CHAPTER 78
ANIMALS

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78-1. Definitions. In this chapter:

1. ACCIDENTAL LITTER means a litter that was not intentionally bred, planned, facilitated, or allowed for the purpose of sale, distribution, or other commercial activity at the time breeding occurred, and that is not the result of repeated or negligent failure to take reasonable steps to prevent breeding, including failure to separate, contain, or sterilize animals, as described in sub. 6.5.

1.5. ANCHOR SWIVEL means a device that connects the tether to the anchor and prevents twisting or tangling by allowing the tether to rotate freely.

1.6. ANIMAL CONTROL CONTRACTOR means any person, entity, or organization under contract with the city pursuant to s. 173.15, Wis. Stats., to provide animal care, holding, treatment, or disposition services.

1.7. ANIMAL FANCIER means any person in a dwelling unit who keeps, harbors, shelters, or possesses at any time any combination of dogs, cats, or rabbits numbering exactly 5, and who is not subject to residential breeder requirements under s. 78-7. Animal fancier status applies regardless of the age of any animal. The occurrence of an accidental litter, when the owner complies with the accidental litter standards of s. 78-7- 4 shall not constitute animal fancier status unless the numerical threshold of 5 is met beyond the applicable compliance period established under sub. 78-7-4.

2. APIARY means the assembly of one or more colonies of bees at a single location.

3. APPROVED means approved by the commissioner.

4. AT LARGE means an animal is off the premises of its owner and on any public street or alley, school grounds, a public park, or other public grounds or on private property without the permission of the owner or person in lawful control of the property. An animal shall not be deemed to be at large if:

a. It is attached to a leash not more than 6 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden; or

b. It is properly restrained within a motor vehicle; or

c. It is a dangerous animal that is in compliance with the requirements of s. 78-23-2.

5. BEEKEEPER means a person who owns or has charge of one or more colonies of bees and has demonstrated to the commissioner that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

6. BEEKEEPING EQUIPMENT means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

6.5. BREEDING ACTIVITY means the intentional or unintentional production of, or possession of animals from, a litter of dogs, cats, or rabbits, originating from animals owned, kept, or harbored by a person, including circumstances in which the person knew or reasonably should have known that one or more animals were intact and capable of reproduction and did not take reasonable steps to prevent breeding. Reasonable steps shall include effective sterilization or physical separation of intact animals of opposite sexes and may include other commonly accepted veterinary or animal husbandry measures to prevent reproduction. Reasonable steps do not include intermittent supervision, intent to sterilize at a future date, or reliance on confinement without physical separation.

7. BODILY HARM means physical pain or injury or any impairment of physical condition.

8. CARETAKER means any person 16 years of age or older who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.

9. CAT means a domesticated member of felis domestica.

9.5. CHOKE COLLAR means any collar that tightens around a dog’s neck when pressure is applied, designed to restrict or choke the animal.

10. COLONY means an aggregate of bees in a hive consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

11. COMMISSIONER means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

12. COMMISSIONER OF PUBLIC WORKS means the legally designated head of the department of public works of the city of Milwaukee or his or her authorized representative.

13. DANGEROUS ANIMAL means:

a-1. Any animal which, when unprovoked, bites or otherwise inflicts bodily harm on a person, domestic pet or animal on public or private property.

a-2. Any animal which chases or approaches a person in a menacing fashion or apparent attitude of attack without provocation upon the streets, sidewalks or any public grounds or on private property without the permission of the owner or person in lawful control of the property.

a-3. Any animal that demonstrates a documented pattern of aggressive behavior toward persons, domestic pets, or other animals that creates a reasonable concern for public safety.

b. The biting or injury of a person by an animal shall in the absence of contrary evidence be presumed to be due to an unprovoked attack. Provocation of the animal by the person or animal that is bitten or injured or the fact that the animal bit or injured another person or animal as a result of provocation shall be considered in mitigation and if the provocation is purposeful or substantial, the court may accept the alleged bite or injury as self-defense by the animal and not classify the animal as dangerous.

c. An animal shall not be deemed a dangerous animal if it bites, attacks or menaces any person or animal to:

c-1. Defend its owner, caretaker or another person from an attack by a person or animal.

c-2. Protect its young or another animal.

c-3. Defend itself against any person or animal which has tormented, assaulted or abused it.

c-4. Defend its owner's or caretaker's property against trespassers.

14. DEPARTMENT means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

15. DOG means a domesticated member of canis familiaris.

15.5. DOG SHELTER means an enclosed structure that provides a dog with adequate protection from the elements, including protection from rain, snow, sun, and extreme temperatures, and allows the dog to stand, turn around, and lie down comfortably.

16. DOMESTICATED ANIMAL means any bird or animal of any species which usually lives in or about the habitation of humans as a pet or animal companion. The term does not include a dangerous animal, a prohibited dangerous animal or a feral cat.

18. DWELLING UNIT means one or more rooms, including a bathroom and kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

19. EXOTIC ANIMAL means any live animal that is not normally domesticated in the United States and that poses a potential risk to public safety or animal welfare. a. The term includes, but is not limited to, any of the following:

a-1. Big cats, including lions, tigers, leopards, jaguars, cougars, cheetahs, and hybrids.

a-2. Bears.

a-3. Non-human primates.

a-4. Crocodilians, including alligators and crocodiles.

a-5. Venomous reptiles.

a-6. Constricting snakes, monitor lizards, snapping turtles, or other reptiles presenting safety or containment concerns.

a-7. Wolves, coyotes, foxes, and hybrids not otherwise permitted by state law.

b. An animal shall not be considered domesticated solely because it is trained, tame, accustomed to human interaction, privately owned, born in captivity, or claimed to be a service animal or emotional support animal.

23. FOWL means all domesticated birds and nondomesticated game birds ordinarily considered to be edible.

24. GROOMING means care or service provided to the exterior of an animal to change its looks or improve its comfort but does not mean the treatment of physical disease or deformities.

25. GROOMING ESTABLISHMENT means a business establishment in which a domesticated bird or animal is received for grooming.

26. HIVE means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

27. HONEY BEE means all life stages of the common domestic honey bee, apis mellifera species.

28. KENNEL means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as an "animal boarding facility" in ch. 295.

28.5. MICROCHIP means a registered electronic identifier implanted under an animal’s skin, linked to a registry containing the current owner's contact information.

29. MULTIPLE DWELLING means a commercial or residential building consisting of 3 or more dwelling units.

29.5. NON-TIGHTENING COLLAR means a collar designed to maintain a consistent fit around the dog's neck without tightening when tension is applied to the leash or tether.

30. OWNER means any person owning, harboring, sheltering or keeping a dog, cat or any other domesticated bird or animal.

31. PERSON means any individual, firm, corporation or other legal entity.

32. PET SHOP means a business establishment, other than a kennel, where domesticated mammals, birds, fish or reptiles are kept for sale.

32.5. PINCH COLLAR means a collar composed of interlocking links with inward-facing prongs, which applies even pressure around a dog’s neck when pulled.

33.5. POTABLE WATER means water that is safe and suitable for a dog or other animal to drink, free from contamination and readily accessible.

34. PROHIBITED DANGEROUS ANIMAL means:

a. Any animal that is determined to be a prohibited dangerous animal under s. 78-25.

b. Any animal that, while off the owner's or caretaker's property, has killed a domestic pet or animal without provocation.

c. Any animal that, without provocation, inflicts substantial bodily harm on a person on public or private property.

d. Any animal brought from another city, village, town or county that is described under s. 78-5-2-b.

e. Any dog that is subject to being destroyed under s. 174.02(3), Wis. Stats.

f. Any dog trained, owned or harbored for the purpose of dog fighting.

34.2. PRONG COLLAR means a collar fitted with inward-facing metal prongs that press into a dog’s neck when tension is applied.

34.5. REPEATED PRACTICE means, within a 12-month period, the occurrence of more than one litter or the transfer of animals on more than one occasion, attributable to the same person, household, or animals owned, kept, or harbored by that person. Repeated practice includes placements occurring on more than one occasion, whether from the same litter or from multiple litters, and whether by sale, adoption, rehoming, or other means, regardless of whether compensation is received.

34.7. RESIDENTIAL BREEDER means any person who engages in breeding activity within a dwelling unit or on residential property, or who advertises for sale, sells, transfers, or otherwise distributes animals from any litter for compensation or other consideration or as part of a repeated practice, regardless of whether the numerical limits in s. 78-5-3 are exceeded, regardless of whether the animals were bred by the person or acquired from another source, and whose activity does not rise to the level of a dog breeding facility or other breeding operation regulated under ch. ATCP 16, Wis. Adm. Code.

37. SUBSTANTIAL BODILY HARM means bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

38. TETHER means a rope, chain, cable, or similar device used to secure a dog outdoors to a stationary object or anchoring device to restrict the dog's movement.

39. TRANSFER means any change in ownership or custody of an animal, whether by sale, gift, adoption, barter, or other means, including placement outside the animal’s house of origin. Transfer does not include temporary boarding, veterinary care, grooming, training, or foster placement through a recognized rescue, shelter, or animal welfare organization.

40. VETERINARY INSPECTION CERTIFICATE means a document issued and signed by a licensed veterinarian indicating that an animal has been examined and found to be free of signs of contagious or infectious disease on the date of examination that occurs on or near the date of transfer.

78-3. Owner or Caretaker's Duty; Presumption.

1. The owner or caretaker of any animal shall confine, restrain or maintain control over the animal so that the unprovoked animal does not attack or injure any person or domesticated animal.

2. The occupant of any premises on which a dog, cat or any other domesticated bird or animal remains or to which it customarily returns daily for a period of at least 10 days shall be presumed, for purposes of enforcement of this chapter, to be harboring, sheltering or keeping the animal.

78-5. Keeping of Animals Within City.

1. PERMITTED ANIMALS. No animal that is not a domesticated animal may be kept within the city or brought into the city limits except as provided in s. 78-5.5.

2. CERTAIN ANIMALS PROHIBITED.

a. Except as otherwise provided in this chapter, no person shall keep within the city, either temporarily or permanently, any live cows, cattle, horses, sheep, swine, goats, roosters, ducks, turkeys, geese or any other domesticated livestock, or undomesticated fowl provided, however, that the animals or fowl may be kept at places approved by the commissioner for slaughtering, educational purposes, research

purposes and for circuses or similar recreational events. Upon approval by the commissioner, horses used for livery service may be kept within the city. No rabbits or guinea pigs shall be kept within any portion of any multiple dwelling.

b. No person may bring into or keep in the city an animal that a Wisconsin city, village, town or county has declared dangerous or vicious, has banished from the city, village, town or county or has ordered to be destroyed. The commissioner may declare such an animal to be a prohibited dangerous animal in Milwaukee upon receipt of an official written declaration from the other city, village, town or county setting forth the grounds for the declaration, the name of the animal, if known, and the description of the animal.

c. No person may bring into or keep in the city, for sale or otherwise, either for food or for any other purposes whatsoever, any animal which, in accordance with the recommendations of the Compendium of Animal Rabies Control from the National Association of State Public Health Veterinarians, Inc., is not able to be effectively vaccinated against rabies, or any animal dead or alive, bird, insect, reptile or fish which is otherwise dangerous or detrimental to health.

3. NUMBER PERMITTED. a. No person shall keep, harbor, shelter, or possess at any one time more than 4 dogs, cats, or rabbits, in any combination, unless the person holds either a valid animal fancier permit authorizing the keeping of 5 animals, or a residential breeder permit authorizing the keeping of more than 5 animals or holds a valid kennel, pet shop or grooming establishment permit, or meets the definition of a dog breeding facility or other regulated operation under ch. ATCP 16, Wis. Adm. Code.

b. An animal fancier permit authorizes the keeping of no more than 5 animals.

c. The keeping of more than 4 dogs, cats, or rabbits, in any combination, in a dwelling unit located within a multiple-family dwelling is declared to be a nuisance. No animal fancier permit, limited exemption or residential breeder permit shall be issued for a dwelling unit located within a multiple-family dwelling.

d. No more than one animal fancier permit may be issued per qualified dwelling unit that is a single-family dwelling or in a duplex.

e. Animals temporarily fostered through a recognized rescue, shelter, or animal welfare organization shall not be counted toward the numerical limit established in this section, provided that documentation of foster status is available to the department upon request.

f. Nothing in this section shall be construed to exempt any person from obtaining a residential breeder permit when breeding activity occurs, as required under s. 78-7, or from obtaining a kennel permit when the numerical threshold for kennel regulation is met.

4. ANIMAL REMOVAL. The department may confiscate and remove animals from a premises for violation of sub. 1, 2 or 3 or ss. 78-6, 78-6.5, 78-23, 78-25 and 78-31, or if the animals constitute a public health threat as determined by the health department. The department may convey such animals to be housed and handled appropriately. If necessary, such animals may be disposed of in a humane manner by the department or their designee.

5. LIMITED EXEMPTION FROM NUMERICAL LIMITS. a. Exemption Authorized. A limited exemption from the numerical limit established in sub. 3 may be granted to a household that maintains 6 or more dogs, cats, or rabbits, in any combination, subject to the conditions of this subsection. This exemption authorizes the keeping of animals in excess of the numerical limits otherwise permitted under this chapter and does not alter how animals are counted under sub. 3 or the definition of animal fancier under s. 78-1-1.7.

b. Permit and Authorization Requirements. b-1. A household maintaining 6 or more animals shall be required to obtain a limited exemption under this subsection and shall comply with all other applicable permitting requirements of this chapter.

b-2. A limited exemption shall not take effect until the department issues a written exemption approval letter that identifies the premises address, all animals covered by the exemption, any conditions of approval, and the effective date of the exemption.

b-3. Upon issuance, the department shall register the exemption in its records for enforcement purposes.

c. Eligibility Conditions. A limited exemption may be granted only if all of the following conditions are met: c-1. Spaying or Neutering. All dogs, cats, and rabbits maintained in the household shall be spayed or neutered. Proof shall be provided in the form of a veterinary record, invoice, or verification from designated impound facility, animal control commission, or animal control contractor.

c-2. Nuisance Prevention. Animals kept under this exemption shall not create excessive noise, odor, sanitation concerns, or other nuisance conditions affecting adjacent properties. Verified nuisance conditions shall constitute grounds for revocation.

c-3. Capacity and Humane Care. The exemption shall be revoked if the number of animals exceeds the reasonable capacity of the premises to maintain sanitary conditions, adequate space, and humane care, even in the absence of nuisance complaints.

c-4. Multiple Dwellings Prohibited. A limited exemption shall not be available for any household located in a multi-family dwelling.

d. Duration, Renewal, and Inspection.

d-1. A limited exemption shall expire 3 years from the date of issuance unless renewed.

d-2. An exemption holder shall apply for renewal no later than 30 days prior to expiration and shall submit updated documentation demonstrating continued compliance, including proof of spaying or neutering for all animals.

d-3. Prior to renewal, the department may conduct an inspection of the premises to verify sanitary conditions, adequate space, compliance with nuisance standards, and continued eligibility.

d-4. Failure to provide reasonable access for inspection after written notice shall constitute grounds for denial or revocation.

e. Revocation, Expiration, and Return to Compliance. e-1. Upon expiration or revocation of a limited exemption, the household shall return to compliance with the numerical limit under s. 78-5-3 within 30 days, unless another applicable permit authorizing the keeping of more than five animals is obtained.

e-2. Failure to timely renew an exemption shall result in automatic expiration.

e-3. A violation of any condition of approval or applicable requirement of this chapter shall subject the owner to citation and may result in revocation.

f. No Waiver of Other Requirements. A limited exemption granted under this subsection does not waive any other requirement of this chapter or state law. All licensing, vaccination and microchipping requirements, cruelty standards, tethering limits, sanitation obligations, and leash and control provisions remain fully in effect.

78-5.5. Exotic Animals.

1. PURPOSE. The purpose of this section is to protect public health, safety, and welfare by regulating the possession of exotic animals, which by their nature are unpredictable, may pose a danger to persons, property, and other animals, and are not suited for residential or urban environments.

2. PROHIBITED POSSESSION. Except as provided in sub. 3, no person may keep, harbor, possess, breed, sell, transfer, give away, otherwise transfer possession of, or exhibit an exotic animal within the city.

3. EXEMPTIONS. This section does not apply to any of the following:

a. Accredited zoological parks.

b. Veterinary hospitals or clinics providing temporary medical care.

c. Accredited educational or research institutions maintaining exotic animals for academic, scientific, or research purposes.

d. Government agencies acting within the scope of official duties.

e. Wildlife rehabilitators licensed by the state of Wisconsin.

f. A humane society, animal shelter, or animal welfare organization temporarily housing an exotic animal that has been surrendered, impounded, or otherwise received for protective custody, treatment, placement, or transfer, provided the animal is housed in a manner approved by the department.

g. Licensed or otherwise lawfully authorized circuses, exhibitions, educational programs, research programs, or similar special events that are limited in duration and conducted in compliance with all applicable federal, state, and local laws.

4. TEMPORARY TRANSPORT. Transportation of an exotic animal through the city is permitted provided that the animal remains confined in a secure enclosure at all times and is not kept within the city longer than reasonably necessary for transport.

5. SERVICE ANIMALS. Nothing in this section shall be interpreted to alter rights or obligations established under applicable federal or state law governing service animals. An animal shall not be exempt from this section solely because it is designated or claimed to be an emotional support animal.

6. LIABILITY. Any person possessing, transporting, or otherwise having custody of an exotic animal within the city shall be liable for all costs associated with the capture, containment, impoundment, veterinary care, relocation, or destruction of the animal if it escapes, is unlawfully possessed, or otherwise poses a threat to public safety.

7. SEIZURE AUTHORITY. An exotic animal possessed in violation of this section may be taken into custody by a humane officer or law enforcement officer pursuant to s. 173.13, Wis. Stats., and may be impounded in accordance with s. 78-21.

8. ANIMALS KEPT PRIOR TO EFFECTIVE DATE. A person who lawfully possesses an exotic animal prior to the effective date of this section may continue to possess the animal for the remainder of the animal's natural life provided that all of the following conditions are met:

a. The animal is registered with the department within 60 days after the effective date of this section.

b. The owner demonstrates containment measures sufficient to prevent escape and protect public safety.

c. The animal is not bred, sold, transferred, or replaced within the city.

d. An exotic animal lawfully possessed prior to the effective date of this section may not be transferred except to a person or entity located outside the city and only with prior written approval of the department.

e. As a condition of approval, the owner shall provide the name and address of the proposed receiving person or entity and any other information required by the department to verify that the transfer is lawful and that the animal will be kept in compliance with applicable law.

f. The department may require proof that the receiving jurisdiction or receiving entity has been notified or has accepted the animal.

9. PUBLIC NUISANCE. Any exotic animal kept, harbored, possessed, or maintained in violation of this section is declared to be a public nuisance and may be subject to enforcement action, including seizure and impoundment.

10. ADMINISTRATION. The department may establish procedures for interdepartmental coordination, training, emergency response, temporary holding, and disposition of exotic animals seized or surrendered under this section.

11. PENALTIES. Violations of this section are subject to the penalties provided in s. 78-55-6.

78-6. Keeping of Honey Bees in the City.

1. PERMIT REQUIRED. No person shall keep honey bees in the city without being a beekeeper and obtaining a valid permit issued by the commissioner. The permit process requires a completed application accompanied with a fee prescribed in s. 60-7-7, and an inspection which must meet all provisions of sub. 3. The permit application is also subject to a potential objection hearing pursuant to sub. 2.

2. NEIGHBORHOOD APPROVAL REQUIRED. Before a permit is issued for the keeping of bees the following process must be followed:

a. Once a permit is applied for all property owners within a circular area having a radius of 200 feet, centered on the premises for which a permit has been requested, shall be notified by the commissioner. This shall be done via first-class U.S. mail.

b. Property owners shall have 14 working days to file a written objection and request for a hearing to the commissioner if they object to the granting of a permit.

c. If a timely written objection and request for a hearing has been submitted to the commissioner, the commissioner shall hold a hearing within 14 days.

d. Within 10 days of completion of the hearing conducted pursuant to par. c, the commissioner shall mail to the objector and permit applicant his or her written determination on the granting of the permit, taking into consideration factors listed under sub.3.

3. KEEPING OF HONEY BEE HIVES. A permit authorizes the keeping of honey bee hives on a premise, provided the following:

a. No more than 2 hives are allowed on a lot.

b. Honey bees are limited to eastern european races of apis mellifera.

c. All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.

d. A minimum 6-foot high closed fence, closed hedge, building or other solid flyway barrier or other barrier which the commissioner determines to be of sufficient height shall be located between hives and the property lines for all hives located within 20 feet of the property line. A supply of water shall be located within these enclosures and flyway barriers. A flyway barrier is not needed if the bee hive is kept at least 10 feet off the ground.

e. All hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 10 feet from all other property lines.

f. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

g. Hives shall be provided with fresh water throughout the day and be designed to allow bees to access water by landing on a hard surface. This is not required during the winter.

h. Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.

i. In any instance in which a hive exhibits unusually aggressive characteristics it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and non-swarming characteristics

j. In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

k. A permit application that is denied because it does not meet the standards of this subsection may be appealed to the commissioner, who may waive or modify the requirements of this subsection consistent with professional practice guidelines promulgated by the University of Wisconsin system, Milwaukee County Extension, or other similar professional or academic material.

4. PERMIT REVOCATION. A permit shall be subject to revocation upon failure to comply with any provisions of this section. Once a permit is revoked, a permit shall not be reissued.

78-6.5. Keeping of Chickens in the City.

1. PERMIT REQUIRED. No person shall keep chickens in the city without obtaining a valid permit issued by the commissioner. The permit process requires a completed application accompanied with a fee prescribed in s. 60-7-8. The permit application is also subject to notification and approval pursuant to sub. 2.

2. NEIGHBORHOOD APPROVAL REQUIRED. Before a permit is issued for the keeping of chickens, the following process shall be followed:

a. Once a permit is applied for, the property owner, if someone other than the applicant, and owners of all directly or diagonally abutting properties, including those across an alley, shall be notified by the commissioner. This shall be done via first-class U.S. mail.

b. Property owners shall have 14 working days to file a written objection and request for a hearing to the commissioner if they object to the granting of a permit.

c. If a timely written objection and request for a hearing has been submitted to the commissioner, the commissioner shall hold a hearing within 14 days.

d. Within 10 days of completion of the hearing conducted pursuant to par. c, the commissioner shall mail to the objector and permit applicant his or her written determination on the granting of the permit, taking into consideration factors listed under subs. 3 and 4.

3. KEEPING OF CHICKENS ALLOWED. The keeping of up to 4 chickens, with a permit, is allowed on a residential premise, provided the following:

a. No person shall keep any rooster.

b. No person shall slaughter any chickens.

c. Chickens shall be provided with fresh water at all times and adequate amounts of feed.

d. Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the covered enclosure or a sanitary and adequately-sized and accessible fenced enclosure, or yard, at all times.

e. Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.

f. Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.

g. Chicken coops and yards together shall be large enough to provide at least 16 square feet per chicken.

h. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.

i. No enclosure shall be located in the front yard of a dwelling.

j. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

4. PUBLIC HEALTH REQUIREMENTS.

a. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

b. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.

c. The commissioner may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

5. PERMIT REVOCATION. A permit is subject to revocation upon failure to comply with any provisions of sub. 3 or 4. Once a permit is revoked, a permit shall not reissued.

78-7. Kennels, Horse Stables, Animal Fancier and Residential Breeding Permits. 1. KENNELS AND HORSE STABLES. a. Permit Required. No person shall operate a kennel or horse stable without a valid permit issued by the commissioner. When all applicable provisions of this section along with applicable federal and state of Wisconsin requirements have been complied with by the applicant and a valid occupancy permit for this business has been issued by the commissioner of neighborhood services, the commissioner shall issue a permit to operate upon payment of the fee required in s. 60-51.

b. Kennels; Operation. Kennels shall be operated in accordance with the following requirements:

b-1. All animals shall be maintained in a healthy condition, or if ill shall be given appropriate treatment immediately.

b-2. The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

b-3. Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of nonporous and noncorrosive materials. Dogs and cats over the age of 5 months shall be housed in separate enclosures with enough space as set by applicable federal requirements with no more than 3 dogs or 3 cats contained within the same enclosure. Animals shall not have the freedom to roam the business establishment.

b-4. Food supplies shall be stored in rodent-proof containers and food and water containers shall be kept clean.

b-5. Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.

b-6. Feces shall be removed from yards, pens and enclosures at least daily and stored in tightly covered metal containers until final disposal.

b-7. Yards, pens, premises and animals shall be kept free of pest infestations.

b-8. No odor nuisance shall be permitted. Any animal holding area containing animals shall be provided with fresh air by means of windows, doors, vents, exhaust fans or air conditioning so as to minimize drafts, odors and moisture condensation.

b-9. Kennels shall also be operated in accordance with requirements set forth in s. 78-9-3 to 5. Nothing in this section shall apply where kennel services are incidental to the operation of a veterinary hospital.

c. Horse Stables; Operation. Horse stables shall, in addition to the requirements set forth in sub. b-1, 2, 4 to 8 and s. 78-5, be operated in accordance with the following:

c-1. Horse stalls or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of such materials and in such a manner as to comply with all local, state and federal requirements.

c-2. Horses shall be stabled indoors.

c-3. The temperature of the stable shall comply with all local, state and federal animal welfare regulations.

c-4. An approved water supply shall be provided to all parts of the stable for the horses and to be used for wet cleaning.

c-5. Floor drains connected to an approved sewage system must also be provided.

2. ANIMAL FANCIER PERMITS. a. The commissioner shall issue an animal fancier permit upon the payment of all applicable fees required in s. 60-3, provided that the owner has no outstanding violations under this chapter.

b-1. Whenever the department requests an inspection of the interior and exterior premises of a person holding an animal fancier permit or of an applicant for an animal fancier permit, the

animal fancier or applicant shall schedule such an inspection and allow the inspection to be completed no later than 10 days after the date of the request. A request for a department inspection under this paragraph may be made by any of the following means:

b-1-a. An oral request delivered in person to the applicant or permit holder.

b-1-b. An oral request delivered by telephone to the applicant or permit holder.

b-1-c. A written request left at the residence or place of occupation of the applicant or permit holder.

b-1-d. A written request delivered to a competent adult occupant of the applicant's or permit holder's residence.

b-1-e. A written request addressed to the applicant or permit holder at his or her residence and mailed by first class, prepaid mail.

b-2. A person who fails to comply with an inspection request as required by this paragraph shall be charged a delayed inspection fee in the amount provided in s. 60-3-4.

c. A person holding an animal fancier permit shall conform to the requirements set forth in sub. 1-b-1 to 8.

d. An animal fancier permit may be revoked if an owner does not conform to the requirements set forth in sub. 1-b-1 to 8.

3. RESIDENTIAL BREEDERS.

a. Applicability and Purpose. This subsection applies to residential breeders, as defined in s. 78-1-34.7. The purpose of this subsection is to regulate residential-scale breeding and transfer activity, including accidental litters, in a manner that protects animal welfare and public health, authorizes limited increases in the number of animals consistent with residential breeder permits, provides a compliance pathway for accidental litters, and distinguishes residential breeding from a dog breeding facility or other breeding operation regulated under ch. ATCP 16, Wis. Adm. Code.

b. Residential Breeder Permit.

b-1. No person shall act as a residential breeder without first obtaining a residential breeder permit issued by the department.

b-2. Any animal fancier who engages in breeding activity and fits the definition of a residential breeder shall obtain a residential breeder permit in addition to any required animal fancier permit.

b-3. A residential breeder permit authorizes residential-scale breeding and transfer activity only and does not authorize commercial breeding, kennel operations, or any activity regulated by the state under ch. ATCP 16, Wis. Adm. Code.

b-4. A residential breeder permit authorizes the keeping of more than 5 animals, subject to the numerical limits and conditions applicable to residential breeders under s. 78-5-3, and does not authorize the keeping of animals at a scale requiring a kennel permit under this chapter.

b-5. Residential breeder status is independent of animal fancier status. Possession of an animal fancier permit does not exempt a person from residential breeder requirements. A person may be subject to both:

b-5-a. Residential breeder requirements based on breeding and transfer activity.

b-5-b. Animal fancier requirements based on numerical limits and shall comply with both when applicable.

4. ACCIDENTAL LITTER COMPLIANCE. a. The occurrence of an accidental litter, by itself, shall not constitute a violation of a sub. 3-b.

b. Where an accidental litter occurs, the owner shall do all of the following:

b-1. Comply with all applicable requirements of this section and obtain any permit required under this chapter prior to any advertisement, sale, or transfer of an animal from the litter.

b-2. Rehome animals within 90 days of birth unless otherwise authorized by the department under an applicable permit or exemption granted pursuant to this chapter.

b-3. Comply with spay or neuter requirements for parent animals under s. 78-5-5.

c. A one-time extension of up to 30 days beyond the initial 90-day period may be granted by the department in writing when necessary to ensure safe and appropriate rehoming based on documented health or welfare considerations.

5. SPAY OR NEUTER REQUIREMENTS FOLLOWING AN ACCIDENTAL LITTER. a. Upon the occurrence of an accidental litter, spaying or neutering of the parent animal or animals responsible for the litter is required as a corrective compliance measure under this section.

b. The owner shall cause the parent animal or animals responsible for the litter to be spayed or neutered within the 90-day compliance period established under sub. 4 unless a licensed veterinarian documents that alteration is medically inadvisable.

c. Nursing or pregnancy establishes parentage for purposes of this section. Both the male and female parent animals shall be altered unless medically contraindicated.

d. Proof of spaying or neutering or veterinary documentation of medical inadvisability shall be provided to the department upon request.

e. Failure to comply with this section shall constitute a violation and result in revocation of any limited exemption granted under s. 78-5-5.

f. The acquisition of additional unaltered animals during the compliance period does not excuse or delay the requirements of this section.

6. TRANSFER AND ADVERTISING REQUIREMENTS. a. No animal from a litter subject to this section may be transferred under any of the following circumstances:

a-1. Prior to 8 weeks of age, unless otherwise expressly permitted under state law for entities regulated under ch. ATCP 16, Wis. Adm. Code.

a-2. Without age-appropriate vaccinations consistent with generally accepted veterinary standards.

b. Any advertisement for the transfer of animals from a litter for which a residential breeder permit is required shall include the valid residential breeder permit number.

c. The residential breeder shall maintain records for a minimum of one year documenting:

c-1. The origin of each animal.

c-2. Vaccination status.

c-3. The date and manner of transfer or placement.

7. ESCALATION TO KENNEL REGULATION AND ZONING REGULATION. A residential breeder permit authorizes only residential-scale breeding and transfer activity conducted within a dwelling unit or on residential property. A person shall be required to obtain a kennel permit and comply with all applicable kennel regulations, zoning requirements, and ch. ATCP 16, Wis. Adm. Code, when any of the following apply:

a. Breeding or transfer activity meets or exceeds the numerical limits established for kennels under this chapter.

b. The activity constitutes a commercial operation.

c. The activity is not permitted in the applicable zoning district.

8. ENFORCEMENT. a. Failure to comply with this section may result in one or more of the following actions:

a-1. Denial, suspension, or revocation of a residential breeder permit.

a-2. Administrative citation.

a-3. Referral for enforcement under applicable kennel or state provisions.

b. Nothing in this section limits the department's authority to enforce other provisions of this chapter.

78-9. Pet Shops. 1. PERMIT REQUIRED. No person may operate a pet shop unless the person holds a valid permit issued by the commissioner. When all applicable provisions of this section have been complied with by the applicant and a valid occupancy permit for this type of business has been issued by the commissioner of city development, the commissioner shall issue a permit to operate a pet shop upon the payment of the fee required in s. 60-69.

2. OPERATION. Pet shops shall be operated in accordance with the requirements set forth in s. 78-7-1-b-1 to 8.

3. IMMUNIZATION. No pet shop may sell or offer for sale any dog or cat 5 or more months old unless the dog or cat has been vaccinated against rabies by use of a vaccine currently licensed by the U.S. department of agriculture. The vaccine shall be administered by or under the supervision of a licensed veterinarian. A certificate of vaccination identifying the dog or cat including its approximate age, date of vaccination and signed by the vaccinating veterinarian shall be given the purchaser at the time of sale.

4. RECORD OF SALE. Every pet shop shall keep a record of every dog and cat sold by the establishment setting forth the date and source

of acquisition, date of rabies vaccination, the date of sale and the name and address of the purchaser. Such records shall be maintained on the pet shop premises for at least one year following the date of sale of each dog and cat, and such records shall be open to inspection by the commissioner at all times during which the pet shop is open to the public.

5. SALE OF BATS, FOXES, RACCOONS AND SKUNKS PROHIBITED. No pet shop may engage in the purchase, keeping, distribution or sale of any species of bats, foxes, raccoons or skunks.

78-11. Grooming Establishments. 1. PERMIT REQUIRED. No person may operate a grooming establishment without a valid permit issued by the commissioner. When all applicable provisions of this section have been complied with by the applicant and a valid occupancy permit for this business has been issued by the commissioner of city development, the commissioner shall issue a permit to operate a grooming establishment upon the payment of the fee required in s. 60-43.

2. OPERATION. Animal grooming establishments shall, in addition to the requirements set forth in s. 78-7-1-b-2, 3 and 8, be operated in accordance with the following:

a. The floor of any room in which grooming operations are conducted or in which animals are kept shall be covered with an impervious, smooth, cleanable surface. The floors shall be cleaned and disinfected daily.

b. All animal hair and manure shall be removed from the floors daily and shall be stored in tightly covered, waterproof containers in such a manner as to prevent a nuisance until the final disposal.

c. In each grooming establishment that uses a bathtub, such bathtub shall be large enough to accommodate the largest animal groomed. The tub shall be made of approved material and shall be properly connected to an approved water system consisting of hot and cold running water and to an approved sewer or waste disposal system

d. No animals shall be kept in any grooming establishment other than during regular office hours unless a valid kennel or pet shop permit is also issued for the same location. Nothing in this section shall apply to an establishment where grooming is incidental to the operation of a veterinary hospital.

e. The premises shall be kept free of insect and rodent infestation.

f. The premises shall be maintained and operated in a nuisance free manner.

78-13. Posting of Permit. Every kennel, pet shop or grooming establishment permit issued by the commissioner shall be posted in a conspicuous place open to the public.

78-15. Sanitary Conditions of Commercial Animal Establishment. All commercial kennels, hutches, runs, yards or any other commercial structures or premises where animals permitted to be kept in accordance with this chapter are housed or kept shall be maintained in a clean and sanitary condition.

78-17. Dog and Cat Licenses. 1. REQUIRED. Any person owning, keeping, harboring or having custody of any dog or cat over 5 months of age within the city of Milwaukee shall obtain a license as provided in this section and in accordance with ch. 174, Wis. Stats., relating to dogs, and ch. 26, Milwaukee County Code of Ordinances, relating to cats. Any person obtaining a dog or cat that is older than 5 months of age shall have 30 days to apply for an original license, except this requirement will not apply to a nonresident keeping a dog or cat within the city for less than 30 days.

2. APPLICATION. Application for licenses shall be made to the Milwaukee area domestic animal control commission and shall include the name and address of the applicant, description of the animal, the appropriate fee, whether the animal is spayed or neutered and a rabies certificate or tag issued by a licensed veterinarian illustrating that the animal for which the license is sought has received current immunization for rabies or a statement issued by a licensed veterinarian that the immunization for rabies is contraindicated for the animal. A rabies certificate or tag shall be deemed valid if the termination date of the immunization falls after the date of the application for the license. Written proof is required from a licensed veterinarian illustrating that the animal being licensed has been

spayed or neutered in order to qualify for a reduced license fee.

3. FEES. A license shall be issued after payment of the fee specified in s. 60-7.

4. PAYMENT RESPONSIBILITY. The owner, harborer, shelterer or head of the family shall be liable for payment of the license fee of any dog or cat owned, harbored or kept by any member of the family.

5. ISSUANCE. Upon acceptance of the license application and fee, the Milwaukee area domestic animal control commission shall issue a tag and a license. The tag shall be securely attached by the licensee to a collar or harness and the collar or harness with the tag attached shall be kept on the dog or cat for which the license is issued at all times. This requirement does not apply to a dog or cat securely confined indoors or in a fenced area.

6. MICROCHIPPING. a. Every dog and every cat kept in the city shall be microchipped and registered with a nationally recognized pet recovery database.

b. Transfer of ownership of a microchipped animal shall be reported to a national pet microchip registry within 30 days of the transfer date. The new owner shall ensure that the microchip registration is updated to reflect current contact information.

c. The requirements of this subsection do not apply when either of the following conditions exist:

c-1. The dog or cat is temporarily visiting the city for a period not exceeding 90 consecutive days.

c-2. The dog or cat is owned by an individual who has established residency in the city within the past 90 days, provided that microchipping is completed and registered within that period.

78-19. Animals at Large; Animal Litter Nuisance.

1. UNLAWFUL. No owner or caretaker of any animal may permit or suffer the animal to be at large. Any animal found at large shall be deemed to be so with the permission or at the sufferance of its owner or caretaker. Any adult person alone or together with other adults may seek relief from animals at large by a complaint to the commissioner setting forth the specific date and approximate time an animal of a particular owner was observed by them to be at large. The commissioner shall notify the owner or caretaker of the animal, in writing, of the alleged violation and provisions of this section. If the petitioners subsequently observe that the animal is again at large, they may submit a written petition to the city attorney for commencement of prosecution to obtain compliance with this section. Such written petition shall contain:

a. Name and address of complainant.

b. Description of animal and address of owner.

c. Dates and times violations were noted.

d. Date reported to commissioner.

e. Statement that petitioners will be willing to sign complaint and testify in court.

2. SETTING AT LARGE. No person may permit an animal to run at large by opening any door or gate of any premises or loosen any restraining device or otherwise entice any animal to leave any place of confinement.

3. ANIMAL LITTER NUISANCE. No owner or caretaker of any animal may appear with the animal on any street, alley, sidewalk, lawn, field or any public property or upon a property other than their own without a shovel, scoop, bag or other items for the removal of fecal matter. The owner or caretaker of an animal shall immediately after deposit of fecal matter on such premises remove all fecal matter by shovel, scoop, bag or other item and properly wrap and deposit the fecal matter in an approved waste container as specified in s. 79-4 situated upon his or her own premises.

4. COMPLAINTS. Any adult person alone or together with other adults may seek relief from animal fecal matter deposits as described in sub. 3 by a complaint to the commissioner in the same manner and procedure as set forth in sub. 1.

78-20. Humane Officer. 1. APPOINTMENT. A humane officer shall be appointed by the commissioner, and serve upon confirmation by the common council.

2. DUTIES. The humane officer shall advise the commissioner and the Milwaukee police department on issues relating to animal cruelty, serve as an expert witness as needed and serve as a member of the dangerous animal panel as provided in s. 78-25-2-b-2.

3. AUTHORITY. The humane officer has the authority to seize an animal found at large and impound it in a place designated by the commissioner. In addition, a humane officer may request law enforcement officers to enforce and prosecute violations of this section and state statutes, and may cooperate in those prosecutions.

78-21. Impounding of Animals.

1. IMPOUNDING. Any police officer or humane officer finding an animal at large may seize the animal and impound it in the place designated by the commissioner. The commissioner may also cause the seizure and impoundment of animals at large.

2. REPOSSESSION OF IMPOUNDED ANIMALS. a. The possession of any animal seized or impounded by a humane officer or law enforcement shall be restored to the owner or caretaker upon compliance with the conditions set forth in this subsection. Nothing in this subsection shall be construed to authorize any conduct prohibited under s. 173.07(6), Wis. Stats.

b. In addition to the reclamation fee required under sub. 60-5-1, a daily fee for boarding shall be assessed for each calendar day, or portion thereof, during which the animal is held in impoundment. The amount of the daily fee shall be determined by the designated impound facility, animal control commission, or animal control contractor in accordance with its current fee schedule.

c. The designated impound facility, animal control commission, or animal control contractor may assess additional fees for veterinary care, administrative processing, or other services provided during the period of impoundment, as authorized under s.173.23(1), Wis. Stats., and any applicable policy.

d. If the animal is an unlicensed dog or cat, the owner shall obtain a valid license and pay any applicable licensing fees prior to release of the animal by the impound facility, animal control commission, or animal control contractor.

e. No animal shall be released from animal control contractor, or shelter, or impound facility custody until all required fees under this section have been paid in full and all applicable licensing requirements have been met.

78-23. Harboring Dangerous Animals.

1. DANGEROUS ANIMALS REGULATED.

a. No person may harbor or keep a dangerous animal within the city unless all provisions of this section are complied with. Any animal that is determined to be a prohibited dangerous animal under s. 78-25-2 shall not be kept or harbored in the city except as permitted during a compliance period established under s. 78-25.

b. The commissioner may determine an animal to be a dangerous animal whenever the commissioner finds that an animal meets the definition of a dangerous animal in s. 78-1-13. A determination that an animal is dangerous shall be based on one or more documented incidents demonstrating aggressive behavior or other conduct creating a reasonable concern for public safety.

c. The issuance of a citation for a violation of this section need not necessarily be predicated on a determination by the commissioner that an animal is a dangerous animal.

2. LEASH AND MUZZLE. No person owning, harboring or having the care of a dangerous animal may permit such animal to go outside its kennel or pen unless the animal is securely leashed with a leash no longer than 4 feet in length. No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person who is 16 years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal is in physical control of the leash. The animal may not be leashed to inanimate objects such as trees, posts and buildings. A dangerous animal on a leash outside the animal's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. A dangerous animal shall not be required to be muzzled upon prior written approval of the health department or when shown in a sanctioned American Kennel Club show. The written approval shall be carried by the owner or caretaker.

3. CONFINEMENT. a. Except when leashed and muzzled as provided in sub. 2, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or caretaker and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.

b. When constructed in an open yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel shall be child-proof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences (at least 2 feet) shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than 2 feet. All structures erected to house dangerous animals shall comply with all city zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

4. CONFINEMENT INDOORS. No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the building on its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

5. SIGNS. The owner or caretaker of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than 2 inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

6. SPAY AND NEUTER REQUIREMENT. Within 30 days after an animal has been designated dangerous, the owner or caretaker of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

6.5. BEHAVIORAL MANAGEMENT PLAN. Within 30 days after an animal has been designated a dangerous animal, the owner or caretaker shall submit to the department a proposed behavioral management plan designed to minimize risks to public safety and prevent future dangerous behavior. The plan shall be in a form approved by the department and may include requirements relating to confinement, handling, supervision, transportation, veterinary care, behavioral support, exercise, enrichment, emergency procedures, and other measures reasonably necessary to protect public safety. The department may approve the plan, deny the plan with directions for revision, or require modifications to the plan as a condition of approval. The owner or caretaker shall comply with the plan as approved by the department and shall provide documentation demonstrating ongoing compliance upon request of the department. The department may require revisions to an approved plan if circumstances materially change or if additional measures are reasonably necessary to protect public safety. Failure to submit a proposed plan, obtain approval of a required plan, or comply with an approved plan shall constitute a violation of this section.

7. LIABILITY INSURANCE. The owner or caretaker of a dangerous animal shall present to the department or police department proof that the owner or caretaker has procured liability insurance in an amount not less than $1,000,000 for any personal injuries inflicted by the dangerous animal. Whenever such a policy is cancelled or not renewed, the insurer shall so notify the department.

8. WAIVER BY COMMISSIONER. Upon request, the commissioner may waive any requirement specified in subs. 2 to 7 that the commissioner deems to be inappropriate for a particular dangerous animal.

9. DECLARATION AND ORDER. Upon investigation, a department may issue an order declaring an animal to be a dangerous animal and ordering the owner or caretaker to present the animal to the Milwaukee area domestic animal control commission for the purpose of having a microchip inserted for identification purposes. The cost of the microchip procedure shall be at the expense of the owner. The department may, in the written order, impose additional corrective measures reasonably necessary to protect public safety.

9.5. APPEAL. Whenever an owner or caretaker wishes to contest an order issued under sub. 9 declaring an animal to be dangerous, the owner or caretaker shall, within 72 hours after receipt of the order, deliver to the department a written objection stating the grounds for the objection. The department shall conduct the appeal in accordance with the procedures established under s. 78-25-3.

10. NOTIFICATION. a. The owner or caretaker of a dangerous animal shall notify the department or police department within 24 hours after any of the following occurs:

a-1. The animal is at large.

a-2. The animal is unconfined.

a-3. The animal attacks another animal.

a-4. The animal attacks a human being.

a-5. The animal dies.

a-6. The owner or caretaker intends to sell, transfer, give away, or otherwise convey ownership or possession of the animal.

b. The notice required under sub. a shall include information sufficient to identify the animal, the owner or caretaker, and the event requiring notification. If the notice is provided under sub. a-6, the owner or caretaker shall, before the transfer occurs, provide the department or police department with the name, address, and telephone number of the proposed new owner or caretaker and any information reasonably necessary to verify compliance with this chapter. If the proposed new owner or caretaker resides outside the city, or the animal will otherwise be kept outside the city, the owner or caretaker shall also provide evidence, before the transfer occurs, that the police department or other law enforcement agency having jurisdiction over the animal's new residence has been notified of the proposed transfer.

10.5. TRANSFER RESTRICTIONS. No person may sell, transfer, give away, or otherwise transfer possession of an animal designated under this section unless the person has complied with sub. 10.

11. EUTHANASIA. If the owner or caretaker of an animal designated as a dangerous animal is unwilling or unable to comply with the requirements of this section for keeping the animal, the owner or caretaker may cause the animal to be humanely euthanized by a licensed veterinarian, an animal shelter, or the humane society. The owner or caretaker shall notify the department or police department within 24 hours after the animal has been euthanized and shall, upon request, provide documentation identifying the animal and verifying the date and method of euthanasia.

11.5. REVIEW OF DESIGNATION. a. The department may remove the dangerous animal designation of an animal upon written request of the owner or caretaker if the department determines that:

a-1. The owner or caretaker has demonstrated substantial and continuous compliance with all applicable requirements of this section for not less than one year.

a-2. The animal has not, during that compliance period, been at large, been unconfined, attacked a person or another animal, or otherwise exhibited behavior that would support designation as a dangerous animal.

a-3. The owner or caretaker has provided all information or documentation reasonably required by the department to evaluate the request.

a-4. Removal of the designation would not create an unreasonable risk to public safety.

b. A decision by the department under this subsection is discretionary. Nothing in this subsection limits the department's authority to declare or re-declare an animal dangerous or prohibited dangerous under this chapter based on new facts or subsequent conduct.

11.7. PUBLIC NUISANCE. Any animal kept in violation of this section is declared to be a public nuisance.

12. WAIVER. The commissioner may waive the provisions of subs. 2 to 7 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.

78-25. Prohibited Dangerous Animals.

1. PROHIBITED DANGEROUS ANIMALS. No person may bring into, keep, or harbor a prohibited dangerous animal within the city except during a compliance period established under this section for the removal, surrender, or other lawful disposition of the animal.

2. DETERMINATION OF A PROHIBITED DANGEROUS ANIMAL. The commissioner may determine an animal to be a prohibited dangerous animal whenever the commissioner finds that the animal meets the definition of a prohibited dangerous animal in s. 78-1-34 or is a dangerous animal not being kept in compliance with any provision of s. 78-23.

3. DECLARATION AND APPEAL.

a. Upon investigation, the department or a humane officer may issue a written order declaring an animal to be a prohibited dangerous animal. The order may also direct the owner or caretaker to present the animal to the Milwaukee area domestic animal control commission for the purpose of having a microchip inserted for identification purposes. The cost of the microchip procedure shall be at the expense of the owner.

b. 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 department a written objection to the order. The written objection shall include the specific reasons for objecting to or contesting the order. If an owner or caretaker makes such an objection to the order, the department shall convene a hearing.

c. The hearing shall be conducted before a 3-person dangerous animal panel composed of an environmental health professional, a humane officer, and a veterinarian, as designated by the commissioner of neighborhood services. Each panel member serves as an officer of the city exercising a quasi-judicial function within the scope of s. 893.80, Wis. Stats.

d. At the hearing, the owner or caretaker shall have the opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal. The hearing shall be held promptly and within no less than 5 days nor more than 10 days after service of a notice of hearing upon the owner or caretaker of the animal.

e. Pending the outcome of the hearing, the animal shall be securely confined in a humane manner either on the premises of the owner or caretaker, if approved by the department, or with a licensed veterinarian, impound facility, or other location approved by the department. The commissioner may order impoundment of the animal pending the result of the hearing.

f. The owner or caretaker shall be notified in writing of the panel's determination. If a determination is made that the animal is a prohibited dangerous animal, the department, commissioner, or chief of police shall establish a compliance period during which the owner or caretaker shall comply with subs. 1, 3, and 4. The compliance period shall be set forth in writing and shall not exceed 30 days after the date of the determination.

g. If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving the panel's decision, appeal the decision to the administrative review appeals board.

4. COMPLIANCE PERIOD. During the compliance period, the owner or caretaker shall comply with all of the following:

a. The animal shall remain securely confined at all times in a manner sufficient to prevent escape and protect public safety.

b. The animal shall not be taken off the premises except for veterinary care, surrender, lawful removal from the city, or as otherwise directed or approved by the department.

c. Whenever removal from confinement is necessary, the animal shall be restrained by leash and, if the animal is a dog or other animal that can practicably be muzzled, muzzled in a manner sufficient to prevent biting.

d. The owner or caretaker shall not sell, transfer, give away, or otherwise transfer possession to another person within the city.

e. The animal may be removed from the premises only as otherwise expressly authorized by state law or court order.

5. REMOVAL OR DISPOSITION. The owner or caretaker shall remove the prohibited dangerous animal from the city, surrender the animal to a person or entity authorized to lawfully possess it, or otherwise lawfully dispose of the animal within the time established under sub. 3-f. The department may require verification demonstrating compliance with this subsection, including from any receiving jurisdiction, receiving law enforcement agency, or receiving person or entity authorized to lawfully possess the animal.

6. DESTRUCTION. Any dog that has caused bodily harm to a person or persons on 2 separate occasions off the owner's or caretaker’s

premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under s. 174.02(3), Wis. Stats. The city attorney may petition an appropriate court to obtain a court order to destroy such a dog.

7. ENFORCEMENT. The department and police department may make whatever inquiry is deemed necessary to ensure compliance with this section. Animals regulated under this section may be impounded in accordance with s. 78-21. Nothing in this section limits the authority of the department under s. 78-5-4 or other applicable law to confiscate, remove, house, handle, or humanely dispose of animals when authorized.

8. PUBLIC NUISANCE. Any prohibited dangerous animal kept or harbored in violation of this section is declared to be a public nuisance.

9. WAIVER. The commissioner may waive one or more procedural or confinement-related requirements 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. No waiver may authorize the keeping of an animal in a manner that creates an unreasonable threat to public safety.

78-27. Control of Rabid Animals. 1. The owner of any animal which has contracted rabies or which has been exposed to rabies or which is suspected of having rabies or which has bitten any person and is capable of transmitting rabies shall upon demand of the police department or commissioner produce and surrender the animal to the police department or commissioner to be held in quarantine in a place designated by the commissioner for observation for a period of time determined by the commissioner.

2.a. If, upon investigation by the commissioner an animal other than a dog or cat has bitten a person or appears to be infected with rabies, the animal may be destroyed as directed by the commissioner, in accordance with s. 95.21(4)(b), Wis. Stats.

b. If, upon investigation by the commissioner and a determination by a veterinarian that a dog or cat exhibits symptoms of rabies, the dog or cat may be destroyed as directed by the commissioner, who shall act in accordance with s. 95.21(5)(d), Wis. Stats.

3. No person may knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by a rabid animal.

78-29. Animals; Disturbing the Peace.

1. COMPLAINTS. No person may own, keep, have in his or her possession or harbor any bird or animal which by frequent and habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons in the neighborhood. No prosecution may be commenced except upon the request of the commissioner following written complaint signed by one or more affected adult persons. No persons may be convicted under the provisions of this section except upon testimony of one or more adult persons.

2. CITATIONS. Notwithstanding sub. 1, enforcement personnel from the department and the police department may utilize a citation to help obtain relief from animal annoyances. In such instances, a notice shall be issued to the owner or caretaker of the animal producing the alleged nuisance specified by the complainant. Following issuance of such notice and where subsequent complaints are received of an alleged continued nuisance, the designated enforcement agencies may attempt to verify the reported animal nuisance. Where such verification is accomplished, these enforcement personnel may issue or cause to be issued a citation in accordance with other provisions of this chapter on the owner or caretaker of the animal causing the disturbance.

78-31. Cruelty to Animals. 1. CRUELTY. a. No person may cause, allow or personally beat, frighten, overburden, neglect or abuse any animal or bird, or use any device or chemical substance by which pain, suffering or death may result, whether the animal or bird belongs to the person or another, except that reasonable force may be used to drive off dangerous or trespassing animals.

b. No person shall abandon or transport any animal or bird in a cruel manner.

2. FOOD AND WATER. No person owning or having custody of any animal or bird may neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.

3. SHELTER. a. No person may fail to provide any animal or bird in his or her charge with shelter from inclement weather to insure the protection and comfort of the animal or bird.

b. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun.

c. Dogs and cats kept outdoors for more than one hour at a time shall be provided with moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Whenever the outdoor temperature is below 40° F, clean, dry bedding material in quantity and type approved by a duly appointed humane society officer shall be provided in such shelters for insulation and to retain the body heat of the animal. Automobiles shall not be used as animal shelters.

d. No person shall keep, harbor, raise or possess any animal or bird in any garage, shed or vacant structure.

4. LEASHES. Chains, ropes or leashes shall be placed or attached so that they cannot be entangled with another animal or object and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. A leash shall be located so as not to allow an animal to trespass on public or private property nor in such a manner as to cause harm or danger to persons or other animals.

5. ANIMAL FIGHTING. a. Instigation. No person shall cause or allow any animal to lunge at, or fight any other animal or person.

b. Spectators. No person shall intentionally be a spectator of animal fighting.

6. ANIMAL FIGHTING PARAPHERNALIA. a. Definition. In this subsection, “animal-fighting paraphernalia” means equipment, products or materials of any kind that are used, intended for use or designed for use in the training, preparation, conditioning or furtherance of animal fighting, including but not limited to the following:

a-1. A breaking stick, or device designed for insertion behind the molars of a dog for the purpose of breaking the dog’s grip on another animal or object.

a-2. A cat mill, or a device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit or other small animal beyond the grasp of the dog.

a-3. A treadmill, or an exercise device consisting of an endless belt on which an animal walks or runs without changing places.

a-4. A springpole, or a biting surface attached to a stretchable device, suspended at a height sufficient to prevent a dog from reaching the biting surface while touching the ground.

a-5. A fighting pit, or a walled or otherwise defined area designed to contain an animal fight.

a-6. Any other instrument commonly used in the furtherance of pitting one animal against another animal.

b. Prohibited Activity. No person shall intentionally own, possess, sell, transfer or manufacture animal-fighting paraphernalia with the intent to engage in or otherwise promote or facilitate animal fighting.

c. Penalty. c-1. Any animal-fighting paraphernalia used in violation of this section shall be seized and forfeited to the city.

c-2. Any person who violates this subsection shall, upon conviction, be subject to a forfeiture of not more than $500, together with the costs of prosecution, and upon default of payment be imprisoned as permitted under law.

7. VETERINARY CARE. No owner or caretaker of any animal shall fail to get prompt veterinary care for the animal if the animal is bleeding or injured, and the owner or caretaker shall provide a copy of a current dog or cat license upon request.

8. ANIMALS IN PARKED VEHICLES.

a. Prohibited. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, lack of food or water, or any other circumstance that could reasonably be expected to cause suffering, disability, or death to the animal.

b. Removal of Animal. A member of the police department or fire department who observes a violation of par. a is authorized to take all steps that are reasonably necessary for the removal of an animal from an unattended motor vehicle after making a reasonable effort to locate the motor vehicle owner or other person responsible.

9. TETHERING AND OUTDOOR HOUSING STANDARDS. a. A dog shall be physically able to tolerate tethering based on age, breed, and health.

b. No dog under 6 months, or pregnant or nursing female dog, may be tethered.

c. The tether shall be no less than 15 feet in length and allow unimpeded access to shelter, potable water, and food.

d. The tether shall include a functioning swivel at both the anchor point and attachment point to prevent tangling.

e. The tether shall attach to a properly-fitted, non-tightening collar or harness.

f. Choke, pinch, prong, weighted, or restrictive collars are prohibited while tethered.

g. The tether shall not exceed one-eighth (1/8) of the dog's body weight and shall be free of materials that can injure, bind, or abrade the dog.

h. The tether may not allow the dog to cross onto neighboring property or any public walkway, sidewalk, right-of-way, or street.

i. Tethering is prohibited during any heat, cold, wind, or storm advisory issued by the national weather service or local authority.

j. No dog may be tethered more than 6 total hours within any 24-hour period.

k. No tethering shall be permitted between 10:00 p.m. and 6:00 a.m. when unattended.

L. No dog may be tethered more than 2 continuous hours without at least one hour of release.

m. The owner or caretaker shall be present on the premises and monitor the dog at reasonable intervals.

n. The dog shall have continuous access to a shelter allowing it to stand, turn, and lie down comfortably with adequate shade and weather protection.

o. The dog shall have continuous access to potable water and appropriate food while tethered.

p. Each dog shall be tethered by its own independent tether. Shared radii or overlapping lines that permit entanglement are prohibited.

q. Tethering shall not create excessive noise, aggression displays beyond property lines, or other nuisance conditions.

r. This subsection does not apply to a facility or person regulated under ch. ATCP 16, Wis. Adm. Code, when tethering is conducted in compliance with applicable state standards.

10. ATTENDED TETHERING. The tethering restrictions in sub. 9 apply only to unattended dogs. These restrictions shall not apply when the dog is tethered outdoors and the owner or caretaker remains outside with the dog, maintains direct visual contact, and is able to immediately assist or intervene if needed.

78-33. Nuisance Birds. Starlings, English sparrows and feral pigeons are declared a public nuisance and may be trapped or destroyed under the supervision of the commissioner subject to applicable federal and state regulations.

78-35. Bird Feeding. Feed for birds shall be placed in a covered hopper, gravity type feeder. The platform of the feeder shall be of reasonable size and surrounded by a ledge to deter food from blowing off. The feeder shall be placed on top of a rodent-proof pole which extends at least 3.5 feet above the ground and shall be placed at least 6 feet from the nearest climbable object, or the feeder may be suspended from a tree if protected by rodent guards. Feed for birds shall not be placed on the ground where it is accessible to rodents. No more than 4 bird feeders shall be located on any premises. The feeder shall be maintained in a sanitary condition and cleaned regularly. The area below the feeder shall also be kept free of accumulations of feed.

78-37. Pigeon Harborages. Whenever the owner or tenant of any property in the vicinity of a premises upon which there are pigeon harborages makes a complaint to the department of a feral pigeon nuisance and if a pigeon nuisance is found to exist, the commissioner shall order the owner or manager of the premises to make the premises reasonably pigeon-proof and when necessary cover openings with hardware cloth or other suitable material for preventing pigeons from entering in or upon the premises.

78-39. Selling Baby Fowls. No person may display, give away or sell baby chicks or ducklings or any other young of domestic or nondomestic fowl as pets or novelties provided, however, that this prohibition does not apply to baby chicks kept pursuant to s. 78-6.5.

78-41. Stuffed Animals; Preservatives. No person may sell dead, stuffed birds or animals as novelties which have been preserved with arsenic or any other substance toxic to humans.

78-43. Turtles. No person may sell live turtles with a carapace length of less than 4 inches as pets or novelties.

78-45. Giving Away Animals as Prizes. No person may raffle or give as a prize or premium any live animal.

78-47. Display of Birds in Food Establishments. No person may display birds of the psittacine family in any store selling, giving away or preparing food or drink for human consumption unless the birds are so enclosed as to prevent any possible contamination of the food or drink.

78-49. Removal of Dead Animals. Any person owning or having charge or control of any dead animal except those intended for food purposes shall remove the same from the city within 12 hours after the time of the death of the animal. Any person who fails to do so shall relinquish all rights to any such animal, and the commissioner may order the animal removed after the expiration of such time.

78-51. Disposal of Dead Animals and Condemned Meat Products. The commissioner of public works shall collect and dispose of all dead animals reported or found within the city, any fish, poultry or meat products which may be condemned by and ordered removed by the commissioner, and dead fish harvested by the harbor commission. Such collection and disposal may be provided by representatives of the commissioner of public works, or the commissioner of public works may cause the collection and disposal by private contractor. All collection and disposal shall be undertaken within 12 hours of notice and in a safe and sanitary manner satisfactory to the commissioner.

78-53. Conveyance of Dead Animals.

1. PARKING. No person may cause or allow any means of conveyance, including railway cars, used for the transport of dead animals, whether filled or partially filled, to remain at any point within the city for a period longer than 24 hours. No odor nuisance may be created by such parking.

2. SANITARY CONDITION. No person may cause or allow any conveyance or vehicle which is used for the transport of dead or live animals when the same is not in use to be stored or kept on any premises in the city unless the conveyance or vehicle has been cleaned, disinfected and deodorized or as may otherwise may be directed by the commissioner.

3. CONSTRUCTION. No person may use or cause to be used any conveyance or vehicle to carry or hold dead animals or animal refuse in the city, unless the conveyance or vehicle has watertight floors and sides and unless the conveyance or vehicle is constructed and arranged to shield its contents from view and prevent leakage or loss of contents or escape of odors

78-55. Penalties and Enforcement.

1. BY ORDER. a. Whenever any violation of this chapter is found, the commissioner may issue a written order setting forth the character of the violation. This order may be served in any of the following ways:

a-1. Personally.

a-2. By posting in a conspicuous location on the premises where an animal is kept.

a-3. By mailing with an affidavit of the same to the operator of the establishment or place, or to a person responsible for a violation at his or her last known address.

a-4. By leaving a copy at his or her usual place of business with a responsible employee, or his or her usual place of abode in the presence of some competent member of the family at least 14 years of age, which employee or family member shall be informed of the contents of the order.

b. The order shall direct the person to correct such practices or conditions within a reasonable period of time to be determined by the commissioner. The order shall also state the potential legal or enforcement consequences if such practices or conditions have not been corrected within that period of time.

2. SUSPENSION OR REVOCATION OF PERMITS. a. Suspension. If at the end of a period of time set forth in an order, a reinspection by the commissioner reveals that the practices or conditions have not been corrected and such practices or conditions pose a potential threat to the health of persons exposed, the commissioner may notify the operator of the business or place of the commissioner's intent to suspend the permit and give such notice in writing to the operator and also the operator's right to a hearing and the request procedure. When the commissioner determines that existing conditions and violations pose an imminent and immediate and dangerous threat to the health of persons exposed to such conditions, the commissioner may order immediate suspension of a permit by written notification along with instructions on the hearing procedure for review of such an action.

b. Revocation. The commissioner may serve written notice to an operator of the commissioner's intent to revoke a permit issued pursuant to this chapter and shall notify the operator of his or her right to a hearing prior to the action and the process for appeal. Grounds for the commissioner's intent to revoke a permit shall include any of the following:

b-1. The operator has a record of excessive, continuing or recurring violations.

b-2. The violations pose an immediate threat to the public's health or an imminent danger to other animals in the community and unsatisfactory action has been taken by the operator to eliminate the conditions.

b-3. A permit issued pursuant to this chapter has been suspended, and the corrections necessary for reinstatement of the permit have not been made within 6 months following notice of the suspension.

b-4. The operator or persons representing the operator have interfered with the lawful inspection or enforcement activities of the commissioner concerning the place of permit by physical abuse or denial of entry.

3. HEARING. Any person whose permit to operate an establishment or place regulated under this chapter has been suspended, or who has received notice from the commissioner that the permit is to be suspended unless existing conditions or practices at the establishment are corrected, or that the permit is to be revoked, may request and shall be granted a hearing on the matter before the commissioner. If no written petition for a hearing is filed in the office of the commissioner within 15 days following the day on which the notice was mailed or delivered, the permit shall be deemed to have been automatically suspended or revoked. Upon receipt of notice of permit suspension or revocation, the operator shall cease to operate the establishment. Upon receipt of petition for a hearing, the commissioner shall within 10 days notify the petitioner of the date, time and place of the hearing. Following the hearing the commissioner shall modify or withdraw the notice of permit suspension or revocation or shall suspend or revoke the permit, as in the commissioner's judgment is necessary to protect the public health, safety and welfare of the citizens of Milwaukee and shall notify the petitioner in writing of the decision.

4. APPEALS. Decisions of the commissioner may be appealed to the administrative review appeals board.

5. CITATIONS. The police department may issue citations for any violation of this chapter except that the police department may not determine an animal to be a prohibited dangerous animal under s. 78-25.

6. VIOLATIONS OF CERTAIN REGULATIONS. a. Any person violating any of the following provisions of this chapter listed in Column A for which specific penalties are not provided elsewhere in this subsection shall be liable on conviction to the penalties listed in column B and described in ch. 61:

A	B
78-3-1	Class I
78-5-1	Class F
78-5-2-a	Class C
78-5-2-b	Class L
78-5-2-c	Class F
78-5-3	Class F
78-5-4	Class F
78-5.5	Class F
78-6 to 79-17-1	Class C
78-17-6	Class F
78-19	Class C
78-22	Class F
78-23-1 to 78-23-7	Class F
78-23-10 to 78-23-10.5	Class I
78-25-1	Class K
78-25-3 to 78-25-5	Class K
78-27 to 31	Class F
78-35 to 47	Class C
78-49	Class F
78-53	Class F

b-1. Any person who commits a second or subsequent violation of s. 78-17-1 or s. 78-19-1, or who commits a second or subsequent violation of an order issued under s. 78-17-1 or s. 78-19-1, shall be liable upon conviction to a Class D penalty under ch. 61.

b-2. Any person who commits a first violation of s. 78-23-2, 78-23-3 or 78-23-4, or who commits a first violation of an order issued under s. 78-23-2, 78-23-3 or 78-23-4 that results in a dangerous animal being at large, shall be liable upon conviction to a Class I penalty under ch. 61.

b-3. Any person who commits a second or subsequent violation of s. 78-23-2, 78-23-3 or 78-23-4, or who commits a second or subsequent violation of an order issued under s. 78-23-2, 78-23-3 or 78-23-4 that results in a dangerous animal being at large, shall be liable upon conviction to a Class L penalty under ch. 61.

b-4. Any person who commits a violation of s. 78-23-1 that results in a dangerous animal causing bodily harm to a person shall be liable upon conviction to a Class L penalty under ch. 61.

b-5. Any person who commits a second or subsequent violation of s. 78-25-1 or who commits a second or subsequent violation of an order issued under s. 78-25-1 shall be liable upon conviction to a Class L penalty under ch. 61, each day of violation or noncompliance being a separate violation.

b-6. Any person who commits a second or subsequent violation of s. 78-31-1 or s. 78-31-5-a, or who commits a second or subsequent violation of an order issued under s. 78-31-1 or s. 78-31-5-a, shall be liable upon conviction to a Class L penalty under ch. 61.

c. If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

7. CITATIONS. a. Citations may be issued for all violations listed in sub. 6 with or without a prior order or notice.

b. The stipulation, forfeiture and court procedure as set forth in s. 50-25 shall apply.

For the legislative history of chapter 78, contact the Municipal Research Library.