

Public Safety
9-17-18

18-0916

ORDINANCE

An Ordinance to amend Section 14.020 of the Manitowoc Municipal Code regulating Dogs, Cats and Other Animals.

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

Section 1. 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 dwelling,~~ 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.

~~In rare circumstances, the~~ The Chief of Police or his designee is authorized to issue a permit allowing a person to keep up to four dogs ~~and~~ or four cats at one time ~~on in~~ any one ~~parcel dwelling 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. An initial inspection of the property by the Chief of Police or his designee shall be required to confirm that all animals are properly cared for, sheltered, and do not pose a health problem within the property. Any applicant seeking such a permit shall further agree in writing to make their property available for such inspections by the Chief of Police or his designee as a condition of obtaining the permit. Any such permit granted shall be limited to specifically identified dogs or cats owned at the time of permit issuance and shall not automatically apply to later-purchased dogs or cats.

(2) Restricted Species.

(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 nonvenomous snake more than five feet in length at maturity, lizard up to more than five feet in length at maturity, poisonous insect or arachnid, a wild animal, including but not limited to a live monkey or other nonhuman 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's or caretaker's property, has inflicted serious injury to or killed a domesticated animal without provocation;
2. Any animal that, ~~without provocation,~~ inflicts ~~serious~~ bodily harm ~~on~~ to 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 subsection (2)(a) or (b) of this section, 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 a 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) 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 subsection (2)(c) of this section.

(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 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 days after the date of the determination. If the owner or caretaker further contests the determination, he or she may, within five days of receiving the panel's decision, seek review of the decision by the Circuit Court.

(d) Destruction. Any ~~dog~~ animal that has caused bodily harm to a person, persons, or a domestic animal on two 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~~ an animal.

(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 for any subsequent offense. Each and every day that such violation continues shall be considered a separate offense.

(4) 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~~ including but not limited to railway depots, hotels, restaurants, theaters, public conveyances, ~~and 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 creature shall permit such dog, cat or other creature to run at large at any time in the City of Manitowoc. A dog, cat, or other creature is to be 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 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:

A. Evergreen Cemetery;

B. Citizen Park;

C. Lincoln Park, within the boundaries of the Lincoln Park Zoo;

D. School grounds, unless authorized by the school;

E. 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. No dog owner or keeper shall allow the dog to interfere in any manner with other people's enjoyment of the beach.

(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) 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.

(8) 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.

(9) Loud, ~~or Barking or Aggressive~~ Animals.

(a) 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 ongoing~~ 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.~~

(b) The owner of a dog, cat or other animal that injures or causes injury to any person, any domestic animal or to the property of another, shall forfeit not more than \$50.00 nor more than \$500.00.

(c) 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.

(10) 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.

(11) 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 unlicensed 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 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.

(12) 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.

(13) 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.

(14) Penalties. Violations of subsection (1), (4), (5), (6), (7), (9)(a) or (12) of this section shall be punishable by a forfeiture of not less than \$5.00 nor more than \$200.00. Violations of subsection (8) of this section shall be punishable by a forfeiture of not less than \$20.00 nor more than \$200.00. Violations of subsection (3), (9)(b), (10), or (13) of this section shall be punishable by a forfeiture of not less than \$50.00 nor more than \$500.00.

(15) 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.

(16) 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 2. This ordinance shall take effect the day after publication.

SEP 17 2018

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

APPROVED _____

Fiscal Impact:	\$0
Funding Source:	n/a
Finance Director Approval:	/sc
Approved as to form:	/kmm

This resolution was drafted by Elizabeth Majerus, Staff Attorney

\\\\city_server\\ca2flr\$\\CYCOM\\WpDocs\\D023\\P003\\Ord to Amend 14.020 Regulations of dogs, cats and other animals.DOCX