

Public
Safety
12-18-17

17-1216

ORDINANCE

An Ordinance to amend Manitowoc Municipal Code Section 11.220 regulating Soda Water Beverage Licenses; Section 14.010 Dog and Cat Licenses and Section 14.020 regulating Dogs, Cats and Other Animals.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1, Section 11.220 is amended to read as follows:

~~“11.220 Soda Water Beverage Licenses. Animal Licenses.~~
~~Repealed by Ord. 14-2173.~~

(1) Dog and Cat Licenses Required. The owner of a dog or cat more than five months of age on January 1st of any year, or five months of age within a license year, shall annually, or on or before the date such dog or cat becomes five months of age, pay the dog or cat license tax and obtain a license for such dog or cat. As used herein, the word owner shall include every person who owns, harbors, or keeps a dog or cat.

- (a) Issuance of License. Upon payment of the required dog or cat license tax and presentation of the required evidence that the dog or cat is currently immunized against rabies, the City 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, owner’s name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat. The City Treasurer shall keep a duplicate copy of the license on file.
- (b) Issuance of Tags. After issuing the license, the City Treasurer shall deliver to the owner a tag of durable material bearing the same serial number as the license, which shall be labeled “Manitowoc County” and specify the license year. The owner shall securely attach the tag to the 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 during competition, to a dog or cat securely confined indoors, or to a dog or cat securely confined in a fenced area. A duplicate tag shall be furnished to the owner by the City Treasurer in place of the original tag upon presentation of the license and payment of a fee of 50 cents. The City Treasurer shall then endorse the new tag number on the license and keep a record in the file.
- (c) Filing and Accounting. The City Treasurer shall comply with all the requirements of Wis. Stat. § 174.07(3) regarding dog licenses and collar tags.
- (d) License Tax. The license tax shall be \$10.00 for a neutered male dog or cat or spayed female dog or cat and \$15.00 for an unneutered male dog or cat or unspayed female dog or cat, or one-half of these amounts if the dog or cat became five months of age after July 1st of any license year. Each owner applying for a neutered or spayed dog or cat license shall, at the time of the application, present to the City Treasurer a certificate signed by a licensed veterinarian that said dog or cat has been neutered or spayed by the veterinarian.
- (e) Late Fees. The City Treasurer shall assess and collect a late fee of \$5.00 from every owner of a dog or cat five months of age or over, if the owner fails to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license on or before the dog or cat reached the licensable age. All late fees received or collected shall be paid into the general fund.

(2) Kennel Licenses.

(a) Kennel License Option. Any person who keeps or operates a kennel may, instead of the license tax for each dog or cat required by this section, apply to the City Treasurer for a kennel license for keeping or operating a kennel. Such person shall pay for the license year a license tax of \$85.00 for a kennel of 12 or fewer dogs and an additional \$8.00 for each dog in excess of 12. Upon payment of the required kennel license tax, and upon presentation of evidence that all dogs and cats over five months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs or cats authorized to be kept in the kennel. As used herein, the term kennel means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, sale, or sporting purposes.

(b) Kennel License Tags. Kennel license tags shall be issued and required to be displayed as provided for in Wis. Stat. § 174.053.

(3) Listing of Dogs and Cats. The City Clerk shall annually ascertain by diligent inquiry the dogs and cats owned or kept within the City of Manitowoc. Every person shall answer frankly and fully all questions asked by the City Clerk or his/her designate relative to the ownership or keeping of dogs or cats within the City of Manitowoc. The City Clerk shall enter in the records for personal property assessments, or in a separate record, all dogs and cats in the City of Manitowoc subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog and cat. The City Clerk shall make, in triplicate, a list of the owners of all dogs and cats assessed. The Police Department may be called upon by the City Clerk for assistance in performing these duties. The City Clerk shall make a claim against Manitowoc County for each dog listed by the City Clerk.

(4) Chickens. No person shall keep, raise, possess or have under such person's control, either temporarily or permanently, any chickens or ducks without first obtaining a license issued by the City Clerk. The license should be obtained as soon as the fowl are added to the premises and must be renewed annually.

(a). License Application. Application for a chicken license shall be made by the owner thereof upon forms furnished by the City Clerk. Such application shall contain the full name and address of the owner, shall establish that ownership complies with all applicable provisions of Wisconsin Statutes and the Manitowoc Municipal Code, and any other information as designated on the form by the City Clerk. The applicant shall present a copy of his/her Wisconsin Department of Agriculture, Trade and Consumer Protection Livestock Premises Registration at the time of application.

(b). License Tax and Late Fees. The license tax shall be \$10.00 per premises. The City Treasurer shall assess and collect a late fee of \$5.00 from owners who fail to obtain a license within one month of ownership or possession of the fowl. All late fees received or collected shall be paid into the general fund.

(c). Minimum Requirements. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or fenced enclosure at all times. The enclosure shall be located at least twenty-five feet from any residential structure on an adjacent lot. The applicant for license must notify all residents of the property and the owner of the property if the applicant is not the owner or operator. Notification is not needed for renewal of a license.

(d). Prohibitions. No person shall keep more than six chickens at any time. The keeping of roosters, gamecocks, and other fighting birds is prohibited. The slaughtering of chickens is prohibited.

(e). License Revocation. The Chief of Police or his designee, or the Building Inspector or his designee may revoke a license issued under this section if the

owner, within a twelve-month period, accumulates two or more violations resulting in conviction of any ordinance regulating the keeping of chickens.

(5). Penalties. Any person who shall violate any provisions of this section shall be subject to a forfeiture of not less than \$5.00 nor more than \$100.00 for each offense."

Section 2. Section 14.010 is repealed.

~~"14.010 Dog and Cat Licenses:~~

~~(1) Dog and Cat Licenses—Required. The owner of a dog or cat more than five months of age on January 1st of any year, or five months of age within a license year, shall annually, or on or before the date such dog or cat becomes five months of age, pay the dog or cat license tax and obtain a license for such dog or cat. As used herein, the word owner shall include every person who owns, harbors, or keeps a dog or cat.~~

~~(2) Tax and Late Fees. The license tax shall be \$10.00 for a neutered male dog or cat or spayed female dog or cat and \$15.00 for an unneutered male dog or cat or unspayed female dog or cat, or one-half of these amounts if the dog or cat became five months of age after July 1st of any license year. Each owner applying for a neutered or spayed dog or cat license shall, at the time of the application, present to the City Treasurer a certificate signed by a licensed veterinarian that said dog or cat has been neutered or spayed by the veterinarian.~~

~~The license year commences on January 1st and ends on the following December 31st.~~

~~The City Treasurer shall assess and collect a late fee of \$5.00 from every owner of a dog or cat five months of age or over, if the owner fails to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license on or before the dog or cat reached the licensable age. All late fees received or collected shall be paid into the general fund.~~

~~3) Licenses and Collar Tags.~~

~~(a) Issuance of Licenses. Upon payment of the required dog or cat license tax and presentation of the required evidence that the dog or cat is currently immunized against rabies, the City 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, owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat. The City Treasurer shall keep a duplicate copy of the license on file.~~

~~(b) Issuance of Tags. After issuing the license, the City Treasurer shall deliver to the owner a tag of durable material bearing the same serial number as the license, which shall be labeled "Manitowoc County" and specify the license year. The owner shall securely attach the tag to the 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 during competition, to a dog or cat securely confined indoors, or to a dog or cat securely confined in a fenced area. A duplicate tag shall be furnished to the owner by the City Treasurer in place of the original tag upon presentation of the license and payment of a fee of 50 cents. The City Treasurer shall then endorse the new tag number on the license and keep a record in the file.~~

~~(c) Filing and Accounting. The City Treasurer shall comply with all the requirements of Wis. Stat. § 174.07(3) regarding dog licenses and collar tags.~~

~~(4) Kennel Licenses.~~

~~(a) Kennel License Option. Any person who keeps or operates a kennel may, instead of the license tax for each dog or cat required by this section, apply to the City Treasurer for a kennel license for keeping or operating a kennel. Such person shall pay for the license year a license tax of \$85.00 for a kennel of 12 or fewer dogs and an additional \$8.00 for each dog in excess of 12. Upon payment of the required kennel license tax, and upon presentation of evidence that all dogs and cats over five months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs or cats authorized to be kept in the kennel. As used herein, the term kennel means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, sale, or sporting purposes.~~

~~(b) Kennel License Tags. Kennel license tags shall be issued and required to be~~

~~displayed as provided for in Wis. Stat. § 174.053.~~

~~(5) Listing of Dogs and Cats. The City Clerk shall annually ascertain by diligent inquiry the dogs and cats owned or kept within the City of Manitowoc. Every person shall answer frankly and fully all questions asked by the City Clerk or his/her designate relative to the ownership or keeping of dogs or cats within the City of Manitowoc. The City Clerk shall enter in the records for personal property assessments, or in a separate record, all dogs and cats in the City of Manitowoc subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog and cat. The City Clerk shall make, in triplicate, a list of the owners of all dogs and cats assessed. The Police Department may be called upon by the City Clerk for assistance in performing these duties. The City Clerk shall make a claim against Manitowoc County for each dog listed by the City Clerk.~~

~~(6) Penalties. Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than \$5.00 nor more than \$100.00 for each offense."~~

Section 3. Section 14.020 is amended to read as follows:

"14.020 Regulation of Dogs, Cats, and Other Animals.

(1) **Limit on Possession of Dogs or Cats.** No person shall own, harbor, or keep in his possession on any one parcel of property at any one time more than three dogs and more than three cats over six months of age, nor more than a total of 12 dogs or cats of any age for more than three days, nor shall any person retain a litter or portion of a litter of dogs or cats longer than four months, if such litter or portion of a litter increases the total number of dogs or cats to more than three, except that none of the provisions of this subsection apply to the licensee of a duly licensed kennel.

The Chief of Police or his designee is authorized to issue a permit allowing a person to keep up to four dogs and four cats at one time on any one parcel of property upon receipt of an application accompanied by a \$15.00 fee. In determining whether or not to grant any such permit, the Chief of Police or his designee shall consider the likelihood of a public or private nuisance and may contact residents in the neighborhood prior to making a decision. Any such permit which is granted shall be limited to specifically identified dogs or cats and shall not apply to the dogs or cats owned or kept by such person owned at the time of permit issuance and shall not automatically apply to later-purchased dogs or cats.

(2) Restricted Species.

~~(a) No person, except for a duly authorized licensed breeder or pet shop owner, shall keep, sell, breed or offer for sale one or more horses, cows, pigs, goats, sheep, chickens, geese, ducks, doves, pigeons or other fowl, bees, large predators, endangered species or poisonous snakes, rodents, reptiles, exotic species or wild animals (collectively "creatures") or construct or use shelters therefor within the City of Manitowoc without the written permission of the Chief of Police or his designee.~~

~~In considering any request for such permission, the Chief of Police or his designee shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.~~

~~(b) All stables, coops, yards, pens, kennels or other structures wherein any animal or creature is kept shall be constructed so as to be cleanable and kept in good repair. The inside and outside shall be whitewashed or painted as often as necessary to keep them clean or finished with such material that can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor. Accumulations of cleanings or manure of more than one day's operation in any such structure shall be deemed a violation of this section and subject to a forfeiture action.~~

(a) Exotic or Wild Animals Prohibited. No person may bring into or keep, raise, possess or have under such person's control, either temporarily or permanently, any venomous reptile or snake, constrictor snake or any non-venomous snake more than five (5) feet in length at maturity, lizards up to more than five (5) feet in length at maturity, poisonous insect or arachnid, a wild animal, including but not limited to a live monkey or other non-human primate, alligator or crocodile, bat, cheetah, coyote and coyote-dog hybrids, cougar, fox, jaguar, leopard, lion, lynx, panther, prairie dog, raccoon, skunk, tiger or hybrids thereof, wolf and wolf-dog hybrids, or any other animal or bird of prey which can normally be found in the wild state without the written permission of the Chief of Police or his designee.

(b) Certain Domestic Species Prohibited. No person may bring into or keep within the corporate limits of the City, either temporarily or permanently, gamecocks and other fighting birds, cows, cattle, horses, sheep, swine, pigs, goats, turkeys, geese, or any other domesticated livestock without the written permission of the Chief of Police or his designee.

(c) Dangerous Animals Prohibited. No person may bring into or keep within the corporate limits of the City, either temporarily or permanently a prohibited dangerous animal. Prohibited dangerous animal means any of the following:

(1) Any animal that, while off the owner or caretaker's property, has killed a domesticated animal without provocation;

(2) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.

(3) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction;

(4) Any animal that is subject to being destroyed under Wis. Stat. § 174.02(3);

(5) Any dog trained, owned, or harbored for the purpose of dog fighting.

(d) In considering any request for permission under subs. (a) or (b), the Chief of Police or his designee shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.

(e) Compliance With Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, 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 of 1969 (Public law 135, 91st Congress).

(f) Exemption. The provisions outlined in this section shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by an public agency, licensed veterinary clinics; pet shops; zoological gardens; public or private educational institutions; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; circuses and professional animal acts; research purposes, persons holding federal permits; or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus or similar recreational event.

~~(3) All provisions of Wis. Stat. Ch. 169 relating to wild animals, as amended or modified from time to time, are hereby incorporated by reference.~~

(3) Prohibited Dangerous Animals. The Chief of Police may determine an animal to be a prohibited dangerous animal whenever he finds that an animal meets the definition of a prohibited dangerous animal as set forth in section 14.020(2)(c).

(a) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the Chief of Police may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within seventy-two (72) hours after receipt of the order, deliver to the Chief of Police a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Public Safety Committee to be reviewed at the next regular meeting. The Public Safety Committee shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.

(b) Pending the outcome of the hearing, the animal may be confined subject to Wis. Stat. § 173.21 or held at a location outside the limits of the City.

(c) After the hearing, the owner or caretaker shall be notified in writing of the Committee's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or caretaker shall remove the animal from within the City within five (5) days after the date of the determination. If the owner or caretaker further contests the determination, he or she may, within five (5) days of receiving the panel's decision, seek review of the decision by the Circuit Court.

(d) Destruction. Any dog that has caused bodily harm to a person, persons, or a domestic animal on two (2) separate occasions, without reasonable cause, may be destroyed as a result of a judgment rendered by a court of competent jurisdiction, as specified under Wis. Stat. § 174.02(3). The City Attorney may petition an appropriate court to obtain a court order to destroy such a dog.

(e) Exemptions.

1. The Chief of Police may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

2. No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

3. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(f) Enforcement. The Chief of Police may make whatever inquiry is deemed necessary to ensure compliance with this section.

(g) Costs of Disposition. Any owner or caretaker of a prohibited dangerous animal shall pay the costs for the animal's removal, impoundment, destruction or other disposition.

(h) Noncompliance. Any person failing to comply with any written terms, conditions or restrictions imposed by the City regarding a dangerous animal shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for a first offense and not less than \$200.00 nor more than \$1,000.00 for any subsequent offense. Each and every day that such violation continues shall be considered a separate offense.

(4) Dogs, Cats, and Other Creatures Not to Run at Large. Animals Not to Run at Large.

(a) No dog or cat whether licensed or unlicensed, muzzled or not muzzled shall be allowed upon the streets of the City of Manitowoc or in public places, such as railway depots, hotels, restaurants, theaters, public conveyances, stores and the like, unless on a suitable and dependable leash not longer than eight feet in length.

(b) No owner or keeper of any dog, cat, or any other animal shall permit such dog, cat, or other animal to run at large at any time in the City of Manitowoc. An animal is considered running at large if it is off the premises of the owner or keeper and not under control of the owner or some other person. Any police officer or humane officer may attempt to capture and restrain any dog, cat, or other creature running at large as permitted by the Wisconsin Statutes.

(c) Animal Structures. All stables, coops, yards, pens, kennels or other structures wherein any animal or creature is kept shall be constructed so as to be cleanable and kept in good repair. The inside and outside shall be whitewashed or painted as often as necessary to keep them clean or finished with such material that can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor. Accumulations of cleanings or manure of more than one day's operation in any such structure shall be deemed a violation of this section and subject to a forfeiture action.

(d) Penalty. A person charged with violating any portion of this subsection shall be subject to a forfeiture ~~in an amount of~~ not less than \$40.00 nor more than \$200.00.

(5) Animals on Public Property

(a) **Dogs, Cats, and Creatures Prohibited.** No dog, cat or other creature shall be permitted on or in any school ground, public playground, cemetery or public park in the City of Manitowoc, unless said dog, cat or other creature is assisting a disabled individual, participating in an event sponsored or approved by the City of Manitowoc or as allowed under subsection (5)(b) of this section. No dog, cat or other creature is permitted on any portion of the marina facilities in the City of Manitowoc except as provided in any rules approved by the Board of Harbor Commissioners or as allowed under subsection (5)(b) of this section. As used herein, the term marina facilities shall include all City-owned property lying east of Maritime Drive between the Y.M.C.A. and the Yacht Club.

(b) Dogs in Parks and at Beaches.

(1) **Parks.** Leashed dogs are permitted in all City parks except for the following:

1. Evergreen Cemetery
2. Citizen Park
3. Lincoln Park, within the boundaries of the Lincoln Park Zoo
4. School grounds, unless authorized by the school
5. Any special event where it is posted that dogs are prohibited

(2) **Beaches.** Dogs are permitted off-leash at all City Beaches except for the beaches at Red Arrow Park and the Blue Rail. Dogs are permitted at Red Arrow Park and the Blue Rail if on a leash. Off-leash dogs must remain under the control of their owner or owner's designee at all times.

(c) **Designated Dog Parks.** Dogs are permitted to be off leash within the boundaries of the City's designated, fenced-in, dog parks. Off-leash dogs

must remain under the control of their owner or owner's designee at all times while in the boundaries of the dog parks.

(d) **Penalty.** A person charged with violating any portion of this subsection shall be subject to a forfeiture in an amount not less than \$40.00 nor more than \$200.00.

(6) Seizing or Killing of Dogs and Cats. Any person who shall kill a dog or cat not his own or not in his keeping shall forthwith report such fact in writing to the Police Department. Such report shall state the name and address of the person who killed the dog or cat, the time, place and the circumstances of such killing, and the disposition made of such carcass. Any person who shall have seized or impounded a dog or cat with or without a license shall deliver such dog or cat personally, or shall notify the owner of the fact if such owner is known to the person or can be ascertained with reasonable effort. If the owner is not known or cannot be ascertained with reasonable effort, and if the person seizing or impounding any dog or cat is other than a police officer, such person shall forthwith notify the Police Department of the fact and shall surrender such dog or cat to the Police Department. If the owner of any dog or cat seized or impounded is unknown to the Police Department and cannot be ascertained with reasonable effort by the Police Department, the Police Department shall place the dog or cat in the possession of the Humane Society where it shall be held in accordance with the Wisconsin Statutes.

(7) Pets to Be Kept Leashed. No dog or cat, whether licensed or unlicensed, muzzled or not muzzled, shall be allowed upon the streets of the City of Manitowoc or in public places, such as railway depots, hotels, restaurants, theaters, public conveyances, stores and the like, unless on a suitable and dependable leash not longer than six feet in length when fully extended. A female dog or cat in heat must be confined on the owner's property at all times.

(8) Collars to Keep on Dogs and Cats. Every dog and cat over the age of six months, whether kennel licensed or individually licensed, 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.

(9) Defecation on Private and Public Property Prohibited. It shall be unlawful for any person owning or in control of any dog or cat or other animal to allow or permit such animal to defecate on any private or public property owned by another unless such person shall remove all feces so deposited by such animal.

~~**(10) Impoundment.** Impoundment of dogs in the City of Manitowoc shall be governed by Wis. Stat. § 174.06. Impoundment of cats shall be treated identically to the impoundment of dogs.~~

~~**(10) (11) Loud or Barking Animals.** No person shall keep, harbor, or own any dog, cat, or other animal that by loud or frequent or habitual barking, yelping, or howling, or by constant threat of attacking or biting, shall cause annoyance to the neighborhood or members of the public. No person shall refuse to deliver up to any police officer any dog, cat, or other animal when properly requested to do so under the provisions of this chapter.~~

~~**(11) (13) Harboring Sick or Injured Animals.** No person shall keep or harbor a sick or injured animal unless that animal is receiving proper medical attention, food, drink, and shelter. The Manitowoc Police Department shall have the authority to seize any animal being so mistreated and transport the animal to the Humane Society or destroy it if necessary.~~

~~**(12) Impoundment.** Impoundment of dogs in the City of Manitowoc shall be governed by Wis. Stat. § 174.06. Impoundment of cats shall be treated identically to the impoundment of dogs.~~

- (a) The Chief of Police or his designee may seize and impound any animal running at large, or any animal required to be licensed which is un-licensed and at large or upon a person's premises. Such animal shall be impounded as soon as reasonably possible at the Humane Society, or at some other appropriate shelter if the Humane Society is unable or unwilling to accept the animal. Upon such impoundment the Chief of Police or his designee shall notify the owner or keeper personally or through the United States mail if such owner or keeper be known to the Police Department or can be ascertained with reasonable effort. If after seven (7) days the owner or keeper does not claim such animal, the Chief of Police or his designee may cause the disposal of the animal in a proper and humane manner and as allowed by applicable law.
- (b) Any dog, cat or other animal ordered by the City to be impounded shall be immediately surrendered to the City police to be detained until such time as a court order is obtained for the disposition of the animal.
- (c) Redemption by Owner. The owner or the duly authorized agent of the owner of any animal impounded may redeem the animal within the period specified upon the payment of impoundment and boarding fees as determined by the Humane Society, or other shelter if the Humane Society was unable or unwilling to accept the animal. In addition to these fees, the owner of the animal or the keeper of the animal shall pay an additional \$50.00 fee to the City of Manitowoc to be used to offset the cost of transporting the animal to the animal shelter.
- (d) City Not Liable For Impoundment. The City of Manitowoc shall not be liable for the death or injury of the animal which has been impounded or disposed of pursuant to this Section.

~~(13)~~ ~~(14)~~-**Fur-Bearing Animal Farm Prohibited.** No person, firm or corporation shall keep, operate, maintain or have a mink farm or farms, fox farm or farms or other fur-bearing animal farm or farms within the corporate limits of the City of Manitowoc, and the keeping, operating or maintenance of such a farm within the corporate limits of said City is hereby declared to be a public nuisance.

~~(14)~~ ~~(15)~~-**Cruelty to Animals.** No person shall willfully, maliciously or wantonly kill, maim, mutilate, disfigure or injure any horse, mule, cattle, sheep, dog, cat or other domestic animal except in cases expressly authorized by law, or administer poison to any such animal or expose any poison with the intent that the same may be taken or swallowed by any such animal. No person shall overdrive, overload, maim, wound, torture, torment, cruelly beat or kill any such animal or, being the owner or having the care or charge of any such animal, fail to provide necessary food, water, or shelter for any such animal. No person shall turn out and abandon, without proper care or protection, or cruelly work any such animal of which such person is the owner or has the care or charge when the animal is old, diseased, disabled or unfit for work. No person shall carry or confine any animal, fowl or bird in any cruel or inhumane manner or cause or procure or abet any cruelty above mentioned, or the fighting of bulls, dogs, cocks or any other animal.

~~(15)~~ ~~(16)~~ **Penalties.** Violations of subsection (1), (4), ~~(5)~~, (6), (7), ~~(9)~~ or ~~(13)~~ ~~(8)~~, ~~(10)~~, ~~(11)~~ or ~~(14)~~ of this section shall be punishable by a forfeiture of not less than \$5.00 nor more than \$200.00. Violations of subsection ~~(8)~~ ~~(9)~~ of this section shall be punishable by a forfeiture of not less than \$20.00 nor more than \$200.00. Violations of subsection ~~(10)~~, ~~(11)~~, or ~~(14)~~ of ~~(12)~~, ~~(13)~~ or ~~(15)~~ of this section shall be punishable by a forfeiture of not less than \$50.00 nor more than \$500.00.

(16) Severability. The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(17) All provisions of Wis. Stat. Ch. 169 relating to wild animals, as amended or modified from time to time, are hereby incorporated by reference.”

Section 4. This ordinance shall take effect the day after publication.

Introduced DEC 18 2017 _____

Adopted _____

Approved _____

Justin M. Nickels, Mayor

Fiscal Impact:	Negligible and absorbed within current operating level
Funding Source:	Current departmental budget lines
Finance Director Approval:	/sc
Approved as to form:	/kmm

Drafted by Elizabeth Majerus, Staff Attorney