

ORDINANCE NO. 2013-11

AN ORDINANCE REPEALING SECTION 6.07 (NUMBER OF DOGS AND CATS), REPEALING AND RECREATING SECTION 6.12 (KEEPING ANIMALS) AND REPEALING AND RECREATING SECTION 8.01A (ANIMAL LICENSES) OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE RELATING TO KEEPING AND LICENSING OF ANIMALS IN THE VILLAGE OF ALLOUEZ

The Village Board of the Village of Allouez, Brown County, Wisconsin, does ordain as follows:

SECTION 1. Sections 6.07, Number of Dogs and Cats shall be repealed:

~~6.07 NUMBER OF DOGS AND CATS.~~

~~No person shall own, harbor or keep in his possession more than two (2) cats and two (2) dogs on any lot zoned as residential, with the exception that a litter of pups or kittens, or a portion of a litter, may be kept for a period of time not exceeding eight weeks from birth. If more than one family resides on any particular lot, the person exceeding the limitation imposed by this section is in violation thereof. Exception: Two rabbits may be kept on any residential lot. In no event shall any person have more than four (4) animals at a residence, except upon issuance of a waiver as here and after provided.~~

~~A. The above requirement for the number of cats and/or dogs may be waived with the approval of the Village Administrator. The total number of pre-existing cats and/or dogs shall be a factor in considering whether to grant or deny the requested waiver. Such application for waiver shall first be made to the Village Clerk and shall be referred to the Public Safety Coordinator for an investigation and recommendation to the Administrator. The decision of the Administrator may be appealed to the Village Board.~~

SECTION 2. Sections 6.12, Keeping Animals shall be repealed and recreated to read:

6.12 KEEPING ANIMALS.

- A. The keeping and/or raising of farm animals including but not limited to goats, pigs, cows, roosters, ponies, or horses is hereby declared to be a public nuisance, and is prohibited within any area zoned residential by the zoning regulations of the Village unless upon property constituting a farm of at least 10 contiguous acres. Hens may be kept with a permit license.
- B. The keeping and/or raising of any animal, fowl, reptile, mammal, or bird which affects or disturbs the public health, public peace, public safety, or public decency is a public nuisance, and is prohibited within the Village. No action shall be taken under this subsection unless and until the Village of Allouez Animal Control Officer has advised the Village Board that, after due investigation, he has ascertained that the raising and/or keeping of a particular animal, fowl, reptile, mammal, or bird within the Village of Allouez reasonably constitutes a condition which is detrimental to public health, safety, or welfare. For purposes of enforcing this subsection, the Village of Allouez Animal Control Officer may enter any premises for the purpose of inspection. Any person who violates any provision of this subsection shall be

notified by the Village Board of the determination that a public nuisance exists on his premises. For purposes of the penalty for violation of this subsection each day that such public nuisance continues after notification by the Board shall constitute a separate violation of this subsection.

- C. Rehabilitators who are part of the Rehabilitation Program at the Green Bay Wildlife Sanctuary, who are trained and have the appropriate State or Federal licenses, and who meet the standards set by the National Wildlife Rehabilitator Association, are allowed to keep and rehabilitate the following injured birds, mammals, reptiles and amphibians for a period of no longer than 90 calendar days, at which time they are released back into the wild.

Mammals, small to medium size. The largest would be a raccoon.
Birds - song birds, game birds, waterfowl. Birds of prey are excluded. Reptiles and amphibians native to northeastern Wisconsin.

- D. Rabbits and falcons shall be allowed on residentially zoned properties with a limit of two (2) per parcel and shall be kept in a sanitary manner so as not to create a public nuisance.
- E. No person shall own, harbor or keep in his or her possession more than four (4) hens per any lot.

(1) The keeping of poultry hens shall be permitted subject to the following conditions. No person shall keep any rooster or other fowl.

(a) No person may slaughter any hen.

(b) Hens shall be provided with a covered enclosure and kept in a covered or fenced enclosure all the time.

(c) No permanent enclosure may be closer than twenty-five (25) feet to any residential structure on adjacent lots and no closer than ten (10) feet to any lot line.

~~(d) Owner shall obtain a permit in doing so will submit permission (signatures) from all adjacent neighbors stating that they approve of the hens.~~

(e) LICENSE REQUIRED. The owner of any hen (female *Gallus gallus domesticus*) more than eight (8) weeks of age shall annually, or on or before the date the hen becomes eight weeks of age, ~~pay the hen license fee and~~ obtain a license - in doing so will submit permission (signatures) from all adjacent neighbors stating that they approve of the hens. The word "owner" shall include every person who owns, harbors, or keeps a hen.

(f) FEE. ~~The license fee shall be \$5 for a single license to keep up to four hens.~~ Refer to Section 8.01A. The license year commences on January 1 and

ends on December 31.

- (g) LATE FEES. The Village Clerk shall assess and collect a late fee ~~of \$5 as outlined in Section 8.01A~~ from every owner of a hen(s) eight (8) weeks of age or ~~elder over~~, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable hen(s), or ~~if the owner fails to obtain a license~~ on or before ~~a hen reaches the licensable age the day the hen(s) attained the age of eight (8) weeks.~~
- (h) ISSUANCE OF LICENSES. Only one license may be issued to each parcel number. Upon payment of the required hen license fee, the Village Clerk shall complete and issue to the owner a license stating the owner's name and address, parcel number, date of issuance, and date of license expiration. The Village Clerk shall keep a duplicate copy of the license on file.

~~(2) Permit required: No person shall possess any hen without first obtaining a permit. Please note rabbits are not licensed but allowed in the Village.~~

(3) (removed on 11/15/11)

(4) Construction of Animal Shelters: All coops, yards, pens or other structures wherein any hen is kept shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be white-washed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor. All structures will be secured from predators.

(5) No person possessing a hen shall permit more than twenty-four (24) hours of accumulation of such animal's manure to remain on property under possessor's control.

(6) Hens are to be confined - must follow the current animal ordinance. ~~Permits~~ License can be pulled immediately for any violations.

F. No person shall own, harbor or keep in his possession more than two (2) cats and two (2) dogs on any lot zoned as residential, with the exception that a litter of pups or kittens, or a portion of a litter, may be kept for a period of time not exceeding eight weeks from birth. If more than one family resides on any particular lot, the person exceeding the limitation imposed by this section is in violation thereof.

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In no event shall any person have more than four (4) animals at a residence, except upon issuance of a waiver as here and after provided.

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A. The above requirement for the number of animals may be waived with the approval of the Village Administrator. The total

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number of pre-existing animals shall be a factor in considering whether to grant or deny the requested waiver. Such application for waiver shall first be made to the Village Clerk and shall be referred to the Public Safety Coordinator for an investigation and recommendation to the Administrator. The decision of the Administrator may be appealed to the Village Board.

SECTION 3. Sections 8.01A, Animals – Dog and Cat Licenses shall be repealed and recreated to read:

8.01 ANIMALS.

A. Dog and ~~Cat~~-Hen Licenses.

- | | | | |
|-----|-----|--|---------------|
| (1) | (a) | Neutered male dog -or cat : | \$5.00 |
| | (b) | Spayed female dog -or cat : | \$5.00 |
| | (c) | Unneutered male dog or cat
or unspayed female dog -or
cat : | \$10.00 |
| | (d) | <u>Hens</u> | <u>\$5.00</u> |
| (2) | | <u>Late Fees.</u> | \$5.00 |
| (3) | | <u>Replacement Tags for Dogs.</u> | \$.50 |

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SECTION 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect upon its adoption and publication.

Dated this 15th day of October, 2013.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

Date of Publication: _____