

TOMAHAWK MUNICIPAL CODE

Chapter 10

Animals*

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Article I. In General

Section 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the following meanings ascribed to them in this section, except where clearly indicates a different meaning:

Animal means mammals, reptiles and birds.

At Large means to be off the premises of the owner and not under control of some person by leash, but an animal within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said animal, shall be deemed to be upon the owner's premises.

Cat means any feline, regardless of age or sex.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Farm Animal means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

Neutered means a dog or cat having nonfunctional reproductive organs.

Owner means any person owning, harboring or keeping an animal, and the occupant of any premises on which an animal remains or to which it customarily returns; such person is presumed to be harboring or keeping the animal within the meaning of this chapter.

Pet means any animal kept and treated as a pet.

Vicious means any animal that, when unprovoked, inflicts, bites, injures, kills or attacks a human being or domestic animal on either public or private land.

Sections 10-2 – 10-20. Reserved.

Article II. Licensing

Section 10-21. Required.

Every person in the city who owns a dog or cat which is more than five months of age on January 1 of any year or five months of age during the license year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license thereafter.

Section 10-22. Issuance.

Upon payment to the city treasurer of the fee stated in Section 10-23, and upon presentation of evidence that the dog is currently immunized against rabies, the treasurer shall issue to such person a license to keep such dog or cat for one year and such person shall upon procuring the license place upon the dog collar with a tag furnished to him or her by the city treasurer or the county clerk.

Section 10-23. Fees.

- (a) Such owner shall pay the city treasurer annually \$10.00 for each neutered male dog or cat or spayed female dog or cat and \$30.00 for each unneutered male or unspayed female dog or cat.
- (b) A late fee shall be assessed from every owner of a dog or cat five months of age or over if the owner failed to obtain a license prior to March 31 of each year, or within 30 days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

Section 10-24. State Regulations.

Wisconsin Statute, Chapter 174, pertaining to licensing of dogs is made part of this section by reference.

Sections 10-25 – 10-40. Reserved.

Article III. Regulation of Animals

Section 10-41. Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) *Restrictions.* It shall be unlawful for any person within the city to own, harbor or keep any dog, cat or other animal which:
 - (1) Assaults or attacks any person.
 - (2) Is vicious.
 - (3) Is at large in the city limits.
 - (4) Barks or howls when unprovoked to the annoyance of any person or persons.
 - (5) Kills, wounds or attacks any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog or cat, is unlicensed.

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- (8) Is not restrained as to prevent the dog, cat or other animal from biting, attacking, menacing or pursuing persons lawfully on the property for the purpose of providing mail, utility service, delivery of other items, or being present on the sidewalks or public way adjacent to the property.
- (b) *Number Limited.* No person shall keep or allow to be kept on premises under his or her control more than four dogs or cats, in total, and the young thereof less than six months of age.
- (c) *At Large.*
- (1) No person having in his or her possession or ownership any animal or fowl shall allow the same to be at large within the city. The owner of any animal, whether licensed or unlicensed, shall keep his or her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal at large unlicensed and required by state law or city ordinance to be licensed may be seized and impounded by any member of the police department. Exempt from this provision are trained pigeons, trained falcons, and trained hawks.
- (2) A dog or cat shall not be considered at large if it is under the control by leash or other substantial restriction or confinement. A dog, cat or other animal within a motor vehicle owned or controlled by its owner, harbored or keeper shall be deemed to be upon such person's premises.
- (d) *Protection of Birds and Wild Animals in Public Parks.* No person shall catch, destroy or molest the birds and wild animals in the public parks of the city.
- (e) *Owner's Liability for Damages Caused by Dogs: Penalties.* The provisions of Wisconsin Statute § 174.02, relating to the owner's liability for damages caused by dogs, together with the penalties therein, are hereby adopted and incorporated herein by reference.
- (f) *Trespassing.* No person shall permit any animal or fowl belonging to him or her under his or her control to trespass upon the property belonging to another without the permission of the lawful owner or occupant.
- (g) *Exceptions.* Dogs owned and under the control of law enforcement agencies are not subject to the restrictions under subsection (a) of this section.

Section 10-42. Animal Shelter.

- (a) *Confinement of Animal.* The police department or any other officer appointed by the council may apprehend any animal at large within the city or which does any of the things prohibited under Section 10-41 and confine the animal in a suitable animal shelter.
- (b) *Enforcement.* The council may from time to time designate or appoint a qualified officer or other entity to apprehend and confine animals in an animal shelter as provided in this section and such officer shall apprehend and confine animals in an animal shelter as provided in this section and such officer may enforce this section including the right to commence actions for the collection of any forfeiture imposed by this article. Such action shall be brought in the name of the city. Such officer may be paid such compensation as the council shall determine by resolution.
- (c) *Disposition of Unclaimed Animal.* The keeper of the animal shelter shall keep all animals apprehended as provided in this section for a period of seven days at the animal shelter, unless sooner claimed by the owner

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or keeper, and if any animal is not reclaimed by the rightful owner within such time, the animal may be sold for the amount incurred in the apprehending, keeping and care of the animal, or it may be destroyed in a proper and humane manner.

- (d) *Owner or Keeper to Pay Costs.* The owner or keeper of any animal so confided may reclaim such an animal at any time before the animal is disposed of, upon payment of all cost and charges incurred in the apprehension, keeping and care of the animal. Such fees shall be \$10.00 per day plus costs levied by the county after the first day of apprehension and care of the animal, if such animal is reclaimed within 24 hours of apprehension. If such animal is reclaimed at any time after 24 hours of apprehension, up to and including the seventh day plus any expenses for inoculations or other medical treatment of the animal.

Section 10-43. Beekeeping Restrictions.

- (a) No person shall establish or maintain any hive, stand or box where bees are kept, or keep any bees in or upon any premises within the corporate limits of the city unless the bees are kept in accordance with the following provisions:
- (1) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier not less than six feet high shall be installed and maintained along the exterior boundary that will prevent bees from flying through it. The barrier may be either artificial or of plant life.
 - (2) Watering facilities for bees shall be provided on the premises.
 - (3) The bees and equipment shall be kept in accordance with the laws of the state.
- (b) Nothing in this section shall be deemed or constructed to prohibit the keeping of bees in a hive, stand or box located or kept within a school or university building for the purpose of study or observation.

Section 10-44. Beekeeping Permit Required.

- (a) No person shall keep, establish or maintain any hive, stand or box where bees are kept without first obtaining a permit from the city clerk. Accompanying the permit application shall be a brief and simple plan describing the location of the hive, stand or box and the barrier, if one is required, which shall be approved by the city clerk prior to the issuance of a permit.
- (b) The city clerk may deny or revoke a permit based on the plan submitted or verified complaint signed by two or more witnesses that the beehive creates a nuisance.
- (c) No fee shall be charged for the permit.

Section 10-45. Feeding of Waterfowl Prohibited.

- (a) *Purpose.* The feeding of ducks, geese, and other waterfowl does increase the population of waterfowl within the area where feed is distributed. The increasing number of waterfowl presents a public nuisance and in addition poses potential health risks. This has become an increasing problem within the city parks and other public areas where the general public gathers for recreation and other activities.

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- (b) *Feeding of Waterfowl.* No person shall feed or cause to be fed any waterfowl within the confines of the city limits.

Section 10-46. Animals Restricted on Public Grounds and Cemeteries.

- (a) No dog or cat shall be permitted in any public playground, school grounds, or swimming area within the city unless such dog or cat is kept on a leash or is entered in a contest or obedience class approved by the common council.
- (b) Except when confined in a vehicle, dogs and cats are prohibited from being in cemeteries unless kept on a leash.
- (c) Every dog specially trained to lead blind shall be exempt from this section.
- (d) Dogs or cats in public places and city parks shall be kept on leashes at all times except in the following area(s):
 - (1) SARA Park – area north of the Dog Park.

Section 10-47. Duty of Owner in Case of Dog or Cat Bite.

- (a) Any owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the police department and shall keep such dog or cat confined for not less than ten days for such period of time as the police department shall direct.
- (b) The owner or keeper of any such dog or cat shall surrender the dog or cat to the police department upon demand for examination.

Section 10-48. Injury to Property by Animal.

- (a) It shall be unlawful for any person owning or in possession an animal, dog or cat to permit such animal, dog, or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner.

Section 10-49. Animal Feces.

- (a) It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses, and cats to be on property, public or private, not owned or possessed by such person unless such person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
- (b) Any person causing or permitting a dog, horse, or cat to be on property not owned or possessed by such person shall immediately remove all excrement of such dog, horse or cat to a receptacle located upon property owned or possessed by such person.

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- (c) No person shall permit their dog or other animal to excrete feces without immediate clean up upon public right-of-way or in any park in the city. The term “public right-of-way” means and includes streets and bridges and includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of travel and includes the sidewalk and terrace to the roadway.

Section 10-50. Feeding of Deer Prohibited.

- (a) No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.
- (b) *Presumption.* There shall be a rebuttable presumption that either of the following acts is for the purpose of feeding whitetail deer:
 - (1) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity greater than one-half gallon at the heights of less than six feet off the ground.
 - (2) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of grain, fruit or vegetable material.
- (c) *Exception.* This section shall not apply to the following situations:
 - (1) *Hunting.* The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
 - (2) *Naturally Grown Materials.* Naturally growing grain, fruit or vegetable material, including gardens.
 - (3) *Authorized by the Common Council.* Deer feeding may be authorized on a temporary basis by the common council for a specific public purpose as determined by the common council.
- (d) *Penalty.* Any person violating this section shall be subject to a penalty as set forth in Section 1-14.

Section 10-51. Keeping of Chickens in the City.

- (a) *Permit required.* No person shall keep chickens in the city without obtaining a valid permit issued by the City Clerk. The permit process requires a complete application accompanied by the fee as determined by the City Council. The permit will expire December 31 of each year. A new permit must be reissued annually and a new fee paid with each application.
- (b) *Neighborhood notification.* Before a permit is issued for the keeping of chickens, the Clerk’s office shall notify in writing owners and occupants of properties within 100 feet of the property where chickens will be kept. If any owner or occupant protest the letter within ten business days, the permit may only be issued by the City Clerk after referral to the License and Permits Committee.
- (c) *Keeping of chickens allowed.* The keeping of up to four chickens with a permit, is allowed on a single family residential premise, providing the following:
 - (1) No person shall keep a rooster.

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- (2) Chickens shall be provided with fresh water at all times and adequate amounts of feed.
 - (3) Chickens shall be provided with sanitary and adequately-sized enclosure, or coop, and shall be kept in an enclosure or a sanitary and adequately-sized and assessable fenced enclosure at all times.
 - (4) Chicken coops shall be constructed in workman like manner, be moisture-resistant and either raised off the ground or placed on a hard surface such as concrete, patio block or gravel.
 - (5) Chicken coops and enclosures shall be constructed and maintained to prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten food, feathers and other waste daily and as necessary to ensure that the coop and yard area do not become a health odor or other nuisance.
 - (6) Chicken coops, enclosures and yards combined shall be large enough to provide 16 square feet per chicken. The total area devoted to keeping chickens may not exceed 100 square feet.
 - (7) No part of any enclosure shall be located closer than 25 feet from any residential dwelling on an adjoining lot. No part of any enclosure may be located closer than five feet from any lot line. No part of any enclosure shall be located nearer than 25 feet from a navigable waterway.
 - (8) No enclosure may be located in the required front yard area of a lot.
 - (9) No one may keep any chickens in a manner that causes a nuisance, unhealthy condition or public health threat.
- (d) *Permit revocation.* A permit is subject to revocation by the License and Permits Committee. Once a permit is revoked, it shall not be reissued for a period of at least two years.

Sections 10-52 – 10-60. Reserved.