - Shelter required.

Every person in charge of, or control of, any animal which is kept outdoors or in an unheated enclosure shall provide such animal with shelter and bedding as prescribed in this section as a minimum. This shelter shall be as follows:

(1)

A moisture-proof structure.

(2)

Made of durable material.

(3)

Suitable in size to accommodate the dog or cat and allow for the retention of body heat.

(4)

A solid floor raised at least two inches off the ground.

(5)

The entrance covered by a self-closing swinging covering, or an "L" shaped entrance to prevent the wind from blowing directly in the house.

(6)

A sufficient quantity of suitable bedding material, to provide insulation and protection against cold and dampness and promote the retention of body heat.

(7)

Subsections (5) and (6) of this section may be suspended during the months of May through September, inclusive.

(Code 1980, § 20.22(T))

https://library.municode.com/wi/la_crosse/codes/code_of_ordinances?nodeId=PTIGEO_R_CH6AN_ARTVANCATRCR

-Superior city municipal code sec. 22-7

- **Sec. 22-7. - Cruelty; neglect.**

No person shall:

(1)

Intentionally torture any animal or without justification kill any domestic animal of another;

(2)

Abandon or fail without reasonable excuse to provide necessary food, water, care or shelter for any animal in his ownership or control, as described:

a.

Food—Of sufficient quantity and quality to allow for normal growth and maintenance.

b.

Water—Clean and fresh water available at all times. Water must not be frozen nor is snow or ice an adequate source of water.

c.

Care—Keep areas where animals are kept clean of feces, urine and debris, and provide veterinary care in cases of sickness, injury, disease or suffering.

d.

Shelter—For an animal exposed to the elements this shall include a windproof, waterproof structure of suitable size to accommodate the animal and allow retention of body heat. In the winter the structure shall be provided with suitable bedding material consisting of straw, cedar shavings, blankets, or the equivalent to provide insulation and protection against cold and dampness and promote the retention of body heat. In the summer months shade must be provided.

e.

Debris and other material—Whether manmade or occurring in nature, must be tended to in such a manner as to provide a safe environment for an animal at all times. This provision includes, but is not limited to, the obligation to maintain a premises so as to allow an animal to move safely without risk of entanglement.

(3)

Intentionally poison any domestic animal of another or place poison in any place with intent that it be taken by a domestic animal of another;

(4)

Intentionally transport or confine any animal in a cruel manner;

(5)

Intentionally participate in or cause an animal to fight with another animal for amusement, gain or training purposes, or intentionally maintain or allow any place to be used for such purpose; or

(6)

Intentionally abandon any animal by leaving an animal by roadside or other public area, leave an animal on private property without the consent of the owner, or leave an animal without care (food, water or shelter).

a.

As used in this section, "torture" does not include bona fide experiments carried out for scientific research or normal and accepted veterinary practices, or normally accepted farming or husbandry practices.

b.

All penalties and fines levied due to a violation of this section shall be in accordance with Wis. Stats. §§ 951.18, 393.50 [939.50], 939.51.
(Code 1971, § 7-5; Ord. No. 009-3709, § 1, 11-17-2009)

https://library.municode.com/wi/superior/codes/code_of_ordinances?nodeId=PTIICOOR_CH22AN

-Oshkosh city municipal code sec. 7-1-14 & 7-1-15

Sec. 7-1-14 Providing Proper Shelter.

(a) 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.

(b) 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.

(c) 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 paragraph, "caged" does not include farm fencing used to confine farm animals.

(2) Shelter from inclement weather. Title 7 – Licensing, Permit, Fees and Regulation page 12 of 69

(a) Animals generally. 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.

(b) Dogs. 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.

(d) 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.

(e) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards. State Law Reference: §951.14, Wis. Stats.

Sec. 7-1-15 Neglected or Abandoned Animals. (a) Neglected or Abandoned Animals.

(1) No person may abandon any animal.

(2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and 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 and medical attention and the expense of notice.

(3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

(4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

(5) Section 951.16, Investigation of Cruelty Complaints, and §951.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this chapter.

(b) Injured Animals. 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 Town or any animal control agency with which the Town has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: §951.15, 951.16 and 951.17, Wis. Stats.

<https://www.townofshkosh.com/wp-content/uploads/2018/04/TITLE-7-Licensing-Permit-Fees-and-Regulation-bkmarked.pdf>

-Duluth city municipal code

Sec. 6-54. Collars, leashes, tie outs.

Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. Collars may not be equipped with any type of prongs on the inside of the collar that may cause injury or discomfort to the animal's neck. Leashes.

Leashes must not exceed six feet in length and may not exceed four pounds in total weight. Tie outs.

Tie outs must be at least three times the length of the animal secured to it and may not exceed ten pounds in total weight. Tie outs must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a tie out must be so in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Tie outs must be placed in such a location as to inhibit the animal secured from reaching a public sidewalk, street or alley. Also, the tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner.

(Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

<https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/50009/401204/Chapter%206%20-%20Animals%20and%20Fowl.pdf>

-Rice Lake municipal code 351.27 & 351.28 & 351.29

351.27. Food and water. No person owning or having custody of any animal or bird shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.

351.28 Shelter.

(a) Providing shelter. No person shall fail to provide any animal or bird in his charge with shelter from inclement weather or to ensure the protection and comfort of the animal or bird.

(b) Overheating. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of sun.

(c) Animals Kept Outdoors. Dogs and cats kept outdoors for more than one hour at a time must be provided with moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Whenever the outdoor temperature is below 40 degrees F, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animals.

351.29. Leashes. If animals are kept leashed on their premises, there shall be provided at least six feet of free untangled leash.

<https://ecode360.com/RI1728>

12.11 - ANIMAL CARE AND LICENSES. (Rep. & recr. #2013-14)

- (1) DEFINITIONS. In this ordinance, unless the context or subject matter requires otherwise, the following definitions shall be applicable:
- (a) *Animal* means any live, vertebrate creature, domestic or wild, or any reptile.
 - (b) *Bodily harm* means bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.
 - (c) *Caretaker* means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.
 - (d) *Dangerous animal* means any of the following:
 - (1) Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
 - (2) Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of another without the permission of the owner or person in lawful control of the property.
 - (3) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals.
 - (e) *Domestic animal* means any animal which normally can be considered tame and converted to home life.
 - (f) *Owner* means any individual 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 10 or more consecutive days.
 - (g) *Prohibited dangerous animal* means any of the following:
 - (1) Any animal that is determined to be a prohibited dangerous animal under this ordinance.
 - (2) Any animal that, while off the owner or caretaker's property, has killed a domesticated animal without provocation.
 - (3) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
 - (4) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
 - (5) Any dog that is subject to being destroyed under §174.02(3), Wis. Stats.
 - (6) Any animal trained, owned or harbored for the purpose of animal fighting.
 - (h)

Serious bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

- (l) *Enforcement officer* includes any City police officer and any other person(s) designated by the City Common Council.

(2) PROCEDURE FOR DECLARING AN ANIMAL DANGEROUS.

- (a) Upon conducting an investigation the enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the City Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for a meeting of the City Committee No. 3. The City Committee No. 3 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.
- (b) After the special meeting, the owner or caretaker shall be notified in writing of the City Committee No. 3 determination. If the Committee No. 3 upholds the determination that the animal is dangerous, the owner or caretaker shall comply with the requirements of subsection (3). If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving the Committee No. 3's decision, seek review of the decision by the City Council.
- (c) Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with leashing, muzzling and confinement requirements of subsection (3) with all other requirements in that Section being satisfied within thirty (30) days of the dangerous declaration or reaffirmation thereof, or within such time as established by the City Council upon review by the City Council.

(3) HARBORING DANGEROUS ANIMALS.

- (a) *Dangerous animals regulated.*
 - (1) No person may harbor or keep a dangerous animal within the City unless all provisions of this section are complied with. Any animal that is determined to be a prohibited dangerous animal under this section shall not be kept or harbored in the City.
 - (2) The issuance of a citation for a violation of this section need not be predicated on a prior determination that an animal is a dangerous animal.
- (b) *Registration.* The owner of any animal declared dangerous, shall register it with the enforcement officer upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal and payment of a \$375.00 registration fee.

(c) *Leash and muzzle.*

- (1) No owner or caretaker, harboring or having the care of a dangerous animal may permit such an animal to go outside its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than 4 feet in length.
- (2) No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its dwelling, kennel or pen unless a person who is 16 years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal, is in physical control of the leash.
- (3) A dangerous animal may be securely leashed or chained to an immovable object, with the owner or caretaker being in the physical presence of the animal at all times when it is so leashed or chained.
- (4) A dangerous animal outside of the animal's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(d) *Confinement.*

- (1) 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 caretaker and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.
- (2) When constructed in a yard, the pen or kennel shall, at 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 2 feet shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than 2 feet. All structures erected to house dangerous animals shall comply with all City zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) 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 building on 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.

- (e) *Signs.* The owner or caretaker of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than 2 inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.
- (f) *Spay and neuter requirement.* Within 30 days after an animal has been designated dangerous, the owner or caretaker of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.
- (g) *Liability insurance.* The owner or caretaker of a dangerous animal shall present to the enforcement officer a certificate of insurance that the owner or caretaker 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 caretaker shall notify the enforcement officer of such cancellation or non renewal in writing by certified mail.
- (h) *Waiver by enforcement officer.* Upon request, by the owner or caretaker, the enforcement officer may waive any requirement specified in subsections (a) through (g) that is deemed inappropriate for a particular animal.
- (i) *Notification.* The owner or caretaker shall notify the enforcement officer within 8 hours if a dangerous animal is at large, is unconfined, has attacked another animal or has attacked a human being or has died.
- (j) *Sale or transfer of possession.* No person 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 and of any requirements imposed upon the selling or transferring by this ordinance. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the enforcement officer in writing, at least 3 days in advance of the sale or transfer of possession with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the enforcement officer 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 of the dangerous animal.
- (k) *Euthanasia.* If the owner or caretaker of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this section, he or she may have the animal humanely euthanized by an

animal shelter, the humane society or a licensed veterinarian. The costs and fees of euthanizing the animal shall be borne by and be the responsibility of the owner or caretaker.

- (l) *Notification to landlord.* If the owner or caretaker has a landlord, then in such event, the owner or caretaker shall, within 5 days, cause a letter to be sent to the landlord notifying the landlord that he or she is the owner or caretaker of a dangerous animal at the premises owned by the landlord and shall provide a copy of the letter and proof of mailing to the enforcement officer.
- (m) *Waiver.* The enforcement officer may waive the provisions of subsections (b) to (g) for a law enforcement or military animal upon presentation by the animal's owner or handler of satisfactory arrangement for safe keeping of the animal.
- (n) *Responsibility for Compliance.* (Cr. #2015-15) Whenever an animal has been declared dangerous under subsection (2) and the order becomes final the responsibility for compliance with subsections (3)(a)—(3)(m), as may be applicable, lies with the owner or caretaker. Specifically, but not by way of limitation, the owner or caretaker has 5 business days to:
 1. Provide pictures of applicable signage under [subsection] (3)(e) to the Police Department;
 2. Provide proof of insurance under [subsection] (3)(g) to the Police Department;
 3. Provide proof of payment of the now \$375.00 registration fee under [subsection] (3)(b) to the Police Department;
 4. Provide pictures to the Police Department of all leashes and muzzles which will be used regarding the animal, which pictures shall demonstrate that there will be compliance with [subsection] (3)(c);
 5. Provide pictures which show proof of compliance with the pen and kennel requirements under [subsection] (3)(d) to the Police Department; and
 6. Provide proof of the notification to landlord requirement, if applicable, to the Police Department.

In the event that an owner or caretaker subject to this subsection fails to provide the required proof of compliance the euthanasia requirement under [subsection] (3)(k) will become applicable and the owner or caretaker will also be subject to a forfeiture action for failing to comply with a forfeiture of not less than \$300.00 plus applicable court costs, expenses, and fees.

- (4) CERTAIN ANIMALS NOT TO BE DECLARED DANGEROUS. Notwithstanding the definition of a dangerous animal above:
 - (a) No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was 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 dangerous 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 dangerous 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 dangerous 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.

(5) PROHIBITED DANGEROUS ANIMALS.

- (a) No person may bring into or keep in the City an animal that is a prohibited dangerous animal under this section.
- (b) *Determination of a prohibited dangerous animal:*
 - (1) The enforcement officer may determine an animal to be prohibited dangerous animal whenever the enforcement officer finds that an animal meets the definition of prohibited dangerous animal or is a dangerous animal in non-compliance with any of the provisions of subsection (3).
 - (2) Upon finding an animal meets the definition of a prohibited dangerous animal, the enforcement officer may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the City Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the City Committee No. 3 to be reviewed at a special meeting. The City Committee No. 3 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 a prohibited dangerous animal.
 - (3) Pending the outcome of the hearing, the animal may be confined, subject to §173.21, Wis. Stats., or held at a location outside the limits of the City.
 - (4) After the hearing, the owner or caretaker shall be notified in writing of the City Committee No. 3's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or caretaker shall comply with subsection (a) within 5 days after the date of determination. If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving Committee No. 3's decision, seek review of the decision by the City Council.

(6) PENALTY.

- (a) Any person not complying with subsections (1) through (5), inclusive, set for above, shall be subject to a forfeiture of \$400.00 plus applicable court costs and fees.
- (b) Whenever the City commences and pursues an action for involuntary euthanization under the state statutes or any other authority the City Attorney shall seek and request all applicable statutory court costs, the costs and expenses of euthanization, and any extraordinary investigative expenses incurred during the pendency of the action if the owner or caretaker absconds with the animal or hinders or deters the location of the animal during the pendency of the action or during enforcement of any judgment.

(7) FURTHER DEFINITIONS.

- (a) *Cruel* means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - (b) *Kennel* means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, selling, buying, or boarding. (Am. #2015-21)
 - (1) *Commercial kennel* means a premises where 4 or more dogs and/or cats over the age of 6 months are kept for the primary purpose of commercial breeding, boarding, or selling of animals. A commercial kennel does not include animal hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.
 - (2) *Non-commercial kennel* means any premises where 4 or more dogs and/or cats over the age of 6 months are kept but not for the primary purpose of commercial breeding, boarding, or selling of animals.
- (8) CONSTRUCTION AND APPLICATION. This section shall not be interpreted to cover any law regulating animal trapping, the use of live animals in dog trials or in the training of hunting dogs.
- (9) MISTREATING ANIMALS. No person may treat any animal, whether belonging to himself or another, in a cruel manner. This subsection does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.
- (10) TAKING WITHOUT OWNER'S CONSENT. No person may take a dog or cat from one place to another without the owner's consent or cause such dog or cat to be confined or carried out of this State or held for any purpose without the owner's consent, except when such animal is taken by a law.
- (11) TRANSPORTATION OF ANIMALS. No person may transport any animal in or upon any vehicle in a cruel manner.
- (12) USE OF POISONOUS AND CONTROLLED SUBSTANCES. No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in §161.14, Wis. Stats., whether mixed with meat or other food or not, so that the substance is liable

to be eaten by the animal and for the purpose of harming the animal. This subsection does not apply to poison used on one's own premises and designed for rodent or pest extermination, nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

- (13) **PROPER FOOD AND DRINK TO CONFINED ANIMALS.** No person owning or responsible for confining or impounding any animal shall refuse or neglect to supply the animal with sufficient food and water as prescribed in this subsection.
- (a) *Food.* The food shall be of sufficient quantity and nutritive value to maintain the animal in good health.
- (b) *Water.* If potable water is not accessible to the animal at all times, it shall be provided daily and in sufficient quantity for the health of the animal.
- (14) **PROPER SHELTER.** No person owning or responsible for confining or impounding any animal shall fail to provide the animal with proper shelter as prescribed in this subsection. In the case of farm animals, nothing in this subsection shall be construed to impose shelter requirements or standards more stringent than normally accepted husbandry practices.
- (a) *Indoor standards.* Minimum indoor standards of shelter shall include:
- (1) Ambient temperatures which shall be compatible with the health of the animal.
- (2) 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 confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
- (2) *Shelter from inclement weather.*
- (a) *Animals generally.* 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.
- (b) *Dogs.* If a dog is tied or confined unattended outdoors, a moisture proof and windproof 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 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 periodic cleaning to remove excreta and other waste materials, dirt and trash to minimize health hazards.

(15) ABANDONMENT. No person may abandon any animal.

(a) *Animal control agency.* Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such an animal to the animal control agency as set forth in subsection (30) or such other designated 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 animal control agency, or such other designated person having possession of the animal, shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

(b) *Treated as stray.* If the owner or custodian is unknown and cannot with reasonable effort be ascertained or does not redeem the animal by paying the expenses incurred, the animal may be treated as a stray.

(16) VACCINATION.

(a) *Rabies control.* Every owner of an animal 4 months of age which is biologically able to be inoculated with an anti-rabies vaccine shall have his animal inoculated with an antirabies vaccine by a licensed veterinarian. The tag received shall be firmly attached to the collar of the animal.

(b) *Exceptions.* No animal subject to subsection(a) shall require the vaccination if a licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.

(17) REVACCINATION.

(a) *Dogs.* Every owner of a dog shall have his dog revaccinated within 1-year of the initial vaccination and thereafter within every 3 years.

(b) *Cats.* Every owner of a cat shall have his cat revaccinated annually after the initial vaccination.

(c) Any other animals requiring revaccinations shall do so according to local, state, and federal guidelines for that animal.

(18) BITES BY DOMESTIC ANIMALS.

(a)

Report. Any person bitten or scratched by any animal shall report the fact within 12 hours to the City Health Officer and/or a physician.

(b) *Quarantine.* A healthy domestic dog or cat that bites a person shall be captured, confined and observed for 10 days by a veterinarian or at the animal shelter at the expense of the owner, or if the owner can provide evidence of a valid rabies vaccination, such animal can be confined and observed at the home of the owner.

(1) After such quarantine period, animals that have not previously been vaccinated must be vaccinated and proof sent to the City Police Department within 72 hours of release.

(2) A domestic animal that has been exposed to rabies shall be held in quarantine for 6 months.

(3) A domestic animal that has been vaccinated, but is exposed to rabies, shall be quarantined for 60 days.

(19) BITES BY WILD ANIMALS.

(a) Any person bitten or scratched by any wild animal shall report the fact within 12 hours to the City Police Department or the attending physician.

(b) Any wild animal that bites or scratches a person shall be killed at once (without unnecessary damage to the head) and the brain examined for evidence of rabies.

(20) LICENSES.

(a) *Fees.* Every owner of a dog or cat more than 5 months of age on March 1 of any year or 5 months of age within the license year shall annually or within 30 days from the date such dog or cat becomes 5 months of age, at the time and in the manner provided by law for the payment of property taxes, pay his dog or cat license tax and obtain a license therefore. The license fees shall be as provided in §12.01 and/or §25.15 of this Municipal Code.

(b) *Failure to License.* (Am. #2015-16) If the owner of a dog or cat fails to obtain a license prior to April 1st of each year or fails to obtain a license within 30 days of acquiring a licensable dog or cat, or if the owner fails to obtain a license on or before the dog or cat reached licensable age, the owner shall be subject to an ordinance violation citation hereunder for failure to license with a minimum forfeiture of \$100.00 plus applicable court costs. It is not necessary that the owner first receive a notice to comply with City licensing requirements. If, within 10 days after receiving the citation, the owner delivers to the Chippewa Falls Police Department proof of licensing for the dog or cat, whether the licensing is before or after the citation date, the citation previously issued shall be dismissed by the City of Chippewa Falls.

(21) KENNELS.

(a) *License required.*

(1)

Any person with 4 or more dogs and/or cats over the age of 6 months shall obtain either a commercial or a non-commercial kennel license. (Am. #2015-21)

- (2) Subject to the licensing and fee requirements of §12.01 and/or §25.15, any person wishing to operate or maintain a commercial kennel or a non-commercial kennel must apply for a kennel permit with the City Clerk and pay a 1 time required fee of \$25.00. Council approval is required for all kennel permits, and the Police Department shall provide a written recommendation to the Council for their consideration. Each kennel permit shall be posted conspicuously on the kennel premises.
- (b) *Application.* The application for kennel permits shall state the name and address of the owner of the proposed kennel, the location and where the kennel is to be kept, and the number of animals proposed to be kept.
- (c) *Kennel construction and operation.* These provisions apply to commercial kennels and non-commercial kennels. The regulations for animal shelter standards as set out in subsection (14) also apply to commercial kennels and non-commercial kennels.
- (1) No permit shall be granted to any owner for the operation of an outdoor kennel unless the area within which the animals are to sleep, eat or exercise shall be enclosed completely with a wire mesh fence with appropriate height and strength to insure the confinement of said animals.
- (2) Every kennel shall be maintained and operated in a neat and sanitary manner. All refuse, garbage and animal waste shall be removed at regular intervals so as to keep the surrounding area free from obnoxious odors. No owner of the kennel shall permit any of the animals to create an unusual noise from barking, howling, or create any disturbance or nuisance of any kind which unduly impairs the quiet and peaceful enjoyment of the surrounding area by other residents.
- (d) *Inspection.* All kennels are subject to inspection by the Animal Control Officer at reasonable hours upon request. All kennels must comply with all building and zoning codes.
- (e) *Revocation.* The City Council may revoke any kennel permit for violation of this section after reasonable notice and opportunity to be heard is given to the permit holder.
- (22) STATE REGULATIONS. The provisions of Ch. 174, Wis. Stats., pertaining to licensing of dogs are made as part of this section by reference thereto, except where the amount of such license fee is increased herein.
- (23) DOGS AND CATS NOT TO RUN AT LARGE.
- (a) No person shall own, keep or harbor a dog or cat which runs at large within the limits of the City. Under the provisions of this subsection, a dog or cat shall be considered as running at large when it is not on the premises of its owner, unless it is on a leash.
- (b)

No person shall own, keep or harbor any other animal which runs at large within the limits of the City. Under the provisions of this subsection, any such other animal shall be considered as running at large when it is not on the premises of its owner, unless it is controlled in accordance with the containment capabilities of that type of animal or as required under this ordinance.

(24) PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE

- (a) *Without notice.* The owner of a dog shall forfeit not less than \$50.00 nor more than \$500.00 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.
- (b) *After notice.* The owner of a dog shall forfeit no less than \$200.00 nor more than \$1,000.00 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds.
- (c) *Penalties in addition to liability for damages.* The penalties in this subsection are in addition to any other liability imposed on the owner of a dog.
- (d) This subsection is an adoption of §174.02, Wis. Stats. and shall be deemed to be amended, revised, or otherwise changed as §174.02, Wis. Stats. is amended, revised, or otherwise changed.

(25) EXERCISING ANIMALS.

- (a) No person shall exercise or walk a dog on a leash more than 6 feet in length.
- (b) No person as an owner or caretaker shall allow or permit any animal to defecate upon property not owned by him or her without the property owner's express, not implied, consent. No person as an owner or caretaker shall allow or permit any animal to defecate upon any public property, which shall include streets, sidewalks, boulevards, any City right-of-way areas, any City easement areas, park properties, or any City owned property, without immediately removing the feces and other excreta in a sanitary manner.

(26) HOWLING. No person shall own, keep, have in his possession or harbor any animal within the City which, by frequent or habitual howling, yelping or barking, causes a serious disturbance to persons or a neighborhood, provided this subsection shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupied by the City for impounding animals.

(27) INJURED ANIMALS.

- (a) *Medical attention.* No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when such animal becomes injured. If the owner of such injured 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 acquire such animal for the purpose of providing medical treatment and the owner thereof shall be responsible for reimbursement of all costs associated therewith.

- (b) *Accidents.* The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident, or as close thereto as possible, and, if possible, remove the animal to the side of the roadway and notify the City Police Department or the City's contracted animal control agency.
- (28) HORSES AND LARGE ANIMALS. Privately owned horses and other large animals shall not be on City streets or sidewalks or in any City park unless the owner shall have first obtained a street use permit under the provisions of §8.10(5) of the City Code. For the purposes of this subsection the provisions of §8.10(5) are made applicable to sidewalks and City parks. A street use permit under this subsection is not necessary where a street use permit has been granted to an organization or person for a parade and the horse or other large animal is a part of that parade.
- (29) RABID ANIMALS.
- (a) *Report of.* Any person who suspects that any dog, cat or other domestic animal in the City is infected with rabies shall report his suspicion to the Police Department, describing the dog, cat or other domestic animal and giving the name of the owner, if known. Any person who observes that a dog, cat or other domestic animal has bitten any person shall give a similar report to the Police Department.
- (b) *Confinement.* The Police Department shall investigate such reports and if there is a reasonable possibility that the dog, cat or other domestic animal is infected with rabies or has bitten a person, the Police Department shall capture the dog, cat or other domestic animal and confine it in the place provided by the City as the City Pound or in a place deemed proper by the Police Department to observe such dog, cat or domestic animal for such period as a veterinarian deems necessary to determine if the animal is infected with rabies.
- (c) *Disposal.* If upon examination it is found that the dog, cat or domestic animal is infected with rabies, it shall be disposed of in a humane manner.
- (30) IMPOUNDING OF DOGS, CATS OR OTHER DOMESTIC ANIMALS.
- (a) Any unlicensed dog, cat or domestic animal running at large shall be impounded at the place provided by the City as the City Pound by the Police Department.
- (b) *Redeeming impounded dogs, cats or other domestic animals.* An impounded dog, cat or other domestic animal may be redeemed by paying all charges due the Humane Association and providing proof of vaccination. Payment of the charges shall be made to the Police Department. Proof of vaccination shall be given to the Police Department. Upon payment and

providing proof the Police Department shall issue a receipt. Exhibiting the receipt to the Humane Association of other place of impoundment authorizes the release of such dog, cat, or other domestic animal.

- (31) LIABILITY. The City and/or its designated agents 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 section.