

ORDINANCE NO. 2019 - 07

AN ORDINANCE AMENDING SECTIONS 151-2 C, ANIMALS AT LARGE, 151-8 B AND D, ANIMALS SUSPECTED OF BITING PEOPLE, 151-9 A, C, D, E AND F, DANGEROUS DOGS AND 151-11 F AND G, KEEPING ANIMALS; HEN LICENSE; LIMIT ON NUMBER OF ANIMALS OF CHAPTER 151, ANIMALS, OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE RELATING TO DANGEROUS DOGS

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SECTIONS 151-2 C, ANIMALS AT LARGE, 151-8 B AND D, ANIMALS SUSPECTED OF BITING PEOPLE, 151-9 A, C, D, E AND F, DANGEROUS DOGS AND 151-11 F AND G, KEEPING ANIMALS; HEN LICENSE; LIMIT ON NUMBER OF ANIMALS OF CHAPTER 151, ANIMALS, OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE BE AMENDED TO READ AS FOLLOWS:

SECTION 1.

§ 151-2 **Animals at large.**

- C. Except a cat which is not socialized and enrolled in a qualified trn (trap, neuter, return) program will be exempt from this section.

SECTION 2.

§ 151-8 **Animals suspected of biting people.**

- B. Any animal which bites a person in the Village, if it can be found, shall be quarantined for ~~14~~ 10 days from the date of the bite for the purpose of observation for the possibility of infection with the virus of rabies.
- 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~~ ten-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.

SECTION 3.

§ 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.~~
- (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.
- (4) Attacks a human being or another domestic animal without provocation.

C. An owner may be allowed to keep a dog designated dangerous in the Village of Allouez if the following requirements are adhered to:

(1) **REQUIREMENTS AND PROHIBITIONS.**

(a) Leash and Muzzle. No person owning, harboring or having the care of a dangerous dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A dangerous dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A dangerous dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Animal Control/Humane Officer.

(b) Confinement. All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides

and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house dangerous dogs shall comply with all zoning and building regulations of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (c) Confinement Indoors.** No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No dangerous dog 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 dog from exiting the structure.
- (d) Prohibited in Multiple Dwellings.** No dangerous dog may be kept within any portion of any multiple building.
- (e) Signs.** All owners, keepers or harbors of dangerous dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words " Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.
- (f) Insurance .** All owners, keepers or harbors of dangerous dogs shall, within 30 days of the effective date of this section, provide proof to the Animal Control/Humane Officer of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the from the ownership, keeping or maintenance of dangerous dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

~~E-D.~~ Procedure for declaring a dog dangerous.

(9) If the declared dangerous dog is not removed **or contained as prescribed in 151-9 C** 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 E. 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 F. 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.

SECTION 4.

§ 151-11 Keeping animals; hen license; limit on number of animals.

F. No person shall own, harbor or keep in his possession more than ~~two six~~ cats **that are sterilized** 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~~ **five months** 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~~ **the allowed number of** animals at a residence, except upon issuance of a waiver as hereafter provided.

G. **Except a cat which is not socialized and enrolled in a qualified tnr (trap, neuter, return) program will be exempt from this section.**

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect upon its adoption and publication.

Dated this 18th day of June, 2019.

James F. Rafter, President

ATTEST:

Debra M. Baenen, Clerk-Treasurer

DATE OF PUBLICATION:

§ 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.

C. **Except a cat which is not socialized and enrolled in a qualified tnr (trap, neuter, return) program will be exempt from this section.**

§ 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~~ 10 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~~ ten-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.
- (4) **Attacks a human being or another domestic animal without provocation.**

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. An owner may be allowed to keep a dog designated dangerous in the Village of Allouez if the following requirements are adhered to:

(1) **REQUIREMENTS AND PROHIBITIONS.**

(a) Leash and Muzzle. No person owning, harboring or having the care of a dangerous dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A dangerous dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A dangerous dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Animal Control/Humane Officer.

(b) Confinement. All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house dangerous dogs shall comply with all zoning and building regulations of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No dangerous dog 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 dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No dangerous dog may be kept within any portion of any multiple building.

(e) Signs. All owners, keepers or harborer of dangerous dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) Insurance . All owners, keepers or harborer of dangerous dogs shall, within 30 days of the effective date of this section, provide proof to the Animal Control/Humane Officer of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from

the from the ownership, keeping or maintenance of dangerous dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

€D. 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 **or contained as prescribed in 151-9 C** 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.

Đ E. 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 F. 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.

§ 151-11 **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~~ **six** cats **that are sterilized** 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~~ **five months** 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~~ **the allowed number of** 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**]
- G. **Except a cat which is not socialized and enrolled in a qualified tnr (trap, neuter, return) program will be exempt from this section.**