

Wisconsin Rapids Ordinance – Chapter 25
Offenses Against Public Welfare, Safety, Morals, and Peace
(Animal Portion Only)

- 25.01 Animals Not to Run at Large; Prohibited Animals; Dangerous Animals
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25.01 ANIMALS NOT TO RUN AT LARGE; PROHIBITED ANIMALS; DANGEROUS ANIMALS (MC#1025)

- (1) No person owning or in charge of any horse, mule, cattle, sheep, goat, swine, geese, chickens, or other domestic livestock, poultry, or fowl shall permit said animals to run at large in any part of the City of Wisconsin Rapids.
- (2) Sale and keeping of exotic pets or wild animals. It shall be unlawful for any person to keep, maintain, have in his possession or under his control, sell or convey within the city any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any of the following animals:
 - All poisonous animals, including rear-fang snakes; all non-human primates, including, but not limited to apes, chimpanzees, gibbons, gorillas, orangutans and siamangs; baboons; bears; bison; cheetahs; constrictor snakes, six feet in length or more; coyotes; crocodilians; deer; elephants; game cocks and other fighting birds; hippopotami; hyenas; jaguars; leopards; lions; lynxes; monkeys, either old world or new world; ostriches; pumas; rhinoceroses; sharks; snow leopards; swine; tigers; wolves and wolf hybrids; bees, wasps and hornets; poisonous insects; piranha fish, other than in a small, indoor fish tank.
- (3) Rabbits. No more than two adult rabbits are to be kept or maintained at any residential property within the city. No person owning, in possession of, or in charge of the care of any rabbit shall permit the rabbit to be at large within the city. Rabbits shall be confined in adequate enclosures that are neat, clean and free of disturbing odors. (MC#986)
- (4) Exceptions. The provisions of Section (2) and (3) above shall not apply to circuses, menageries and other temporary licensed exhibitions. Nor shall it apply to where creatures are in the care, custody or control of a veterinarian for treatment, agricultural fairs, shows or projects of the 4-H, a display for judging purposes, a state-licensed educational institutions, or zoo, if: (MC#986)
 - (a) Their location conforms to the provision of Chapter 11 - Zoning.
 - (b) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (c) Animals are maintained in quarters so constructed as to prevent their escape.
 - (d) No person resides within 100 feet of the quarters in which the animals are kept. This restriction shall not apply to Section (3) above.
- (5) Dangerous Animals.
 - (a) Prohibitions.
 - (1) No person shall own, harbor, keep, or maintain within the city limits, any “dangerous animal” contrary to this section. Any animal alleged to be dangerous, as defined by this section, shall be impounded as directed by the City of Wisconsin Rapids Police Department until disposition of the charge issued by the citation and as outlined in this section. A complaint shall be filed with the city attorney’s office.
 - (2) The owner of an animal found to be dangerous in the trial of a charge of harboring a dangerous animal pursuant to this section, or by plea to such a charge, shall be

prohibited from keeping that animal in the city contrary to any restrictions contained in subsection (e).

- (3) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous animal within the city.
 - (4) No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.
- (b) Definitions. "Dangerous animal" as used in this ordinance means:
- (1) Any animal which habitually approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without intentional provocation, on public or private property;
 - (2) Any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without intentional provocation, on public or private property; or
 - (3) Any animal owned, harbored, or trained primarily or in part for the purpose of fighting.
- (c) Impoundment.
- (1) It shall be the duty of the Wisconsin Rapids Police Department and any other person designated by the common council to seize any animal whose owner is alleged to have violated this section and transfer it to the humane society. No person shall fail to produce or surrender up any animal to the department. The officers of the department shall have the right to pursue an animal upon the premises of the owner or elsewhere. Any law enforcement officer or duly authorized department employee, who has consent of the property owner or with a warrant, may enter and inspect private property to enforce the provisions of this section.
 - (2) The owner of the animal immediately impounded pursuant to subsection (1) shall be notified in person or by certified mail within five (5) business days after the animal's impoundment.
 - (a) The notice of impoundment shall inform the owner of the animal that he may request, in writing, a trial to contest the impoundment within five (5) business days after the animal's impoundment.
 - (b) Upon a request for a trial under subsection (A), a trial shall be held within ten (10) business days after such request. Notice of the date, time and location of the trial shall be sent by first-class mail to the owner requesting the trial.
 - (c) If such owner is unknown or unascertainable, a notice shall be published in the city newspaper, giving a description of the animal, stating where it is impounded, and conditions for its release. If within seven (7) days after such notice no owner claims the animal, the animal may be destroyed in a proper and humane manner. However, if an animal before being impounded has bitten a person, the animal shall remain impounded for ten (10) days for observation purposes.
 - (d) If after a trial on impoundment, the court finds no violation of subsection (a), the animal shall be returned to its owner.
 - (e) If the court finds any violation of subsection (a), the court may proceed under subsection (d) or (e). The owner of the animal shall be liable for the costs of impounding, keeping, or destroying said animal. If the animal is not reclaimed within five (5) business days of the disposition of the charge issued, the animal may be destroyed in a proper and humane manner.
- (d) Disposition.
- (1) Humane Destruction. Any animal determined by the municipal court to have violated any provision of paragraph (a) of this section may be ordered by the court to be humanely destroyed. If the court does not issue an order authorizing the humane destruction of the animal, it may be reclaimed from the impounding authority upon payment of all impoundment fees and kept in the city upon proof to the court's satisfaction of compliance with subsection (e).
- (e) Restrictions. The owner of any animal determined by the municipal court to have violated any provision of paragraph (a) of this section, shall be subject to all of the following restrictions:

- (1) Registration. The owner of any dangerous animal shall register it with the city clerk upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal and payment of a \$75.00 registration fee. Upon payment of the fee, the owner shall be issued a dangerous animal leather buckled collar of an approved color for the purpose of identification.
 - (2) Liability Insurance. At the time of registration, the owner of any dangerous animal shall provide proof of liability insurance in the amount of at least \$250,000 for any acts of property damage or liability incurred by virtue of injury inflicted by such animal. Such insurance shall name the city as co-insured solely for the purpose of notice of cancellation of the policy.
 - (3) Display of Warning Sign. The owner of any dangerous animal shall display a warning sign on his or her premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 40 feet of its placement, whichever is less. The sign shall conspicuously display a symbol warning children of the presence of a dangerous animal.
 - (4) Identification. Before release to the owner, the impounding authority or licensed veterinarian shall implant a device which can be later detected to aid in the proper identification of the animal as dangerous.
 - (5) Collar. The collar issued to the owner shall be worn by the animal at all times as proof of registration, except when being groomed. If, when due to the length of the animal's hair, the collar is not visible, an approved colored leather lead may be used.
 - (6) Duty to keep animal under restraint while on owner's property. While on the owner's property, a dangerous animal must be securely and humanely confined indoors or in a secure enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal.
 - (7) Duty to keep animal under restraint while off owner's property. A dangerous animal may be off the owner's premises if it is muzzled and restrained by an approved leather lead not exceeding three feet in length and is under control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury or pain to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (f) Exemption. This ordinance is not intended to restrict the training and use of dogs for and by public law-enforcement agencies.
- (g) Penalties for violations.
- (1) An owner of a dangerous animal who fails to register the animal is subject to a forfeiture of not less than \$100.00 nor more than \$250.00 per day.
 - (2) An owner of a dangerous animal who registers but neglects to have the dangerous animal collar worn by the animal at all times, obtain liability insurance, display the standard sign, or properly restrain the animal is subject to a forfeiture of not less than \$25.00 nor more than \$250.00 per day.
 - (3) An owner of a dangerous animal who violates subsections (a)(1), (3), or (4) is subject to a forfeiture of not less than \$100 nor more than \$500 per day.
- (h) Every day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.
- (i) Exemptions. The provisions of this ordinance regarding dangerous animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.
- (j) Severability. If any provision of this ordinance is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this ordinance.

25.02 BARN, KENNELS, STABLES, AND PIGPENS OR OTHER ENCLOSURES (MC#978)

- (1) No barn, kennel, stable, yard, or pen or other enclosure in which cows, horses, sheep, swine, geese, chickens or other domestic livestock, poultry or fowl or more than two dogs or cats are to be kept shall be hereafter located upon any private premises in the City of Wisconsin Rapids, except subject to 25.05 below in regard to dogs and cats, and in properly zoned agricultural or industrial areas subject to approval by the common council.
- (2) Any enclosure of the type referred to in (a) above that currently exists may remain in existence but shall not be replaced or extended, shall be maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety, and welfare of the public, and shall be in conformance with Chapter 11, Zoning.

25.03 DOG AND CAT REGULATIONS (MC#505)

- (1) This ordinance shall be known as the "Dog and Cat Ordinance of the City of Wisconsin Rapids" and may be referred to by that title.
- (2) License. (MC#776)
 - (a) Individual Dog Licenses. Every owner of a dog more than five months of age on January 1 of any year shall annually, by April 1 of each year, pay his or her dog license fee and obtain a license. Any dog turning five months of age during the year shall be licensed within 30 days of attaining the age of five months. Such dog license fee shall be \$3.00 for each neutered male dog or spayed female dog and \$8.00 for each un-neutered male dog or un-spayed female dog per Wisconsin Statute 174.05(2). Each owner applying for a neutered male dog or spayed female dog license shall at the time of application present to the license issuing officer a certificate signed by a licensed veterinarian stating that said dog has been neutered or spayed. A current rabies vaccination certificate from a licensed veterinarian shall be required at the time of the license purchase. The maximum number of dogs which may be kept at one household is two.
 - (b) Individual Cat Licenses. Every owner of a cat more than five months of age on January 1 of any year shall annually, by April 1 of each year, pay his or her cat license fee and obtain a license. Any cat turning five months of age during the year shall be licensed within 30 days of attaining the age of five months. Such cat license fee shall be \$2.00 for each neutered male cat or spayed female cat and \$5.00 for each un-neutered male cat or un-spayed female cat. Each owner applying for a neutered male cat or spayed female cat license shall at the time of application, present the license issuing officer a certificate signed by a licensed veterinarian stating that said cat has been neutered or spayed. A current rabies vaccination certificate from a licensed veterinarian shall be required at the time the license is purchased. The maximum number of cats which may be kept at one household is two.
 - (c) The word "owner", as used in this ordinance, includes every person who owns or keeps a dog or cat.
 - (d) The license year for dogs and cats shall be the calendar year.
 - (e) Late Fees. Per Wisconsin Statute 174.05(5), a late fee of \$5.00 will be assessed from every owner of a dog 5 months of age or over, if that owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog.
- (3) Dog or Cat Licenses and Collar Tags for Individual Licenses; When Issued. Upon payment of the required individual dog or cat license fee on any dog or cat, the license issuing officer shall execute and issue to the owner a license for said dog or cat, which license shall be in the form prescribed by the State Department of Agriculture and shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, neutered or un-neutered, spayed or un-spayed, breed, and color of the dog or cat licensed. At the time the license issuing officer shall delivery to the licensee a metal tag which shall bear the same serial number as the license, the name of the county, and the license year. A new tag with a new number shall be furnished to the licensee by the license issuing officer in place of the original tag, upon proof of purchase of the original tag and payment of a fee of \$1.00. The license issuing officer shall then endorse the new tag number on such license and shall keep a record thereof of the register.
- (4) Assessment; License Fee. Dog license fees shall be collected by the city treasurer or deputy in the same manner as provided for in the collection of personal property taxes. Said license fee for dogs

shall be accounted for and disposed of pursuant to Chapter 174 of the Wisconsin Statutes. Cat license fees shall be collected by the city treasurer or deputy and the money shall be placed in the general fund of the city. The city treasurer may also designate a representative of the South Wood County Humane Society to collect the license fees.

(5) Dog and Cat Controls.

- (a) No owner or keeper of any dog or cat shall permit such dog or cat to run at large at any time within the City of Wisconsin Rapids. For the purposes of this section, the phrase "running at large" embraces all other places within the city except the owner's premises and includes all streets, alleys, sidewalks, or other public property which may be about the owner premises.
- (b) Dogs or Cats Prohibited on Public Grounds. No person shall take or permit his/her dog or cat to remain upon any public boulevard, school ground, cemetery, playground, or park within the City of Wisconsin Rapids or unless at that time the dog or cat is entered into a contest which has been approved by the City of Wisconsin Rapids. The city may authorize other public grounds on which dogs and cats may be permitted to be on a leash. (MC#635)
- (c) No person shall allow any dog or cat owned by him/her to defecate or urinate on the property of another or on any public property, defined as that area between the sidewalk and curb line. Should an animal defecate on the property of another or on any public property, he/she shall cause the feces to be removed immediately. (MC#552)
- (d) No dog or cat shall be allowed in public places, such as railway or bus depots, hotels, theaters, public conveyances, and the like unless on a suitable and dependable lead not longer than six feet in length and with the approval of the management. (MC#552)
- (e) No dog or cat, whether licensed or unlicensed, muzzled or not muzzled, shall be allowed upon the streets of the City of Wisconsin Rapids unless on suitable and dependable lead not longer than six feet in length. A female dog or cat in heat must be under control on the owner's property at all times.
- (f) No dogs or cats, except for seeing eye dogs, shall be allowed in restaurants, fast food restaurants, and stores where food is sold. Watch dogs in taverns shall not be allowed behind the bar or in food preparation areas at any time day or night.
- (g)
 - (1) Dogs or cats shall be restrained by means of a pen or tether from approaching nearer than five feet to adjacent property lines. Dogs shall be considered adequately restrained when kept in a rear or side yard on a tether or fenced in. Dog fence shall not be over six feet in height.
 - (2) Dog owners shall provide some type of screening for dog pens that are hard surfaced and fenced in, which create an unsightly view from any neighbors' kitchen or living area. The owner of dogs shall provide screening acceptable to health officer.
 - (3) Animal wastes shall be removed from the pens and the premises on a daily basis.
- (h) A dog or cat which is impounded in accordance with Section 174.046, Wisconsin Statutes, and which is not released to its owner or to a person other than its owner within the impoundment period, is deemed an unclaimed dog or cat. The minimum impoundment period is for seven days after the dog or cat is delivered to the officer or humane society. The officer or humane society may extend the impoundment period if release of the dog or cat to the owner or a person other than the owner, appears likely. The office or humane society may dispose of an unclaimed dog or cat by releasing it as provided under Section 174.13, Wisconsin Statutes, or if the dog or cat is not released, as provided under Section 174.13, Wisconsin Statutes, by disposing of the dog or cat in the proper and humane manner.

(6) Every licensed dog or cat over the age of five months on January 1 of any year shall at all times wear a substantial durable collar to which shall be attached securely the license tag required. No license tag shall be used on the collar of any dog or cat other than the one for which it is issued. No person shall remove the collar or tag or both from any dog or cat without the consent of the person to whom the license is issued. If a dog or cat is retained in a fence, kennel, or pen, it need not have its collar on.

(7) Any dog or cat acquired from the South Wood County Humane Society shall be spayed or neutered according to the contract policy established by the humane society.

(8) Nuisance; Inhumane Treatment. No person shall keep or harbor or own any dog or cat which by loud or frequent or habitual barking, meowing, yelping or howling, or by constant threat of attacking and biting shall cause annoyance to the neighborhood or to people passing upon the street. No person

shall refuse to deliver up to a policeman or authorized South Wood County Humane Society employee a dog or cat when properly requested to do so under the provisions of this section. No person shall be cruel and/or inhumane to a dog or cat. Said cruelty and inhumanity consisting of cruelly beating, torturing, mutilating, cruelly killing, and clear failure to provide food, drink and shelter; and abandoning an old, sick or disabled dog or cat.

25.04 CONTROL OF RABIES AND BITING DOGS OR CATS (MC#505)

- (1) (a) Any dog or cat having rabies or suspected of having rabies shall be reported to the police department or South Wood County Humane Society within 24 hours by any person having a knowledge of the same. Whenever a dog or cat shall bite any person, notice thereof shall be reported to the police department within 24 hours giving, if possible, the name and address of the owner of the dog or cat and the circumstances under which the bite occurred. The police department shall report the incident to the humane society.
- (b) The statutory provisions set forth in Section 95.21 of the Wisconsin Statutes entitled "Rabies Control Program" and any amendments thereto are hereby incorporated by reference.

25.05 EXEMPTION PERMIT (MC#602)

- (1) The City of Wisconsin Rapids shall issue an exemption permit to persons who desire to keep three or more sterilized dogs or cats. The permit fee shall be \$20.00 annually. Each individual dog or cat shall be licensed, in addition to the permit, per city ordinance. Prior to the issuance of an exemption permit, the city building inspector, in conjunction with a representative of the South Wood County Humane Society, shall inspect and approve the premises where the dogs or cats are kept. Conditions to be considered in granting the permit shall include, but not be limited to:
 - (a) Unregistered dogs or cats shall be sterilized;
 - (b) properly groomed and fed;
 - (c) provided adequate housing;
 - (d) have received the necessary vaccinations.
- (2) Persons owning two or more intact (unsterilized) registered dogs or cats shall be issued an exemption permit. The number shall not exceed three adult animals of breeding age (six months). The permit fee shall be \$35.00 annually. Each individual dog or cat shall be licensed, in addition to the permit, per city ordinance. Prior to the issuance of an exemption permit, proof of registration must be presented to a representative of the South Wood County Humane Society. The city building inspector, in conjunction with a representatives of the South Wood County Humane Society, shall inspect and approve the premises where the dogs and cats are to be kept. Other inspections may be done on an annual basis, but at least every four years. Conditions to be considered in granting the permit shall include, but not be limited to:
 - (a) the dogs or cats be properly groomed and fed
 - (b) provided adequate housing
 - (c) have received the necessary vaccinations
 - (d) Failure to comply with any dog or cat ordinance provision may or could cause the exemption permit to be revoked.At such time that all registered dogs or cats are sterilized, they will revert to 25.05(1) status.

25.06 COMMERCIAL ANIMAL ESTABLISHMENTS (MC#505)

- (1) Any person who keeps or operates a commercial animal establishment shall take reasonable care to release for sale, trade, or adoption only those animals which are free of disease, injuries, or abnormalities. The law enforcement officer may request an examination by a veterinarian. The following shall deem an animal unfit for sale or release:
 - (a) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar disease.
 - (b) Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
 - (c) Obvious signs of severe parasitism - extreme enough to be influencing general health.
 - (d) Obvious fractures or congenital abnormalities affecting general health of animals.
- (2) All commercial animal establishments shall comply with the following standards:
 - (a) All animals, birds, or fish shall be displayed in a health condition, or, if ill, removed from display and shall be given appropriate treatment immediately.

- (b) All animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
- (c) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
- (d) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance.
- (e) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.
- (f) The floor and walls of any room in which animals are kept shall be covered with impervious, smoother, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
- (g) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent-proof containers.
- (h) Water. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animals cannot easily turn them over and be removable for cleaning.
- (i) Feeding. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.
- (j) All animals must be fed and watered according to the accepted procedures for that species and cages cleaned every day.
- (k) Fish. The water temperature shall be maintained at a temperature that is healthful.
- (l) Shade Required. Shade from the direct rays of the sun shall be provided for all animals.
- (m) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

25.07 ENFORCEMENT, INVESTIGATION, AND PENALTY (MC#505)

- (1) The City of Wisconsin Rapids may authorize employees of the South Wood County Humane Society to investigate possible violations of Section 25.03 through 25.06 of this chapter and Section 95.21, Chapter 174, and Chapter 951 of the Wisconsin Statutes. The authorized representative of the South Wood County Humane Society shall report to the Wisconsin Rapids Police Department any violations. The police department shall review the reported violations and issue citations or take any other action deemed appropriate to the circumstances. The police department may also enforce the above referenced ordinances and statutes without prior investigation by the humane society.
- (2) Penalty. Any person violating any provision of this ordinance or rule or regulation adopted or issued in relation to it shall be, upon conviction or plea of guilty or not contest, be subject to forfeiture of not less than \$25.00 and not more than \$200.00 and costs of prosecution. The provisions of this ordinance do not apply to a blind person who uses a dog for assistance when said provisions would prohibit said person from using his dog to assist him in normal manner.