

ORDINANCE NO. 2019 - 07

AN ORDINANCE AMENDING SECTIONS 151-2 C, ANIMALS AT LARGE, 151-5, DOG ~~AND CAT~~ LICENSES AND VACCINATIONS, 151-8 B AND D, ANIMALS SUSPECTED OF BITING PEOPLE, 151-9 A, C, D, E AND F, DANGEROUS DOGS AND 151-11 E, KEEPING ANIMALS; HEN LICENSE; LIMIT ON NUMBER OF ANIMALS OF CHAPTER 151, ANIMALS, OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SECTIONS 151-2 C, ANIMALS AT LARGE, 151-5, DOG ~~AND CAT~~ LICENSES AND VACCINATIONS, 151-8 B AND D, ANIMALS SUSPECTED OF BITING PEOPLE, 151-9 A, C, D, E AND F, DANGEROUS DOGS AND 151-11 E, 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 tnr (trap, neuter, return) program will be exempt.~~

SECTION 2.

§ 151-5 Dog ~~and Cat~~ licenses and vaccinations.

- A. License required. The owner of a dog ~~or cat~~ 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 ~~or cat~~ license tax and obtain a license as provided herein. The word "owner" shall include every person who owns, harbors, or keeps a dog ~~or cat~~.
- 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 ~~or cat~~ 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 cat~~; or

(3) On or before the day the dog ~~or cat~~ attained the age of five months.

D. Issuance of licenses and collar tags.

(1) Issuance of licenses. Upon payment of the required dog ~~or cat~~ license tax, when required, and the presentation of appropriate evidence that the dog ~~or cat~~ is currently immunized against rabies, the Village Clerk-Treasurer shall complete and issue to the owner a license for the dog ~~or cat~~ 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 ~~or cat~~. 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 ~~or cat~~ to which the license is issued at all times, but this requirement does not apply to a show dog ~~or cat~~ during competition, to a dog ~~or cat~~ securely confined indoors, or to a dog ~~or cat~~ 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.

~~E. Except a cat which is not socialized and enrolled in a qualified tnr (trap, neuter, return) program will be exempt.~~

**SECTION 3.**

**§ 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 4.**

##### **§ 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.~~

##### **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~~ dangerous 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 Dangerous 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 \$1,000,000 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 any designated officer the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement any officer. This paragraph does not apply to dogs kept by law enforcement agencies.

~~C~~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 5.

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

E. No person shall own, harbor or keep in his or her possession more than four 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 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, **prior to issuance of a permit, the applicant shall submit to an inspection by either the Animal Control Officer or the Code Enforcement Officer. Then** 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.

**(5)**

Right of entry.

**(a)**

The Animal Control Officer, Code Enforcement Officer, or his or her designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.

The animal control officer, code enforcement officer or his or her designee will complete a yearly inspection of each current license.

**(b)**

If the Code Enforcement Officer, or his or her designee, finds any coop kept in violation of any requirements enumerated herein, in addition to any other remedy available under this Code, he/she may order the violation corrected within 14 days. Notice of violation shall be mailed to both the permit holder and the property owner on which the coop is located. If the permit holder fails to correct the violation within 14 days, the coop in violation may be destroyed and/or removed from the municipality by the Village, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stats. § 66-0627.

**(c)**

Permit revocation. A permit shall be subject to revocation upon failure to comply with any provisions of this section, or if the Village determines that continued maintenance of the coop constitutes a reasonable threat to the general health or safety of others. Once a permit is revoked, a permit shall not be reissued.

**SECTION 6.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 7.** This ordinance shall take effect upon its adoption and publication.

Dated this 3<sup>rd</sup> day of December, 2019



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James F. Rafter, President

ATTEST:

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Debra M. Baenen, Clerk-Treasurer

DATE OF PUBLICATION: