

Chapter 151

Animals

§ 151-1 Cruelty to animals.

No person shall cruelly treat, inhumanely beat, underfeed, 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.

§ 151-2 Animals at large.

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

- (1) Any dangerous, vicious, or ferae naturae animal, bird, or reptile.
- (2) Any animal, bird, or reptile which has or is a carrier of contagious or infectious disease.
- (3) Any dog or cat.

B. No person shall suffer or permit any animal of which he or she is the owner or custodian to be at large within the Village. An animal is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

§ 151-3 Authorization to kill 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.

§ 151-4 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.

§ 151-5 Dog licenses and vaccinations.

- A. License required. The owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year, on or before the date the dog becomes five 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 Chapter **225**, Fees and Charges. The license year commences on January 1 and ends on the following December 31. Every dog specifically trained to lead blind or deaf persons or to provide support of mobility-impaired persons 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 fee. The Village Clerk-Treasurer shall assess and collect a late fee as outlined in Chapter **225**, Fees and Charges, from every owner of a dog five months of age or over if the owner failed to obtain a license:
- (1) Prior to April 1 of each year;
 - (2) Within 30 days of acquiring ownership of a licensable dog; or
 - (3) On or before the day the dog attained the age of five 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 dog 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 Chapter 225, Fees and Charges. The Village Clerk-Treasurer shall then endorse the new tag number on the license and keep a record on file.

§ 151-6 Dogs and cats in parks or off premises of owner.

- A. No person owning or in possession of any dog, cat, or domestic pet shall suffer or permit such pet 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, without having said animal restrained at all times by a leash no more than six feet in length (see Subsection C). Pets shall not be allowed in park buildings, playgrounds, picnic areas, or sport fields. Exceptions: **[Amended 6-7-2016 by Ord. No. 2016-08]**
 - (1) Service animals that are ADA qualified and trained are allowed as needed.
 - (2) Special event purposes with the approval of the Village.
 - (3) Goose patrol with permit.
 - (4) With authorization from the Village.
- 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. 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. This subsection shall not apply to service animals as defined in § 106.52(1), Wis. Stats.
- C. Any animal allowed to leave the boundaries of the property of the owner or custodian shall be under the immediate control of a person by means of a rope, chain, cord or leash which is not more than six feet in length and which is of sufficient strength to control the actions of the animal.
- D. No person having in his possession or under his control any animal shall allow the same to threaten to attack individuals who are passing or present on public or private walkways or property unless restrained by a solid fence sufficient to contain the animal.

§ 151-7 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.

§ 151-8 **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;
 - (2) Confinement of the animal at the Humane Society;
 - (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 fourteen-day quarantine period required in Subsection **B** 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.

§ 151-9 **Dangerous dogs.**

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DANGEROUS DOG

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.

DOMESTIC ANIMAL

Domesticated dogs and cats or other animals or fowl governed by this chapter.

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 him 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.

OFFICER

Any peace officer or a Brown County Sheriff's Department officer or Village of Allouez Code and Safety Enforcement Coordinator and Animal Control/Humane Officer.

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.

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;
 - (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.
- B. Dangerous dogs prohibited. No person shall own, keep, possess, return to, or harbor a dangerous dog within the Village. Any person who owns, keeps, possesses, harbors, or returns any dangerous dog to the Village, after it has been declared to be dangerous by an animal control/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.
- C. Procedure for declaring a dog dangerous.
- (1) An animal control/humane officer may determine a dog to be dangerous whenever, upon investigation, that officer finds that the dog meets the definition of "dangerous dog" as delineated in Subsection A.
 - (2) The animal control/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 he or she may file a written objection contesting the declaration with the Village Clerk-Treasurer 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 Public Works Committee meeting agenda practicable for review.

- (5) The Public Works 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 § 173.21, Wis. Stats., or held at a location outside the Village limits at the owner's expense.
 - (7) After the hearing, once the Public Works 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 the 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 Public Works 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 five days of it being declared dangerous by the animal control/humane officer, owner's omission, quasi-judicial hearing, another Wisconsin municipality or appeal, it may be seized and ordered destroyed pursuant to § 174.02(3), Wis. Stats.
- D. 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.
- E. Exemption for law enforcement dogs. The provisions of this section regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

§ 151-10 Beekeeping.

[Amended 4-19-2016 by Ord. No. 2016-01]

- A. Definitions. For the purposes of this section, the following terms have the meaning indicated:

APIARY

The assembly of one or more colonies of honey bees at a single location.

BEEKEEPER

A person who owns or has charge of one or more colonies of honey or mason bees.

BEEKEEPING EQUIPMENT

Any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY

A hive and its equipment and appurtenances, including honey bees, comb, honey pollen and brood.

HIVE

The receptacle inhabited by a colony that is manufactured or created for that purpose.

HONEY BEE

All life stages of and is limited to the common domestic honey bee, *Apis mellifera* species of European origin. The Africanized honey bee is prohibited.

LOT

A contiguous parcel of land under Village of Allouez ownership.

MASON BEE

All life stages of and is limited to genus *Osmia*.

NUCLEUS COLONY

A small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

B. Permit and fees required.

- (1) Only honey bees and mason bees (hereinafter referred to collectively and individually as "bees") may be kept in the Village on Village-owned property under this section.
- (2) Persons that keep bees within the limits of the Village must first obtain a permit. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honey bees on or in any Village-owned property in the Village of Allouez without first obtaining a permit.
- (3) Applications for a permit to keep or maintain bees will be made on such forms as provided by the Village Clerk-Treasurer's office.
- (4) A permit fee shall be as determined by resolution of the Village Board and then as stated in Chapter **225**, Fees and Charges.
- (5) Permits shall not be transferable or refundable.
- (6) All permits issued shall expire on June 30 of the year following issuance unless sooner revoked.
- (7) Applicants shall provide the following information on the original application: a detailed lot diagram of the beekeeping equipment location on Village-owned property, including the distances to property lines and from nearby structures on neighboring properties.
- (8) The applicant shall provide an affidavit of knowledge or proof of sponsorship and beekeeping education/training from a local technical college, university or beekeeping association or organization to obtain competency in beekeeping.
- (9) New permits may only be granted subject to the successful completion of the Village of Allouez Code and Safety Enforcement Coordinator pre-inspection.

C. Conditions for keeping and maintaining hives.

- (1) Approval of a permit application for Village-owned property is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the Village Board. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the Code and Safety Enforcement Coordinator to safeguard public health and the general welfare and deemed necessary to reduce the likelihood of public or private nuisance.
- (2) Beekeeping shall be allowed only on Village-owned property and those locations designated by the Village on Village property. No more than one beekeeper and three beehives shall be allowed per parcel. **[Amended 5-3-2016 by Ord. No. 2016-04]**
- (3) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

- (4) Each beekeeper shall ensure that a sufficient and convenient source of fresh water is available to the colony.
- (5) Each beekeeper shall ensure that no wax comb or other materials that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- (6) Each beekeeper shall maintain beekeeping equipment in good condition and secure unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honey bees.
- (7) In apiaries the beekeeper shall conspicuously post a sign including the words "HONEY BEE HIVE" and his/her name clearly readable at 25 feet. A copy of the permit shall be placed in a conspicuous place on the hive.
- (8) Village of Allouez staff shall have the right to inspect any permitted beekeeping equipment between 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper.
- (9) Hives shall be actively maintained. Hives not under active human management and maintenance shall be deemed abandoned and dismantled or removed from Village property by the permit holder.
- (10) In any instance in which a hive exhibits unusually aggressive characteristics, it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- (11) In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.
- (12) Beekeepers shall keep and maintain the following fire-fighting equipment, in good working condition, located at the apiary or in any motor vehicle used for apiary maintenance, so as to be immediately available in case of fire: a shovel, a fire extinguisher or backpack-type fire-fighting pump.
- (13) Bee smokers. Beekeepers shall maintain apiaries free from fire hazards due to use of a bee smokers by complying with the following regulations:
 - (a) The bee smoker shall be plugged with a noncombustible or fire-resistive plug, such as metal or hardwood, while being transported to or from an apiary so as to prevent sparks or embers from escaping.
 - (b) During hand-carry transport of a bee smoker containing burning or smoldering substances to or from an apiary, the smoker shall be carried in a noncombustible secondary container with the lid securely fastened in the closed position to prevent the smoker from spilling its contents when tipped over.
 - (c) During motorized vehicle transport of a bee smoker containing burning or smoldering substances to or from an apiary, the smoker shall be placed in a noncombustible secondary container with the lid securely fastened in the closed position.
 - (d) All burning or smoldering substances within a bee smoker shall be completely extinguished with water and cold to touch after use.
- D. Suspension or revocation of permit. The Code and Safety Enforcement Coordinator may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements

regulating activity and for other good cause.

- E. Appeals. Appeals of permit decisions, including permit denial, suspension or revocation, shall be before the Public Works Committee.
- F. Violations and penalties. Any person who violates this section shall pay a forfeiture of not less than \$10 nor more than \$1,000 for each violation. Each day a violation occurs or continues shall constitute a separate offense.

§ 151-11 Keeping animals; hen license; limit on number of 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/Humane 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/Humane 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:
 - (1) Mammals, small to medium size. The largest would be a raccoon.
 - (2) Birds: songbirds, game birds, and waterfowl. Birds of prey are excluded.
 - (3) Reptiles and amphibians native to northeastern Wisconsin.
- D. Rabbits and falcons shall be allowed on residentially zoned properties with a limit of two 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 hens per any lot.
[Amended 11-15-2011; 10-15-2013]
 - (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 25 feet to any residential structure on adjacent lots or closer than 10 feet to any lot line.

- (d) License required. The owner of any hen (female Gallus gallus domesticus) more than eight weeks of age shall annually, and on or before the date the hen becomes eight weeks of age, obtain a license. The word "owner" shall include every person who owns, harbors, or keeps a hen. **[Amended 5-17-2016 by Ord. No. 2016-06]**
- (e) Fee. Refer to Chapter **225**, Fees and Charges. The license year commences on January 1 and ends on December 31.
- (f) Late fee. The Village Clerk-Treasurer shall assess and collect a late fee as outlined in Chapter **225** from every owner of a hen(s) eight weeks of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable hen(s), or on or before the day the hen(s) attained the age of eight weeks.
- (g) Issuance of licenses. Only one license may be issued to each parcel number. Upon payment of the required hen license fee, the Village Clerk-Treasurer 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-Treasurer shall keep a duplicate copy of the license on file.
- (2) 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 whitewashed 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.
- (3) No person possessing a hen shall permit more than 24 hours of accumulation of such animal's manure to remain on property under the possessor's control.
- (4) Hens are to be confined as provided in this chapter. License can be pulled immediately for any violations.
- F. No person shall own, harbor or keep in his possession more than two cats and two 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 subsection is in violation thereof. In no event shall any person have more than four animals at a residence, except upon issuance of a waiver as hereafter provided.
- (1) The above requirement for the number of animals may be waived with the approval of the Village Administrator. The total number of preexisting 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-Treasurer and shall be referred to the Animal Control/Humane Officer for an investigation and recommendation to the Administrator. The petitioner must provide signed letters (including name, address and phone) from all adjacent property owners indicating that there have not been any problems with animals at the requesting residence (i.e., excessive barking, animals running loose, unsanitary conditions) and that they approve of the additional number of animals being requested. The decision of the Administrator may be appealed to the Village Board. **[Amended 7-5-2016 by Ord. No. 2016-13]**

§ 151-12 Recovery of transportation fees.

- A. Every person who shall violate this chapter shall reimburse the Village for the amount of the actual fee charged by the Animal Control/Humane Officer to the Village for transportation of his or her animal.
- B. The Village may include the amount due under Subsection 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 Subsection A as a separate claim against the person responsible for payment.

§ 151-13 Feeding of deer prohibited.

No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.

- A. Presumption. There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
- (1) The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than 1/2 gallon at the height of less than six feet off the ground.
 - (2) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than 1/2 gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.
- B. Exceptions. This section shall not apply to the following situations:
- (1) Hunting. The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
 - (2) Naturally growing materials. Naturally growing grain, fruit or vegetable material, including gardens.
 - (3) Bird feeders. Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Deer feeding authorized on a temporary basis by the Village Board for a specific public purpose as determined by the Village Board.
 - (5) Counting. Deer feeding may be authorized on a temporary basis by the Village Board for the purpose of determining the deer population.
- C. Violation and penalties. Any person who violates the provisions of this section shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.