

ORDINANCE NO. 557

An Ordinance of the Municipal Code of the City of Kiel Repealing and Recreating Section 9.11 Animal Regulations

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Section 9.11 is repealed and recreated to now read as follows:

ANIMAL REGULATIONS.

(1) No person shall own, harbor or keep any dog, cat or other animal in a domesticated environment which does any of the following:

(a) Habitually pursues any vehicle upon any public street, alley or highway or is allowed to run at large.

(b) Habitually barks, crows, cries, screeches, howls or makes any other loud or annoying sound which may tend to annoy or disturb one or more persons within the City; or

(c) Has not been licensed as required by the ordinances of the City and the laws of the State.

(2) PROHIBITED ANIMALS.

(a) No person shall bring into, keep, maintain, offer for sale or barter, or release to the wild, nor shall any person permit such activities to occur on premises owned, controlled, rented, or maintained by that person:

(1) Any rooster, fowl other than chicken (*Gallus gallus domesticus*), turkeys, ducks, geese, cows, cattle, horses, sheep, swine, goats, pot-bellied pigs, or any other domesticated livestock.

(2) Wild animals, including but not limited to, any live monkey, or other nonhuman primate, raccoon, skunk, prairie dog, fox, wolf, panther, lynx, opossum, or any other warm-blooded animal which can normally be found in the wild. For the purposes of this code, wolf-dog hybrids are considered wild animals.

(3) Any poisonous or venomous, biting or injecting species of reptiles, amphibians, arachnids, or insects, including bees, unless such bees are part of an agricultural operation.

(4) Snakes not indigenous to Wisconsin or any snake exceeding three feet in length.

(b) The above paragraph shall not be construed to apply to zoological parks, circuses or like entertainment organization or to an educational or medical institution.

(3) RESTRICTIONS ON KEEPING CATS OR DOGS.

(a) Any person owning or having charge, custody, care or control of any cat or dog shall keep such animals exclusively upon their own premises, either by keeping such animal upon an appropriate chain or tie no longer than 15' in length or in an enclosed yard which is either walled or fenced by material or electronic means, or in any other appropriate restraining enclosure on the owner's property.

(b) A cat or dog may be off such premises only when if it is restrained by a substantial leash or chain not exceeding 8' in length, in the hands of the person directly controlling the movement of the animal, or if it is being trained or shown in an area or at an event approved for such purposes by the Director of Public Works. If an animal is not so provided for or restrained, it shall be considered to be "running at large". A dog is considered to be running at large if it is off the premises of its owner and not restrained by a substantial leash or chain.

(c) Cats and dogs shall be prohibited in all City parks, beaches or other public grounds, except for walkways, and except in areas designated by the Director of Public Works for the training or showing of cats or dogs.

(d) No person shall permit any domesticated animal including a cat or dog owned by him/her to defecate upon any property not owned by such persons without the consent of such other property owner or upon any public property, without immediately removing the feces left by the animal.

(e) Cats and dogs shall be prohibited on all private property except in cases where the presence of the cat or dog is with the express consent of the owner of the premises or party in control of such premises

(f) The owner of any animal that violates sections (1) or (2) of this ordinance will be subjected to a graduated enforcement and monetary fine schedule as listed below.

1st Offense; Written Warning

2nd Offense; Fine \$71.20

3rd Offense; Fine \$106.80

4th Offense; Fine \$186.90

5th and above; Fine \$373.80

(4) CONFINEMENT AND DISPOSITION.

(a) Confinement of Offending or Running Animals. The Police Department or any officer appointed by the City Council may apprehend any dog or other animal found running at large within the City or which does any of the things prohibited under this ordinance and confine the same in a suitable place.

(b) Disposition of Unclaimed Dogs and Other Animals. The Police Department or the keeper of a pound shall keep all dogs or other animals apprehended until they can be placed in an animal shelter, which shall be done as soon as possible (unless sooner claimed by the owner or keeper).

Prior to the release of any confined animal, the owner of the animal will pay a \$10 impound fee to the Police Department for each confined animal.

(5) ANIMAL BITES.

(a) Every owner or person harboring or keeping an animal including a dog or cat who knows that such animal has bitten any person accidental or otherwise shall immediately report such fact to the police department, and shall follow all prescribed quarantine procedures as directed by the police department in accordance with directions by the appropriate county health department. All of the costs associated with the quarantine are the responsibility of the owner or keeper of such animal. This section does not apply to a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

(b) The police department shall investigate and complete a formal report detailing all incidents of reported animal bites and determine if the incident warrants further enforcement action. Upon completion of their investigation, the police department will make a determination as to whether or not the animal bite incident was the result of an accident or that the animal is vicious.

(c) Upon demand; the owner or keeper of any such dog, cat, or other animal involved in a bite incident shall surrender the animal to the police department for examination by a licensed veterinarian. All of the costs associated with the examination are the responsibility of the owner or keeper of such animal.

(d) No person shall own, harbor or keep any dog, cat or other animal in a domesticated environment which assaults or attacks any person or is otherwise deemed vicious. A showing that a dog or other animal has bitten, attacked or injured any person shall constitute a prima facie showing that such dog or animal is vicious.

(e) The owner or keeper of any animal that violates section (3) of this ordinance will be subjected to a graduated enforcement and monetary fine schedule as listed below.

1st Offense; Fine \$106.80

2nd Offense; Fine \$186.90

(6) COURT ORDER TO KILL A DOG

(a) In accordance with state law; the City of Kiel may determine that a dog is vicious and seek civil action to obtain a judgment from a court ordering that a dog be killed in a humane manner at the owner or keeper's expense.

(b) The court may grant the judgment to have the dog killed if the court finds;

(1) The dog caused serious injury to a person or domestic animal on 2 separate occasions off the owner's property, without reasonable cause.

(2) The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.

SECTION 2: This ordinance shall take effect upon passage and publication in accordance of law.

Ordinance No. 557 introduced on January 15, 2019 by Alderperson _____, seconded by Alderperson _____.

Upon a call of votes thereof, the result was as follows:

_____ Votes Cast
_____ Votes Aye
_____ Votes Nay

The Mayor declared Ordinance No. 557 introduced and approved this 15 day of January, 2019.

MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

JAMIE J. AULIK, City Administrator