

Chapter 1

Licensing of Dogs and Cats Regulation of Animals

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Sec. 7-1-1 Dog or Cat License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the City of Onalaska to own, harbor or keep any dog or cat more than five (5) months of age without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

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- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) "Animal Shelter" means any facility operated by a humane society, or municipal agency or its authorized agents
 - (2) "Owner" shall mean any person owning, harboring, fostering or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of seven (7) days; such person is presumed to be harboring, fostering or keeping the dog or cat within the meaning of this Section.
 - (3) "At large" means to be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
 - (4) "Dog" shall mean any canine, regardless of age or sex.
 - (5) "Cat" shall mean any feline, regardless of age or sex.
 - (6) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
 - (7) "Animal" means mammals, reptiles and birds.
 - (8) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
 - (9) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
 - (10) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - (11) "Pet" means an animal kept and treated as a pet.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

Code in effect 2/12/19

Sec. 7-1-2 Rabies Vaccination Required for License.

- (a) **Rabies Vaccination.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian no later than five (5) months of age and re-vaccinated within one (1) year after the initial vaccination. If the owner obtains such animal or brings such animal into the City of Onalaska after the dog or cat has reached four (4) months of age, the owner shall have such animal vaccinated against rabies within thirty (30) days after the dog or cat is brought into the City unless such animal has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have such animal re-vaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

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- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the City stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the City.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog or cat during competition. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog or cat which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

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Sec. 7-1-3 Issuance of Dog, Cat, and Multiple Dog Licenses.

- (a) **Dog/Cat Licenses.**
 - (1) It shall be unlawful for any person in the City of Onalaska to own, harbor or keep any dog or cat more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog or cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog or cat becomes five (5) months of age, pay a license tax and obtain a license.

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- (3) The minimum license tax under this Section for a spayed female or neutered dog shall be reflected on the City of Onalaska Fee Schedule. The minimum license tax under this Section for a spayed female or neutered cat shall be the same amount as for a dog. The minimum license tax under this Section for an unsprayed female or unneutered dog shall be reflected on the City of Onalaska Fee Schedule. The minimum license tax under this Section for an unsprayed female or unneutered cat shall be the same amount as for a dog.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog or cat is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Clerk shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The City Clerk shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except as provided in Section 7-1-2(e).
 - (6) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog or cat for which a dog license or cat license is required which is found without such tag attached.
 - (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk upon application therefore.
- (b) **Multiple Dog Licenses.**
- (1) Any person who keeps or possesses multiple dogs may, instead of the license tax for each dog required by this Chapter, apply for a multiple pet license for the keeping or possession of multiple dogs. Such person shall pay for the license year a license tax as set forth on the City of Onalaska Fee Schedule for four (4) or fewer dogs plus a City administrative fee as set forth on the City of Onalaska Fee Schedule.
 - (2) The owner or keeper of a multiple pet license shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog license but this requirement does not apply to a show dog during competition. These tags may be transferred from one dog to another within the location that keeps or possesses multiple dogs whenever any dog is removed from said location. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition. No dog bearing a multiple dog tag shall be permitted to stray or to be taken anywhere outside the limits of the location in which said dog is kept or housed unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

State Law Reference: Sec. 174.053, Wis. Stats.

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Sec. 7-1-4 Late Fees.

The City Clerk shall assess and collect a late fee as set forth on the City of Onalaska Fee Schedule from every owner of a dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable cat or if the owner failed to obtain a license on or before the cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

Code in effect 2/12/19

Sec. 7-1-5 Biting and Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk shall promptly post in at least three (3) public places in the City notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from City Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) **Quarantine or sacrifice of dog, cat or other animal.** The owner of any dog, cat or other animal which has bitten any other person, is infected with rabies or is suspected to have been in contact with a rabid animal shall, upon demand of a Humane Officer or Police Department, produce and surrender up such dog, cat or other animal to be held in quarantine for a minimum of ten (10) days. If a quarantine cannot be imposed because the dog, cat or animal cannot be captured, the Humane Officer or Police Officer may kill the animal only as a last resort. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (d) **Quarantine.**
 - (1) **Delivery to Animal Shelter or quarantine on premises of owner.** An officer who orders a dog, cat or animal to be quarantined shall deliver the animal or shall order the animal delivered to an Animal Shelter or a veterinary hospital of the owner's choice as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. Charges for boarding of such animal during the quarantine period shall be assumed by the owner of such animal. During quarantine, the animal shall be securely confined and kept from contact with any other animal.

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- (2) **Risk to animal health.** If a dog, cat or other animal is ordered by a Humane Officer, Police Department or County Health Department to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog, cat or animal is not currently immunized against rabies, the custodian of an Animal Shelter or the owner shall produce and surrender up such animal to the Department to be held in quarantine at a veterinary hospital for a period needed by the veterinarian to determine if it is rabid or not. The owner shall assume the charge for boarding such animal during the quarantine period. The owner shall be required to have the animal immunized against rabies prior to removing the animal from quarantine.
- (3) **Sacrifice of a dog or cat exhibiting symptoms of rabies.** If a licensed veterinarian diagnoses a dog, cat or animal in quarantine as having rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the animal shall be humanely euthanized and the head of such animal sent to the State Laboratory of Hygiene for pathological examination and confirmation of diagnosis. The State Laboratory of Hygiene shall examine the specimen and notify the City, veterinarian and local health department of their findings, and if the animal is suspected to have bitten a person, that person or the person's physician.
- (e) **Cooperation of Veterinarian.** Any practicing licensed veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, Animal Shelter, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (f) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an Animal Shelter, supervision and examination of the animal by a veterinarian, preparation and transport for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for preparation and testing/shipping fees and the City of Onalaska is responsible for quarantine costs.

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Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions.** It shall be unlawful for any person within the City of Onalaska to own, harbor or keep any dog, cat or animal which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
 - (2) Assaults or attacks any person as described in Subsection (b) or destroys property.
 - (3) Is habitually at large within the limits of the City.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 71-12.)
 - (5) Kills, wounds or bites 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 cat or dog, is unlicensed.

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(b) Vicious Dogs and Animals.

- (1) For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances.
- (2) No person shall harbor or permit to remain on their premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(c) Animals Running at Large.

- (1) No person having in their possession or ownership any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep its 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 running at large unlicensed and required by state law or City Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer. For the purposes of this section, the phrase "running at large" embraces all other places within the City except the owner's premises. This includes all streets, alleys, sidewalks or other public or private property which may be about the owner's premises.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(d) Cat Control.

- (1) It shall be unlawful for the owner or keeper of a cat to permit the same to run at large within the City. A cat is deemed to be at large when off the premises of its owner or keeper and not under their control by means of a leash, by being carried, or physically restrained. "Premises of the owner or keeper" is defined to be their dwelling house, garage and other buildings located on the land they have in their possession and the land itself. Premises also include any motor vehicle normally driven by the owner or keeper wherever located. For the purposes of this section, the phrase "running at large" embraces all other places within the City except the owner's premises. This includes all streets, alleys, sidewalks or other public or private property which may be about the owner's premises.
- (2) It shall be the duty of every police or animal control officer to seize and impound any stray cat or cat running at large. Said officer shall immediately ascertain, if possible, the identity of the owner or keeper of each cat so seized by diligent inquiry.
- (3) If returned to the owner or keeper, said person shall pay to the City the veterinary fee, if any, and a forfeiture. Any cat not claimed within seven (7) days shall be disposed of in a proper and humane manner.

(e) Owner's Liability for Damage Caused by Dogs; Penalties. The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

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- (f) **Transportation of Animals.** No person may keep or transport any animals in or upon any vehicle in a cruel manner. No person shall lead any animal upon any street or alley from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle. No person may transport or leave unattended any animal in an open vehicle bed unless it is confined inside a carrier that is secured to the vehicle.

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Sec. 7-1-7 Impoundment of Animals.

- (a) **Animal Control Agency.**
- (1) The City of Onalaska may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
 - (2) The City of Onalaska does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any Police or Humane Officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies.
- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded at the Animal Shelter. For those animals that are impounded as strays or abandoned, if within four (4) days the owner does not claim such animal, the Animal Shelter may dispose of the animal in as provided for under Wisconsin Statute, provided that if an animal before being impounded has bitten a person, the animal shall be retained in the designated Animal Shelter for ten (10) days for observation purposes. For all other animals, if within seven (7) days the owner does not claim such animal, the Animal Shelter may dispose of the animal in a proper and humane manner provided that if an animal before being impounded has bitten a person, the animal shall be retained in the designated Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Common Council. No animal shall be released from the Animal Shelter without being properly licensed if so required by state law or City Ordinance. In any case where the owner of an animal is known and the owner does not claim such animal within the applicable time period as set forth above, the owner shall be assessed all costs for the impoundment and disposal of such animal. Any fees not paid within thirty (30) days of invoice for impoundment or disposal shall be placed as a special charge on the property tax roll pursuant to Wis. Stats. §66.0207.
- (d) **City Not Liable for Impounding Animals.** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

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Sec. 7-1-8 Dogs and Cats Restricted on Cemeteries.

No dog, cat or other pet shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section.

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Sec. 7-1-9 Duty of Owner in Case of Dog or Cat Bite.

- (a) **General Requirements.** Every 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 (10) days or for such period of time as the Police Department shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.
- (b) **Specific Responsibilities of a Pet Owner.**
 - (1) **Animal Bites.** The owner of any dog, cat, ferret, or other animal which has bitten any person shall, upon demand of the Humane Officer or Health Department, produce and surrender up such dog, cat, ferret or other animal to such department to be held in quarantine subject to the requirements of Section 7-1-5 above.

Code in effect 2/12/19

Sec. 7-1-10 Animal Feces.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

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Sec. 7-1-11 Injury to Property by Animals.

It shall be unlawful for any person owning or possessing 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 whatsoever, or to defecate or urinate thereon.

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Sec. 7-1-12 Barking Dogs or Crying Cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Police Department within a four (4) week period.

Code in effect 2/12/19

Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects.

(a) Protected Animals.

- (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempfi*).
- (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

- (b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

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- (c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in their possession or under their control a wild animal as defined under Wis. Stat. 169.01(37) to include any animal of a wild nature that is normally found in the wild and that is not a domestic animal.
- (d) **Snakes.** Owners of snakes over nine (9) feet in length shall register the snake(s) with the City Clerk's office on a form provided by the City Clerk's office for information purposes. There shall be no fee to register a snake in the City of Onalaska. Snake registration must be updated each time the snake changes residence within the City of Onalaska or relocates outside of the City of Onalaska. Rock Pythons, Reticulated Pythons, Green Anacondas and Scrub Pythons are illegal and prohibited at any length.
- (e) **Domestic Animals in Agricultural Zones.** Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes shall not be permitted unless otherwise permitted elsewhere in this Code. If zoned agriculturally or if a nonconforming use permits the harboring of domestic animals such as cattle, horses, swine, sheep, goats, poultry or rabbits, it is required that no enclosure be within twenty-five (25) feet of any building used for residency purposes by anyone other than the home owner and be it further required that the enclosure not be within twenty-five (25) feet of where food is prepared, kept or sold.
- (f) **Exceptions.** The prohibitions of Subsection (c) and (d) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; zoological gardens; if:
 - (1) Their location conforms to the provisions of the zoning ordinance of the City.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

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Sec. 7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

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- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Sec. 951.10 and 951.11, Wis. Stats.

Code in effect 2/12/19

Sec. 7-1-15 Providing Proper Food and Drink to Confined Animals.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 951.13, Wis. Stats.

Code in effect 2/12/19

Sec. 7-1-16 Providing Proper Shelter.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
 - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (1) **Shelter from Sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph caged does not include farm fencing used to confine animals.
 - (2) **Shelter from Inclement Weather.** Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog must be provided.

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- (d) **Sanitation Standards.** No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 951.14, Wis. Stats.

Code in effect 2/12/19

Sec. 7-1-17 Neglected, Abandoned and Dead Animals.

- (a) **Neglected or Abandoned Animals.**
- (1) No person may abandon any animal.
 - (2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
 - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within seven (7) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) Injured or dangerous animals. A political subdivision or person contracting under Wis. Stats. 173.15(1) who has custody of an animal may have the animal humanely euthanized if there are reasonable grounds to believe that any of the following apply: the animal is hopelessly injured beyond any reasonable chance of recovery, the animal poses an imminent threat to public health or safety, or the animal poses an imminent threat to the health or safety of itself or its custodian.

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- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the City or any animal control agency with whom the City has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment. Any fees owed the city for providing medical treatment or the cost of care for the animal not paid within thirty (30) days of invoice shall be placed as a special charge on the property tax roll pursuant to Wis. Stats. §66.0207. A person may also contact any animal control agency with whom the City has an agreement or contract and arrange for the pickup and disposal of any such injured animal or bird subject to a fee as set forth on the City of Onalaska fee schedule. Any fee not paid within thirty (30) days of invoice for the pickup of such injured animals or birds shall be placed as a special charge on the property tax roll pursuant to Wis. Stats. §66.0207.
- (c) **Dead Animals.** Any person having charge or control of any dead domestic animal or bird of any size, or any wild, feral or confirmed stray animal or bird shall remove the same from the City within twelve (12) hours after the time the person is or should be aware of the presence of such dead animal or bird. Any person who fails to remove or cause to be removed any dead animal or bird within twelve (12) hours shall relinquish such rights to any such animal and the animal control officer which may order the animal or bird removed and a charge shall be placed on the property tax roll pursuant to Wis. Stats. §66.0207. Any person may contact the Public Works Department for removal of dead wild animals or birds. A person may also contact any animal control agency with whom the City has an agreement or contract and arrange for the pickup and disposal of any such dead animal or bird subject to a fee as set forth on the City of Onalaska fee schedule. Any fee not paid within thirty (30) days of invoice for the removal of such dead animals or birds shall be placed as a special charge on the property tax roll pursuant to Wis. Stats. §66.0207.

State Law Reference: Sections 951.15, Wis. Stats.

Code in effect 2/12/19

Sec. 7-1-18 Cruelty to Animals and Birds Prohibited.

- (a) **Acts of Cruelty Prohibited.** No person except a police officer or health or humane officer in the pursuit of their duties shall, within the City, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a City street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

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- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Code in effect 2/12/19

Sec. 7-1-19 Trapping of Animals.

- (a) All traps set, placed or tended shall comply with Chapter 29, Wis. Stats., as they relate to trapping.
- (b) This Section shall not apply to trapping within the confines of buildings or homes.
- (c) Nothing in this Section shall prohibit or hinder the City of Onalaska or its employees or agents from performing their official duties.

Code in effect 2/12/19

Sec. 7-1-20 Dognapping and Catnapping.

No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the City or held for any purpose without the owner's consent. This Section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

Code in effect 2/12/19

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Sec. 7-1-21 Vehicle Accidents.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the City.

Code in effect 2/12/19

Sec. 7-1-22 Keeping of Bees.

- (a) **Purpose.** The Purpose of this Section is to establish certain requirements of sound beekeeping practice intended to prevent problems associated with the keeping of bees in populated areas, and to reduce the likelihood of public or private nuisance.
- (b) **Definitions.** For purposes of this Section, the following terms have the meaning indicated:
- (1) "Apiary" means the assembly of one (1) or more colonies of honey bees at a single location.
 - (2) "Beekeeping" shall mean a person who owns or has charge of one (1) or more colonies of honey bees.
 - (3) "Beekeeping equipment" shall mean any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
 - (4) "Colony" shall mean an aggregate of honey bees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs and honey.
 - (5) "Hive" shall mean the receptacle inhabited by a colony that is manufactured or created for that purpose.
 - (6) "Honey Bee" shall mean all life stages of the common domestic honey bee, *Apis mellifera* species of European origin.
 - (7) "Lot" shall mean a contiguous parcel of land under common ownership.
 - (8) "Nucleus colony" shall mean a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular issue.
 - (9) "Undevelopable property" shall mean any idle land that cannot be improved due to topographic limitations or geologic soil conditions or retention and stormwater lands or is otherwise protected as undevelopable land.
- (c) **License and Fees Required.** A person that keeps bees within the limits of the City of Onalaska must first obtain a license. No person shall keep, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Onalaska without a license.
- (1) Applications for a license to keep or maintain bees will be made on such forms as provided by the City.
 - (2) A license fee shall accompany each license application and renewal application, such fee shall be as set forth on the City of Onalaska fee schedule. Initial Applications and renewals shall be made to the City Clerk and the Director of Finance/Treasurer shall collect the fee at the time of application or renewal.

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- (3) Licenses shall not be transferrable or refundable. Only the owner of the proposed permitted real property, or an occupant of the proposed permitted real property with the owner's written permission, is eligible to obtain a beekeeping license.
- (4) All licenses issued shall expire on December 31st of the year of issuance unless sooner revoked. The City Clerk shall assess and collect a late fee as set forth on the City of Onalaska Fee Schedule from the property owner of real property on which an unlicensed hive is present if the owner of the hive failed to obtain a license prior to April 1 of each year. Said late fee shall be charged in addition to the required application or renewal fee.
- (5) Applicants shall provide the following information on the original application:
 - a. A detailed lot diagram of the beekeeping equipment location including the distances to the property lines and from nearby structures on neighboring properties.
 - b. Notice in the form provided by the City must be given to the occupants of all real estate situated within two hundred fifty (250) feet of the proposed permitted property. Written consent from at least eighty percent (80%) of the owners of real estate situated within two hundred fifty (250) feet of the applicant's proposed permitted property must be submitted with the application. Note the two hundred fifty (250) feet shall be from the proposed permitted property (i.e. hive) and not from the property line.
- (6) Applicants shall provide the following information on the renewal application:
 - a. A detailed lot diagram of the beekeeping equipment location including the distances to the property lines and from nearby structures on neighboring properties.
 - b. The first renewal license shall only be granted subject to the proof of completion of an inspection by a State Apiary Inspector or by a member of a local beekeeping organization approved by the City Inspection Department that occurred during the hives first year. Proof of biennial inspections by the State Apiary Inspector or approved member of a local beekeeping organization shall be submitted with every renewal thereafter occurring in an even numbered year.
- (7) The City reserves the right to deny any renewal application where there have been multiple violations of this ordinance in a one (1) year period or where greater than twenty percent (20%) of the neighboring properties within two hundred fifty (250) feet of the bee hive(s) request removal of the bee hives by the City.
- (8) Any properties with an existing conditional use permit for beekeeping issued on or before October 1, 2017 shall be exempt from the license and renewal requirements under this Section 22. If said conditional use permit is terminated or if any violation of the conditional use permit occurs, at such time the hive shall be required to come into compliance with this Section 7-1-22 and an annual license and renewal shall be required.

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(d) Conditions and Exemptions for Keeping and Maintaining Hives.

- (1) Approval of all applications is subject to reasonable restrictions, limitations, conditions or prohibitions prescribed by the City and/or County Health Department in consultation with City Inspection, Fire or Police Departments.
- (2) The number and location of hives, colonies and/or beekeeping equipment used for the housing of honey bees permitted by this section shall be determined by a license issued by the City of Onalaska. Locations in districts zoned residential shall be limited to two hives.
- (3) Beekeeping equipment shall be restricted to rear-yards and shall be screened to avoid being visible from the street or sidewalk.
- (4) Beekeeping shall not be allowed on lots with two (2) or more dwellings unless all of the owner(s) and occupant(s) of the additional dwelling(s) provide consent.
- (5) Non-honey bees do not qualify for a license and are not permitted to be kept within the City of Onalaska.
- (6) Beekeeping equipment and hives shall not be located closer than twenty (20) feet from the property line, except that where the property is adjacent to an undevelopable property the beekeeping equipment and hive shall not be located closer than three (3) feet from the property line of the undevelopable property. If at any time the undevelopable property becomes developable, the twenty (20) - foot setback shall apply.

(e) Beekeeping Standards and Size Limitations

- (1) A hive shall not exceed fifteen (15) cubic feet in size and the hive shall be kept in sound and usable condition.
- (2) In apiaries, the beekeeper shall conspicuously post a sign including the words "HONEY BEE HIVE" and his/her name and telephone number clearly readable at twenty-five (25) feet along with a copy of the license .
- (3) The bees and equipment shall be kept in accordance with the provisions of the Wisconsin State Statutes and Administrative Codes and any local or county regulations and any unused equipment shall be secured from weather, potential theft of vandalism and occupancy by swarm.
- (4) City of Onalaska staff shall have the right to inspect any permitted beekeeping equipment between 8 a.m. and 5 p.m. Where practicable, prior notice shall be given to the beekeeper.
- (5) Beekeepers shall assume any and all liability for their bees and therefore are advised to determine whether their homeowners or renter's insurance covers bees, and secure additional insurance if necessary.
- (6) Notwithstanding any other condition under this Section, it shall be unlawful for any person to maintain an apiary or to keep any colony in a manner that threatens public health or safety or creates a nuisance.
- (7) A beekeeper, even if not intentionally keeping honey bees, shall not attract a swarm.
- (8) The City inspection department or their designee shall investigate any complaints made and beekeepers shall have thirty (30) days from notice of the complaint to bring the hive(s) into compliance.

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(f) **Public Nuisance.**

- (1) Violations of this chapter may constitute a public nuisance under Wisconsin Statutes Chapter 823. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisance by the City of Onalaska or its officials in accordance with the laws of the State of Wisconsin, the laws of the United States or the City of Onalaska code of ordinances. This chapter shall also not be construed as otherwise limiting in any way, any other action the City of Onalaska is permitted to bring under the laws of the State of Wisconsin, United States or City of Onalaska ordinances.

Code in effect 2/12/19

Sec. 7-1-23 Limitation on Number of Dogs and Cats.

- (a) **Purpose.** The keeping of a large number of dogs and/or cats within the City for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and/or cats is, therefore, declared a public nuisance.
- (b) **Definitions.**
- (1) **Dog.** A dog means any canine, regardless of age or sex.
- (2) **Cat.** A cat means any feline, regardless of age or sex.
- (3) **Residential Lot.** A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Number Limited.** Under no circumstances shall any persons residing within any one residential unit or any one home located on any residentially zoned property or lot, own, harbor, board or keep in its possession more than four (4) dogs or four (4) cats, or a combined total of six (6) cats and dogs without the prior approval of the Common Council except that a litter of pups and/or kittens or a portion of a litter may be kept for not more than five (5) months from birth. In non-residential zoning districts, persons make keep more cats/dogs than the number permitted under this Section if allowed within the respective properties' zoning district and upon receipt of a kennel license from the La Crosse County Health Department.

Code in effect 4/9/19, Updated by Ord. No. 1641-2019

Sec. 7-1-24 Penalties.

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, or 7-1-23 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred and Fifty Dollars (\$250.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.

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- (b)
 - (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4, 7-1-5 and 7-1-22 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00).
 - (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, animal shelter or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Section 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Fifty Dollars (\$250.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) for subsequent violations.

Code in effect 2/12/19