

# 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 Monday, March 18, 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 the appeal of a dangerous dog order issued to Joshua Brown in accordance with the Animal Care and Licenses Code Section, §12.11 of the Chippewa Falls Municipal Code. Possible recommendations to the Council.**
2. **Discuss the appeal of a dangerous dog order issued to Kayla Roshell in accordance with the Animal Care and Licenses Code Section, §12.11 of the Chippewa Falls Municipal Code. Possible recommendations to the Council.**
3. **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 March 13, 2024 at 9:40 am by BNG.

## 12.11 - ANIMAL CARE AND LICENSES. (Rep. &amp; 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.

- (i) *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.