

ORDINANCE 1052

AMENDING REGULATION OF ANIMALS

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2 of Title 5, Regulation of Animals, of the Lake Mills Municipal Code is amended as follows:

5-2-1: PURPOSE AND INTENT

A. The City Council finds that it is necessary to regulate the ownership of certain animals and to prohibit the possession of other animals because of the City's interest in and duty to protect and promote the health, safety, and general welfare of its residents.

B. The City Council finds that the ownership and certain treatment of many animals are already regulated by the State, and where the State Statutes already address an area of regulation adequately, the City Council finds it unnecessary to further regulate such matters through the Municipal Code.

C. The City Council deems it necessary, however, to regulate in areas of local concern where the State has not regulated the possession and treatment of certain animals, and to promote and encourage responsible pet ownership, while discouraging and deterring the possession or treatment of animals which creates a nuisance or potential threat to residents and their property.

D. The City Council finds that most animals within the City of Lake Mills are the property of the State of Wisconsin, because they are wild animals, and except for the purpose of prohibiting the private ownership of such animals within the City, the Council's primary intent in this chapter is to establish regulations applicable to the possession and treatment of domesticated, non-wild animals.

5-2-2: DEFINITIONS

A. "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise restrained or confined to a vehicle. "At large" refers to all streets, alleys, sidewalks, or other public or private property, which may be about the owner's premises.

A. B. "Domesticated animal" means an animal that does not possess a wild nature, and such animal that has been developed by humans from a naturally-occurring species through long-term selective breeding of a captive population to produce a distinct, new form exhibiting specific physiological, morphological and behavioral characteristics which are desirable or useful to humans, and which set it apart from its wild ancestor. A domesticated animal shall also mean an animal species that exists exclusively or primarily in association with humans and is generally dependent on humans for its survival, and that exhibits certain "domestic" behavioral characteristics, among which is a lack of inherent fear of humans, a lack of aggression, a docile nature, sociability, a tendency to be comfortable in the human environment and a desire for human contact.

B. C. "Exotic animals" include, but are not limited to, poisonous snakes, constricting snakes, tarantulas, poisonous spiders and insects, nonhuman primates, rats, raccoons, skunks, wolves, wolf/dog mixed breeds, bats, squirrels, fox, leopards, panthers, tigers, lions, lynx, other warm-blooded animals which

normally and primarily are found in the wild state, and any member of the crocodylian family, including, but not limited to, alligators, crocodiles, caimans and gavials. For purposes of this section, a bird, simply because it is commonly referred to as being an "exotic" type of bird, does not automatically classify such bird as an exotic animal.

Є. D. "Fur-bearing animals" include, but are not limited to, otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, wildcat and lynx.

Є. E. "Game animals" include, but are not limited to, deer, moose, elk, bear, wild rabbits, squirrels, fox and raccoon.

Є. F. "Game birds" include, but are not limited to, wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, jacksnipe, woodcock, plovers, sandpipers, ruffed grouse (partridge), pinnated grouse (prairie chicken), sharp-tailed grouse, pheasants, Hungarian partridge, Chukar partridge, bobwhite, quail, California quail and wild turkey.

Є. G. "Game fish" include all varieties of fish except rough fish and minnows native to the waters of the state.

Є. H. "Livestock" includes, but is not limited to, chickens, domestic ducks, domestic geese, turkeys, peacocks, pigeons, ostriches, emus, goats, pigs, potbelly pigs, swine, mules, donkeys, burros, horses, ponies, cattle, sheep, buffalo, mink and any other domesticated farm animal, excluding dogs and cats.

Є. I. "Nongame species" means any species of wild animal not classified as a game fish, game animal, game bird or fur-bearing animal.

Є. J. "Owner" means a person who owns, harbors, keeps or controls an animal.

Є. K. "Possess" means to own, restrain, keep in captivity or transport an animal.

Є. L. "Protected wild animals" include cougar, badger, moose, elk, wolverine, flying squirrel, white deer, woodchuck, prairie chicken, Canada spruce grouse (spruce hen), mourning doves, swans, cranes, bittern, plovers, kingfishers, cormorants, heron, sandpipers, grebes, eagles, hawks, falcons, owls, hen pheasants, and any endangered or threatened species listed in ch. NR 27, Wis. Admin. Code.

Є. M. "Vicious or dangerous animal" means any animal, reptile, insect or fish that constitutes a physical threat to human beings.

Є. N. "Waterfowl" means wild geese, brant, wild ducks, rails, coots, gallinules, jacksnipe, woodcock, plovers, sandpipers and wild swan.

Є. O. "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion. "Wild animal" also means any undomesticated mammal, bird, or other animal. If a particular animal has never known the wild, if members of its species possess a wild nature and typically are found in the wild, such particular animal shall be deemed to be a wild animal.

5-2-3: PROHIBITED ANIMALS:

A. No person may possess, own, or sell any live game animal, game bird, game fish, fur-bearing animal, waterfowl, protected wild animal, or nongame species of wild animal within the City of Lake

Mills, unless such person has been licensed by the Wisconsin Department of Natural Resources to rehabilitate specific, injured wild animals, or unless such person possesses an animal specifically trained to assist a disabled person residing on the premises with daily living activities.

B. No person may possess, own, or sell any live, wild or domestic skunk within the city. A wild skunk means any skunk except a domestic skunk. A domestic skunk means any skunk raised on a fur animal farm licensed by the state.

C. No person may possess or own any livestock within the city in any area not zoned agricultural.

D. No person may possess or own any dangerous, vicious or exotic animal within the city.

E. In addition to any penalty that may be imposed for violating this section, the city may also seek any other lawful remedy to remove or abate a public nuisance.

F. The provisions of paragraphs A, C, and D of this section may be temporarily waived with respect to possession of prohibited animals if an application for a permit by a civic, religious, educational or charitable organization is presented to the City Manager prior to an event requiring such waiver and permit, and if the City Manager grants the permit. The City Manager may require information on location and transportation of prohibited animals, and the City Manager may require proof of insurance prior to granting the permit. A decision by the City Manager not to grant the permit may be appealed within 30 days to the City Council.

The granting of the permit does not waive any other provisions of this ordinance, nor does it waive any applicable requirements under state or federal law. (Ord. 755, 8-6-97)

5-2-4: RESTRICTED ANIMALS: The keeping of unlimited numbers of non-prohibited animals as pets in residential areas may give rise to conditions which present a threat to human health, safety, and general welfare. If such conditions are determined to exist, nothing in this chapter shall prevent the city from seeking any lawful remedy to remove or abate a public nuisance.

5-2-5: KEEPING OF ANIMALS:

A. The provisions of § 95.21, Wisconsin Statutes, and any amendments, shall be followed with respect to the rabies control program. For the purposes of enforcing these provisions, the City Council hereby authorizes employees of the Jefferson County Humane Society to act as officers, in addition to the city's law enforcement officers, for purposes of quarantining or sacrificing animals suspected of biting persons or of being infected or exposed to rabies. Any violations of § 95.21, Wis. Stats., may be referred to the Jefferson County District Attorney for prosecution.

B. The provisions of ch. 174, Wisconsin Statutes, and any amendments, shall be followed with respect to the impoundment of dogs for running at large, and the employees of Jefferson County Humane Society, and the city's law enforcement officers, are empowered and authorized as officers to carry out the procedures of impoundment as set forth in the statutes.

C. Because of the potential threat to the safety of persons and their property, and to the general welfare, it shall be unlawful for any person ~~who owns or possesses an animal to permit or negligently allow the animals to run at large within the city. An animal shall be deemed to be running at large if it is off the property of the owner or the person in possession and it is not on a leash or otherwise restrained by a person or confined to a vehicle.~~ to harbor or keep an animal that:

- (1) Assaults, attacks, bites or injures any person or domesticated animal without provocation, or, charges at the boundary of the owner's premises or at the end of its leash or other restraint in an attempt to attack without provocation. Acts of provocation include:
 - (a) Any person who attacked such animal or who engaged in conduct reasonably calculated to provoke such animal to attack or bite a person or domesticated animal; or
 - (b) Any person engaged in attacking or molesting another person; or
 - (c) Any person, dog, cat or domesticated animal engaged in unlawful or unauthorized entry into or upon the fenced or enclosed portion of the premises upon which such animal is kept, or into any automobile or other vehicle in which such animal is confined.
- (2) Habitually leaves its owner's property to pursue any vehicle upon any public street, alley or highway in the city.
- (3) Trespasses on school grounds, or cemeteries, or are in parks where pets are prohibited by ordinance under sec. 7-7-12;
- (4) Is at large within the city limits.
- (5) Damages private or public property.
- (6) Habitually howls, yelps, barks, crows or otherwise make noises that unreasonably annoy or disturb other residents within the City.
- (7) Is known by such person to be infected with rabies or to have been bitten by an animal known to be infected with rabies.
- (8) In the case of a dog or cat, is not licensed as required under Sec. 5-2-6.

In addition to other penalties imposed for violating this provision, an animal running at large may be impounded. In addition to penalties that may be imposed for violating this provision, the city may also seek any other lawful remedy to remove or abate a public nuisance.

D. Because of the potential threat to the health and general welfare of persons, it shall be unlawful for any person who owns or possesses an animal to neglect to remove or to cause the removal of feces deposited by the animals on public or private property, including said person's own property. In addition to penalties that may be imposed for violating this provision, the city may also seek any other lawful remedy to remove or abate a public nuisance.

~~E. Because of the potential threat to the general welfare and health of persons, it shall be unlawful for any person to own or possess an animal that, by its habitual growling, barking, howling, crying, screeching, or other noise emitting, causes serious annoyance to persons residing in the vicinity of such animal. In addition to penalties that may be imposed for violating this provision, the city may also seek any other lawful remedy to remove or abate a public nuisance.~~

~~F. Because of the threat to human health, safety and general welfare, it shall be unlawful for any person to own or possess an animal that bites or otherwise causes injury to a person.~~

5-2-6: LICENSING OF ANIMALS:

A. The provisions of ch. 174, Wisconsin Statutes, and any amendments, shall be followed with respect to the licensing of dogs, owner's liability for damage caused by dogs, court orders to kill a dog, impoundment of dogs for running at large and for not being licensed, and penalties. Any violations of ch. 174, Wis. Stats., may be referred to the Jefferson County District Attorney for prosecution.

B. Every owner of a dog or cat in the City of Lake Mills shall license every dog or cat that is owned, harbored, or kept within the City within 30 days of commencement of ownership or possession, or within 30 days of the dog's or cat's attainment of 5 months of age, and such license shall be obtained

every year thereafter on or before January 1. The fee for dog and cat licenses shall be as established from time to time by resolution of the Council. If such license is not obtained prior to March 31 in any given year after the dog or cat is 5 months old, then a \$5.00 late fee shall be imposed, in addition to any other penalty. Proof of current rabies vaccination of every dog to be licensed shall be required prior to the issuance of the license. The fees for licensing of dogs and cats within the City shall be set by the Council by resolution from time to time.

C. Every person who owns or possesses a dog or cat within the City that is over 5 months old and who has owned or possessed such animal for more than 30 days shall have a current license tag attached to the animal whenever the animal is outdoors unless the dog or cat is securely confined to a fenced area.

5-2-7: CRUELTY TO ANIMALS: The provisions of ch. 951, Crimes Against Animals, of the Wisconsin Statutes shall be followed, and any violations of ch. 951 may be referred to the Jefferson County District Attorney for prosecution.

5-2-8: WATERFOWL FEEDING PROHIBITED: No person may feed anything whatsoever to any wild waterfowl in or adjacent to Lakeside Park, Tyrannena Park, or Sandy Beach Park, including the Sandy Beach Mobile Home Park areas and sports complex. The City Manager is hereby empowered to authorize an agent or agents to discharge city-owned firearms in any city-owned park if such discharge is not for the purpose of killing any wildlife and if such discharge is in accordance with the Geese Management Program authorized by the City Council. (Ord. 781, 7-1-97)

5-2-9: PENALTIES: Except has otherwise provided herein, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 1-4-1 of this Code. Each violation and each day on which a violation occurs or continues shall constitute a separate offense. This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this chapter.

Section 4. This ordinance was sponsored by Council Representative Pam Lazaris.

Section 5. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this _____ day of _____, 2009.

Ed Grunden, Council President

Attest:

James E. Heilman, City Clerk