

Title 8

ANIMALS

Chapters:

- 8.04 Keeping Animals or Fowl
- 8.12 Keeping of Domesticated Pets
- 8.16 Regulating Dangerous Dogs

Chapter 8.04

KEEPING ANIMALS OR FOWL

Sections:

- 8.04.010 General Sanitation
- 8.04.020 Exclusions from Food Handling Institutions
- 8.04.030 Keeping Horses, Cows, Sheep, Swine, and Fowl

8.04.010 General Sanitation. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors partitions and appurtenances of such structures, except structures or houses occupied by no more than one (1) dog, cat, or similar domesticated pet, shall be whitewashed or painted annually or oftener as the Health Officer shall direct.

8.04.020 Exclusions from Food Handling Institutions. Except for dogs for the blind, deaf or mobility impaired pursuant to Sec. 174.056 Wis. Stats. (2003-04), no person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale, or processed for consumption by the general public. (Amended October 11, 2005).

8.04.030 Keeping Horses, Cows, Sheep, Swine and Fowl. No person shall keep, harbor, or permit to remain overnight in the City of Whitehall, any horse, cow, sheep, swine or fowl. This Ordinance shall not apply to persons owning or residing on lands zoned agricultural or to slaughterhouses in the City.

Chapter 8.12

KEEPING OF ANIMALS AND DOMESTICATED PETS

Sections:

- 8.12.010 Domesticated Pet Defined
- 8.12.020 Domesticated Pet Owner Defined
- 8.12.030 Running at Large
- 8.12.040 Restrictions on Keeping
- 8.12.041 Restraining Action Against Dogs/Domesticated Pets – Killing a Dog/
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- 8.12.050 Penalty for Running at Large
- 8.12.051 Noisy Dogs Prohibited
- 8.12.060 License
- 8.12.061 Kennel Licenses
- 8.12.070 Dog Bite – Duties of Owner
- 8.12.080 Impounding or Killing of Animals
- 8.12.090 Animal Excreta – Removal of Animal Defecation from Public &
Private Properties
- 8.12.100 Maximum Number of Dogs and Cats
- 8.12.110 Providing Proper Food and Drink to Confined Domesticated Pets
- 8.12.120 Providing Proper Shelter to Confined Domesticated Pets
- 8.12.130 Penalties

8.12.010 Domesticated Pet Defined. “Domesticated Pet” shall mean any dog, cat or other animal owned or kept as a pet.

8.12.020 Domesticated Pet Owner Defined. “Owner” shall mean any person, firm or corporation owning, harboring, or keeping a domesticated pet and the occupancy of any premises on which a domesticated pet remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the domesticated pet within the meaning of this Section.

8.12.030 Running at Large. “At Large” means to be off the premises of the owner and not under the control of some person either by leash or tether, but a domesticated pet within an automobile of its owner or in an automobile of any other person with the consent of the domesticated pet’s owner shall be deemed to be upon the owner’s premises.

8.12.040 Restrictions on Keeping. It shall be unlawful for any person, firm or corporation within the City of Whitehall to own, harbor or keep any domesticated pet or animal which: Habitually pursues any vehicle upon any public street, alley or highway in the City; assaults or attacks any person; is at large within the limits of the City; habitually barks or howls to the annoyance of any person or persons; kills, wounds or worries any domestic animal; is not licensed pursuant to Section 8.12.060 of this Chapter; is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies. The owner or keeper of any domesticated pet tied outdoors by means of a leash, chain or similar device, shall prevent the animal from being present on any street, alley, sidewalk, or any other public property or the private property of other persons.

8.12.041 Restraining Action Against Dogs/Domesticated Pets – Killing a Dog/Domesticated Pet. A person may intentionally kill a dog/domesticated pet if a person is threatened with serious bodily harm by the animal and other restraining actions were tried and failed, or immediate action is necessary. A person may intentionally kill a dog/domesticated pet if a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the animal and animal is on property owned or controlled by the person and other restraining actions were tried and failed or immediate action is necessary.

8.12.043 Penalties Imposed on Owner of Dogs/Domesticated Pets Causing Damage. (a) Without Notice. The owner of a dog/domesticated pet shall forfeit not less than \$50 nor more than \$500, plus Court Costs if the dog/domesticated pet injures or causes injury to a person, domestic animal, livestock, or property. (b) After Notice. The owner of a dog/domesticated pet shall forfeit not less than \$200 nor more than \$1,000, plus Court Costs, if the dog/domesticated pet injures or causes injury to a person, domestic animal, livestock or property if the owner was notified or knew that the dog/domesticated pet previously injured or caused injury to a person, livestock or property. In addition to these penalties, the City may commence an action to kill the dog/domesticated pet, pursuant to Wis. Stats. 174.02(2)(a) & (b) and 174.02(3).

8.12.044 Penalties in Addition to Liability for Damages. The penalties in this Chapter are in addition to any other liability imposed on the owner of a dog/domesticated pet. (Wis. Stats. 174.02 (1) (c))

8.12.045 Prohibited and Protected Animals, Fowl, Reptiles and Insects. It shall be unlawful for any person, firm or corporation to keep, maintain or have in their possession or control within the City any animal, fowl, reptile or insect that are listed as protected by the Wisconsin Department of Natural Resources, or which appears on the Endangered Species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act. It shall be unlawful for any person, firm or corporation to keep, maintain or have in their possession or control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, or any wild, vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. It shall

be unlawful for any person, firm or corporation to keep, maintain or have in their possession or control within the City any snake which is poisonous or is in excess of 10 feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such animal, fowl, reptile or insect for display or for instructional or research purposes. Any person legally possessing such animal, fowl, reptile or insect in this capacity shall notify the Chief of Police in writing of the location and type of animal, fowl, reptile or insect being kept and the purpose for such possession.

8.12.050 Penalty for Running at Large. Notwithstanding the provisions of Chapter 1.08, any person found guilty of keeping any domesticated pet which is at large within the limits of the City shall be issued a Municipal Citation with a fine of \$25.00 plus Court Costs for the first offense, and \$50.00 plus Court Costs for any subsequent offenses.

8.12.051 Noisy Dogs Prohibited. No person shall keep a dog which by barking, fighting or howling, disrupts the peace and quiet of the neighborhood. Notwithstanding the provisions of Chapter 1.08, any person found guilty of keeping a noisy dog within the limits of the City shall be issued a Municipal Citation with a fine of \$25.00 plus Court Costs for the first offense, and \$50.00 plus Court Costs for any subsequent offense.

8.12.060 License. It shall be unlawful for any person in the City of Whitehall to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through 174.10, Wis. Stats, relating to the listening, licensing and tagging of the same.

8.12.061 Kennel Licenses. Kennel Licenses shall not be issued to owners for property located within 100 feet of any Residential Zoned District of the City.

8.12.070 Dog Bite – Duties of Owners. In addition to the other penalties imposed in this Section, every owner or person harboring or keeping a domesticated pet who knows that such pet has bitten any person, shall immediately report such fact to the Police Department and shall keep such pet confined for not less than 14 days or for such period of time as the Police Department shall direct. The owner or keeper of any such domesticated pet shall surrender the pet to any Police Officer upon demand for examination.

8.12.080 Impounding or Killing of Animals. In addition to any other penalty provided for in this Chapter, any Animal Control Officer or Police Officer may impound any animal which habitually pursues any vehicle upon any street, alley or highway of the City; assaults or attack any person; is at large within the City; habitually barks or howls; kills, wounds or worries any domestic animal; has not been licensed as required by this Chapter; or is infected with rabies. Possession of animals impounded under this Section may be obtained by paying \$25.00 for the first offense or \$50.00 for any subsequent offenses. Pets impounded for a period of seven (7) days may be disposed of in accordance with Section 173.23(lm) Wis. Stats.

8.12.090 Animal Excreta – Removal of Animal Defecation from Public and Private Properties. An owner or keeper of any domesticated pet shall not allow the animal to defecate on any public or private property within the City other than the premises of the owner or keeper of the animal unless such defecation is immediately removed. The foregoing provisions of this paragraph shall not apply to any person being assisted by a special needs dog. All pens, yards, structures or areas where domesticated pets are kept shall be maintained in a reasonably safe and sanitary condition. Maintenance shall include the regular removal and disposal of defecation, so as not to attract insects or rodents, or to become unsightly or cause objectionable odors, or to result in any other condition recognized as a nuisance by this municipal code or by any other common or statutory law.

8.12.100 Maximum Number of Dogs and Cats. The maximum number of dogs and cats shall be as follows:

- a. Single Family Residential Areas. No person shall either individually, or in combination with one (1) or more persons, keep, possess, harbor or routinely allow the presence of more than three (3) dogs over five (5) months of age, or three (3) cats over five (5) months of age, or any combination of such dogs and cats exceeding four (4), within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located within a zoning district classified as RI Residential District.
- b. Multi-Family Residential Areas. No person shall either individually, or in combination with one (1) or more other persons, keep, possess, harbor or routinely allow the presence of more than two (2) dogs over five (5) months of age, or two (2) cats over five (5) months of age, or any combination of such dogs and cats exceeding three (3), within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within a zoning district classified as R2 Multiple Family Residential District.
- c. An owner of more than the maximum number of dogs and/or cats listed in paragraph a. or b. above may request a variance to this Section by submitting a written request to the City. The City may grant a variance only after review by the City Administrator and approval by the City Council.

8.12.110 Providing Proper Food and Drink to Confined Domesticated Pets. No person owning or responsible for confining or impounding any domesticated pet may fail to supply the animal with a sufficient supply of food and potable water. In order to be sufficient, the supply of food and potable water must be adequate to maintain the animal in good health. In order to be sufficient, a supply of potable water shall be provided daily to the animal, fresh and in sufficient quantities for the health of the animal to be maintained. In addition to the penalties provided in Section 8.12.130 of this Chapter, any Animal Control Officer or Police Officer may impound or confiscate any animal for which proper food and drink is not provided.

8.12.120 Providing Proper Shelter to Confined Domesticated Pets. No person owning or responsible for confining or impounding shelter from sunlight and inclement weather. Proper shelter from sunlight shall require that when sunlight is likely to cause heat stress or exhaustion of an animal tied or caged outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. Sufficient ventilation shall be provided to prevent any animal confined within a vehicle from suffering heat stress or exhaustion. If a dog or cat is tied or confined unattended outdoors under weather conditions which are likely to adversely affect the health of the animal, a shelter of suitable size to accommodate the animal shall be provided which is sufficient to protect the animal from such weather conditions. In addition to the penalties provided in Section 8.12.130 of this Chapter, any Animal Control Officer or Police Officer may impound or confiscate any animal for which proper shelter not provided.

8.12.130 Penalties. Unless provided elsewhere in this Ordinance Chapter, any owner, person, firm or corporation that violates any provision of this Chapter shall be issued a Municipal Citation with a fine of \$25.00 plus Court Costs for the first offense, and for \$50.00 plus Court Costs for any subsequent offense.

(Chapter Amended January 10, 2006)

Chapter 8.16

REGULATING DANGEROUS DOGS

Sections:

- 8.16.010 Definitions
- 8.16.020 Dangerous Dog Prohibited
- 8.16.025 Exception for Treatment by Licensed Veterinarians
- 8.16.030 Registration of Dangerous Dogs
- 8.16.040 Determining a Dangerous Dog
- 8.16.050 Keeping of Registered Dangerous Dogs
- 8.16.051 Confinement of Dangerous Dogs
- 8.16.052 Confinement Indoors
- 8.16.053 Leash and Muzzle
- 8.16.054 Signs
- 8.16.055 Reporting Requirements
- 8.16.056 Sale or Transfer of Ownership Prohibited
- 8.16.057 Offspring of Dangerous Dogs
- 8.16.060 Irrebuttable presumptions
- 8.16.070 Additional Regulations Imposed
- 8.16.080 Failure to Comply
- 8.16.090 Violations and Penalties
- 8.16.100 Severability

8.16.010 Definitions. For purposes of this Ordinance:

(a) Dangerous Dog means:

1. Any dog which, because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if the dog were not kept in the manner required by this Ordinance.

2. Any dog which when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.

3. Any dog which has caused injury to humans or domestic animals.

4. Any dog which has been found to be dangerous by the Common Council of the City of Whitehall in a hearing upon a charge of harboring a dangerous dog.

5. Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(b) Owner as used in this Ordinance means any person, including a keeper or custodian, owning, possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.

(c) Registered Dangerous Dog shall mean any dog defined as a dangerous dog under Section 8.16.010(a)(1) that is registered with the City of Whitehall on or before September 10, 1990.

(d) Serious Injury is defined as broken bones or wounds that require sutures.

(e) Domestic Animal means “domesticated pet” as that term is defined in Section 8.12.010 of the City of Whitehall Municipal Code.

8.16.020 Dangerous Dog Prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Whitehall any dangerous dog as defined in Section 8.16.010(a) hereof, provided that any dangerous dog that was properly registered with the City of Whitehall on or before September 10, 1990 may remain within the corporate limits of the City of Whitehall subject to the requirements of this Chapter.

8.16.025 Exception for Treatment by Licensed Veterinarians. The prohibition/ registration requirements of dangerous dogs in the City of Whitehall shall not apply to persons bringing dogs into the City for the purpose of treatment/care of the dog by a licensed Veterinarian or Veterinary clinic, provided the dog is confined and/or leashed at all times, and provided further that the dog is immediately removed from the City after treatment. (Adopted March 11, 2003)

8.16.030 Registration of Dangerous Dogs. The owner of a dangerous dog shall on or before September 10, 1990, and annually thereafter, on or before September 10 of each year, register their dog in the office of the City Clerk for the City of Whitehall on forms provided by the City Clerk and pay a registration fee of \$15.00. The owner of a dangerous dog, when registering the dog, shall provide the City Clerk for the City of Whitehall two (2) color photographs of the dangerous dog clearly showing the color and approximate size thereof. In addition, when registering the dog, the owner shall provide the City Clerk for the City of Whitehall with proof of the owners having obtained public liability insurance for a single incident amount of \$100,000.00 for bodily injury to or death of any person or persons for damage to property owned by any persons which may result from ownership, keeping or maintenance of a dangerous dog. The policy of insurance shall provide that the policy cannot be cancelled without providing 10 days written notice to the City Clerk for the City of Whitehall.

8.16.040 Determining a Dangerous Dog. Any person having knowledge which he or she believes constitutes probable cause to believe that another owns or is harboring, keeping or maintaining a dangerous dog within the corporate limits of the City of Whitehall, may file with the City Clerk for the City of Whitehall a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The City Clerk shall, upon the receipt of such sworn affidavit, inquire if the dog was registered with the City of Whitehall on or before September 10, 1990. The City Clerk shall schedule a hearing before the Common Council to determine if the dog is a dangerous dog. The Common Council shall use the definition in Section 8.16.010(a) hereof to determine if the dog is a dangerous dog, and the dog was registered with the City on or before September 10, 1990, the dog shall be subject to the standards and requirements of this Ordinance. If the dog was not registered with the City of Whitehall on or before September 10, 1990, and the Common Council determines the dog to be a dangerous dog, the owner shall remove the dog from within the corporate limits of the City of Whitehall within 48 hours of the notice of determination by the Common Council. No dog shall be declared to be a dangerous dog if the proof of dangerousness concerns an incident where a person injured was teasing, tormenting, abusing or assaulting the dog or where the dog was protecting its owner from attack by a human being.

8.16.050 Keeping of Registered Dangerous Dogs. The owner of a dog determined to be a dangerous dog that was registered with the City of Whitehall on or before September 10, 1990, may keep the registered dangerous dog within the corporate limits of the City of Whitehall subject to the requirements of Sections 8.16.051 through 8.16.057 hereof.

8.16.051 Confinement of Dangerous Dogs. A registered dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in section 8.16.053. A pen or kennel used to confine a registered dangerous dog shall be locked with a key or combination lock when such dog is within the pen or kennel. Such pen or kennel shall have secure sides and a secure top attached to the sides. Such pen or kennel shall have a secure bottom and floor attached to the sides of the pen or kennel. In the alternative, the sides of the pen or kennel shall be embedded in the ground not less than two (2) feet. A pen or kennel erected to house registered dangerous dogs must comply with all zoning and building regulations of the City of Whitehall. All such pens or kennels must be adequately lighted and ventilated and kept in a clean and sanitary condition.

8.16.052 Confinement Indoors. No registered dangerous dog may be kept on a porch, patio or in any part of a house or other structure that would allow the registered dangerous dog to exit such building on its own volition. In addition, no registered 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 house or other structure.

8.16.053 Leash and Muzzle. No person shall permit a registered dangerous dog to go outside its pen or kennel unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a registered dangerous dog to be kept on a chain, rope or other type of leash outside its pen or kennel unless a person is in physical control of the leash. Registered dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all registered dangerous dogs on a leash outside the dog's pen or kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting.

8.16.054 Signs. The owners of a registered dangerous dog being kept within the corporate limits of the City of Whitehall shall within 10 days of the effective date of this Chapter, display in a prominent place a sign facing out from all sides of their premises. Such sign shall be easily readable by the public and be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, a similar sign is required to be posted on the pen or kennel of such dog. Such sign shall use the words "Beware of Dog".

8.16.055 Reporting Requirements. The owner of a registered dangerous dog shall within 10 days of the occurrence of any of the following events, report the following in writing to the City Clerk for the City of Whitehall:

- a) The removal of the registered dangerous dog from within the corporate limits of the City of Whitehall;
- b) The death of a registered dangerous dog;
- c) The birth of offspring of a registered dangerous dog; or

d) The new address of the owner of a registered dangerous dog should the owner move within the corporate City limits.

8.16.056 Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of registered dangerous dog to any person residing within the corporate limits of the City of Whitehall, unless the recipient person resides permanently in the same household and on the same premises as the owner of such registered dangerous dog. The owner of a registered dangerous dog may sell or otherwise dispose of a registered dangerous dog or the offspring of such dog to persons who do not reside within the corporate limits of the City of Whitehall.

8.16.057 Offspring of Dangerous Dogs. All offspring born of dangerous dogs registered with the City of Whitehall shall be removed from within the corporate limits of the City of Whitehall within six (6) weeks of the birth of such animal.

8.16.060 Irrebuttable Presumptions. There shall be an irrebuttable presumption that any pit bull dog, as described in Section 8.16.010(b)(5) hereof is, in fact, a dangerous dog and subject to the requirements of this Chapter.

8.16.070 Additional Regulations Imposed. In addition to the requirements and restrictions imposed by this Chapter, the owners of registered dangerous dogs are also subject to the same obligations and requirements of Chapter 8.12 of the City of Whitehall Municipal Code regarding the keeping of domesticated pets.

8.16.080 Failure to Comply. It shall be unlawful for the owner of a registered dangerous dog to fail to comply with the requirements and restrictions set forth in this Chapter. Any registered dangerous dog found to be the subject of a violation of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and restrictions set forth in this Chapter will result in the revocation of the registration of such registered dangerous dog requiring the immediate removal of the registered dangerous dog from within the corporate limits of the City of Whitehall.

8.16.90 Violations and Penalties. Any person violating or permitting the violation of any provision of this Chapter shall be issued a Municipal citation in the sum of not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed, the person violating or permitting the violation of any provision of this Chapter may be subject to imprisonment in the County Jail for a period not to exceed 30 days. Further, the registration of the subject dog shall be revoked and the dog removed from the corporate limits of the City of Whitehall. The refusal to remove the subject dog from the corporate limits of the City of Whitehall shall constitute a separate offense under this Ordinance. Every day that a violation of this Chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses, including shelter, food, handling, veterinary care, witness fees and court costs necessitated by the enforcement of this Ordinance.

8.16.100 Severability. If any section, sentence, clause or phrase of this Chapter of the City of Whitehall Municipal Code is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Chapter.

(Chapter Adopted August 14, 1990)