

ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING SECTION 6.12E(1)(e) OF CHAPTER 6, ANIMALS, OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE RELATING TO LICENSE REQUIRED IN THE VILLAGE

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

SECTION 1. Sections 6.12E(1)(e), License Required shall be amended to read as follows:

- (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, 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. NOTE: signed letter from all adjacent neighbors stating they have no objection to the keeping of hens is required for new applicants only.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Dated this 19th day of November, 2013.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

Date of Publication: _____, 2013

CHAPTER 6

ANIMALS

6.01 CRUELTY TO ANIMALS.

No person shall cruelly treat, inhumanely beat, under feed, overload, or abandon any animal in the Village. No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome.

6.02 ANIMALS AT LARGE.

No person shall permit any of the following to run at large within the Village:

- A. Any dangerous, vicious, or ferae naturae animal, bird, or reptile.
- B. Any animal, bird, or reptile which has or is a carrier of contagious or infectious disease.
- C. Any dog or cat.

6.03 DANGEROUS ANIMALS.

Members of the Brown County Sheriff's Department, or any peace or health officer in the Village, are authorized to kill any animal, bird, or reptile when it is necessary to protect persons from harm or to prevent the communication and spread of infection or disease.

6.04 NOISY ANIMALS.

No person shall harbor or keep any animal, bird or reptile which disturbs the peace by loud or unusual noises at any time of the day or night.

6.05 DOG LICENSES AND VACCINATIONS.

- A. License Required. The owner of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, on or before the date the dog becomes five (5) months of age, shall pay annually the dog license tax and obtain a license as provided herein. The word "owner" shall include every person who owns, harbors, or keeps a dog.
- B. Tax. For licensing taxes, refer to Section 8.01. The license year commences on January 1 and ends on the following December 31. Every dog specifically trained to lead blind or deaf person or to provide support of mobility-impaired is exempt from the dog license tax but must be licensed, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer.

- C. Late Fees. The Village Clerk-Treasurer shall assess and collect a late fee as outlined in Section 8.01 (2) from every owner of a dog five (5) months of age or over, if the owner failed to obtain a license:

- (1) prior to April 1 of each year, or
- (2) within thirty (30) days of acquiring ownership of a licensable dog, or
- (3) on or before the day the dog attained the age of five (5) months.

- D. Issuance of Licenses and Collar Tags.

- (1) Issuance of Licenses. Upon payment of the required dog license tax, when required, and the presentation of appropriate evidence that the dog is currently immunized against rabies, the Village Clerk- Treasurer shall complete and issue to the owner a license for the dog bearing a serial number and in the form prescribed by the State of Wisconsin stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed, and color of the dog. The Village Clerk-Treasurer shall keep a duplicate copy of the license on file.
- (2) Collar Tags. After issuing the license, the Village Clerk-Treasurer shall deliver to the owner a tag of durable material bearing the same serial number as the license and specifying the license year. The owner shall securely attach the tag to a collar, and the collar with the tag attached shall be kept on the dog to which the license is issued at all times; but this requirement does not apply to a show during competition, to a dog securely confined indoors, or to a dog securely confined to a fenced area. In the event of loss or damage, a replacement tag shall be furnished to the owner by the Village Clerk-Treasurer in place of the original tag upon presentation of the license and payment of a fee as outlined in Section 8.01 (3). The Village Clerk-Treasurer shall then endorse the new tag number on the license and keep a record on file.

6.06 DOGS AND CATS IN PARKS OR ON PREMISES OTHER THAN THAT OF THE OWNER.

- A. No person owning or in possession of any dog or cat shall suffer or permit such dog or cat to enter or remain within the area of any park, parkway, or other land owned or under lease to the Village for recreational purposes, or upon any unpaved portion lying within the boundaries of any public street, except for the purpose of travel.

Exception: Dogs are allowed on the East River Trail, starting east of the Green Isle tennis courts and following the East

River south to the Village limits at Le Brun Road. Dogs shall be on a maximum six (6) foot long leash of sufficient strength to control the animal at all times.

- B. It is unlawful for any person who has custody of a dog, cat, or other animal to permit such animal to defecate upon any property other than that of its owner or custodian unless the custodian immediately thereafter cleans up and removes such animal excreta from such property.
- C. No person who has custody of a dog, cat, or other animal shall walk or escort such animal off the property of the owner or custodian unless the person is in possession of equipment to clean up any defecation which may be deposited by such animal. Any animal shall be restrained by means of a leash of sufficient strength to control the animal at all times when the animal is off the premises of the owner.

6.07 (NUMBER OF DOGS AND CATS - moved on 10/15/13 to 6.12)

6.08 NUISANCE ANIMALS.

Whereas animals, birds, and reptiles may have propensities to or may otherwise cause noise or odor, or perform actions which may disturb persons in the reasonable use and enjoyment of property, or cause annoyance, discomfort or injury to the health or welfare of persons, the keeping of any animal, bird or reptile in conflict with any provision of this chapter is declared to be a public nuisance, and such animal, bird or reptile may be impounded as provided by law.

6.09 ANIMALS SUSPECTED OF BITING PEOPLE.

- A. All incidents occurring in the Village where any animal bites a person or is suspected of biting a person shall be immediately reported to the Brown County Health Department or to the Brown County Sheriff's Department by any person having knowledge of such incident.
- B. Any animal which bites a person in the Village, if it can be found, shall be quarantined for 14 days from the date of the bite for the purpose of observation for the possibility of infection with the virus of rabies.
- C. Such quarantine shall be effected as directed by the Brown County Health Commissioner or his representative and may be:
 - (1) Confinement of the animal to a structure or enclosure which is adequate to restrain the animal on the premises of the owner or his agent or
 - (2) Confinement of the animal at the Humane Society, or
 - (3) Confinement of the animal with a licensed veterinarian, or
 - (4) Confinement of the animal at an animal hospital or boarding facility approved by the Brown County Health Commissioner.

- D. No animal which is known or suspected to have bitten a person in the Village of Allouez shall be destroyed until after the 14-day quarantine period required in subsection (2) has elapsed, unless it cannot be apprehended safely, in which case destruction shall be accomplished without damage to the head of the animal if at all possible. The Brown County Health Commissioner shall be immediately notified of such destruction of an animal, and the dead animal shall not be disposed of until such specimens as the Brown County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.
- E. If an animal which has been quarantined in accordance with this section dies during the quarantine period, the person having custody of the animal shall immediately notify the Brown County Health Commissioner and shall not destroy or dispose of the dead animal until after such specimens as the Brown County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.

6.10 DANGEROUS DOGS. DEFINITIONS:

- (A) DANGEROUS DOG is any dog which:
- (1) Without provocation, while not under the control of its owner, chases, confronts, or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog is not merely being protective in a particular set of circumstances.
 - (2) When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion.
 - (3) When unprovoked and while off its owner's property, causes a non-severe, non-bite injury in a menacing fashion to any person or domestic animal.
 - (a) Domestic Animal. Domesticated dogs and cats or other animals or fowl governed by this code.
 - (b) Menacing Fashion. Demonstrating an intent or desire to cause injury by one or more of the following actions:
 1. An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
 2. Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.
 3. Growling or barking in an unfriendly manner while making physical contact with a person or another animal.
- (B) OFFICER. Any peace officer or a Brown County Sheriff's department officer or Village of Allouez code enforcement officer and humane officer.
- (C) OWNER Any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling, or having the care or custody, whether temporarily or permanently, of a

dog or dogs.

- (D) PROVOKED. Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:
 - (1) The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or
 - (2) The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
 - (3) The person who was attacked or injured was committing a crime on the property of the animal's owner.
- (E) DANGEROUS DOGS PROHIBITED. No person shall own, keep, possess, return to, or harbor a dangerous dog within the Village. Penalty. Any person who owns, keeps, possesses, harbors, or returns any dangerous dog to the Village, after it has been declared to be dangerous by a humane officer, owner's omission, quasi-judicial hearing, another Wisconsin municipality or appeal, shall be subject to a forfeiture of not less than \$500 nor more than \$1,000.
- (F) PROCEDURE FOR DECLARING A DOG "DANGEROUS".
 - (1) A humane officer may determine a dog to be "dangerous" whenever, upon investigation, that officer finds that the dog meets the definition of dangerous as delineated in section 6.10(A).
 - (2) The humane officer, upon making the determination that a dog is dangerous, shall issue a written order declaring the dog to be dangerous and demanding that the owner of the dangerous dog remove it from the Village within five days.
 - (3) If the owner objects to the declaration they may file a written objection contesting the declaration with the Village Clerk within five days of receiving the written declaration.
 - (4) Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the soonest Traffic and Safety Committee meeting agenda practicable for review.
 - (5) The Traffic and Safety Committee shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous dog.
 - (6) Pending the outcome of the hearing, the animal may be confined subject to Sec. 173.21, Wis. Stats., or held at a location outside the Village limits at the owner's expense.
 - (7) After the hearing, once the Traffic and Safety Committee has made a decision the owner shall be immediately notified of the decision in writing by certified mail. If a decision is made that the animal is a prohibited dangerous dog, the owner shall comply with order to remove the dog from the Village within five days after receiving the written decision, if not already removed.

- (8) If the owner further contests the Traffic and Safety Committee's decision, he or she may, within five days of receiving the written decision, seek review of the decision by the Circuit Court.
- (9) If the declared dangerous dog is not removed from the Village within 10 days of it being declared dangerous by the humane officer, owner's omission, quasi-judicial hearing, another Wisconsin municipality or appeal, it may be seized and ordered destroyed pursuant to Sec. 174.02(3), Wis. Stats.
- (G) MANNER AND PROCEDURE FOR DESTRUCTION OF DANGEROUS DOGS. Whenever an officer or veterinarian is required to destroy a dangerous dog, the animal shall be destroyed in a humane manner which avoids damage to the animal's head.
- (H) EXEMPTION FOR POLICE DOGS. The provisions of this ordinance regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

6.11 BEE KEEPING.

The keeping and/or raising of bees is a public nuisance, and is prohibited within the Village of Allouez.

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 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) (moved to 6.12E(e) on 10/15/13)
 - (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, 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. 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 as outlined in Section 8.01A from every owner of a hen(s) eight (8) weeks of age or 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 on or before 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) (removed on 10/15/13)

(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. 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 (8) 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.

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.

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

6.13 CHARGE BACK OF HUMANE SOCIETY PICK-UP FEES.

- A. Every person who shall violate Chapter 6 shall reimburse the Village for the amount of the actual fee charged by the Humane Society and Animal Shelter to the Village for pick-up, care and detention of the animal, bird or reptile.
- B. The Village may include the amount due under Section 6.13 A, as an additional cost to be taxed in the prosecution of a related violation of any municipal ordinance.
- C. In addition to or in lieu of all other remedies provided by law, the Village may recover the amount due under Section 6.13 A., as a separate claim against the person responsible for payment.

