

## CHAPTER 1

### Licensing of Dog, Cat or Ferret and Regulation of Animals

#### SEC. 7-1-1 DOG, CAT OR FERRET LICENSE REQUIRED; DEFINITIONS.

- (a) **LICENSE REQUIRED.** It shall be unlawful for any person in the City of Menasha to own, harbor or keep any dog or cat for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same, not otherwise licensed in another municipality.
- (b) **DEFINITIONS.** In this Chapter, unless the context or subject matter otherwise require:
- (1) "Owner" shall mean any person owning, harboring 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 ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
  - (2) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, 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.
  - (3) "Dog" shall mean any canine, regardless of age or sex.
  - (4) "Cat" shall mean any feline, regardless of age or sex.
  - (5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
  - (6) "Animal" means mammals, reptiles and birds.
  - (7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (8) "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.
  - (9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (10) "Pet" means an animal kept and treated as a pet.
  - (11) "Dwelling Unit" is a building, or portion thereof, designed or used exclusively for residential purposes.
  - (12) "Supervisor of Building Inspection Services" is the designated enforcement official.
  - (13) "Kennel" shall be an establishment when or whereupon five (5) or more dogs and/or cats are kept owned, boarded, groomed, sheltered, protected, bred or offered for sale or any other merchandising. Before a kennel license may be applied for, the applicant must apply for a special use permit; and unless such permit is granted, such kennel license will not be granted.
  - (14) "Bite" shall mean to seize, pierce or cut with the teeth or with parts of the jaw or to create a wound, usually superficial, inflicted by nails or claws pulled across the skin.

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

**SEC. 7-1-2****RABIES VACCINATION REQUIRED FOR LICENSE.**

- (a) **RABIES VACCINATION.** The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by a veterinarian within thirty (30) days after the animal reaches five (5) months of age and re-vaccinated within one (1) year after the initial vaccination. If the owner obtains the dog, cat or ferret or brings the dog, cat or ferret into the City of Menasha after the animal has reached five (5) months of age, the owner shall have the animal vaccinated against rabies within thirty (30) days after the animal is brought into the City unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog, cat or ferret shall have the 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 three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats. Should the owner of a dog, cat or ferret evidence from a veterinarian that a particular dog, cat or ferret should not be vaccinated for rabies, this requirement shall not apply. The owner must file such veterinarian statement annually when applying for the cat, dog or ferret license. The Finance Department shall notify the Police Department of any cat, dog or ferret whose owner files such a veterinarian statement
- (b) **ISSUANCE OF CERTIFICATE OF RABIES VACCINATION.** A veterinarian who vaccinates a dog 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, 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 is re-vaccinated, 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 or training, to a dog or cat securely confined indoors or to a dog or cat securely confined in a fenced area, or to a dog or cat on the premises of the owner. 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.

**SEC. 7-1-3**

**ISSUANCE OF DOG, CAT AND KENNEL LICENSES.**

**(a) DOG AND CAT LICENSES.**

- (1) It shall be unlawful for any person in the City of Menasha to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog 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 becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The fee under this Section shall be established by the Common Council upon the recommendation of the Comptroller. The fee for spayed females or neutered males may be lower than the fee for unspayed or unneutered animals. These amounts shall be reduced by one-half (1/2) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31. A duplicate license may be obtained upon payment of a fee established by the Common Council upon the recommendation of the Comptroller.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the City Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The City Treasurer 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 for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog for which a dog 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 Treasurer upon application therefor.

**(b) KENNEL LICENSES.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. The annual kennel license fee shall be issued upon payment of the applicable fee as follows: Seventy-five Dollars (\$75.00) for each kennel authorized to house between ten (10) and twenty-five (25) animals; One Hundred Twenty-five Dollars (\$125.00) for each kennel authorized to house between twenty-six (26) and thirty-five (35) animals; Two Hundred Fifty Dollars (\$250.00) for each kennel authorized to house thirty-six (36) to fifty (50) animals. Kennels for more than fifty (50) animals will be assessed Five Dollars (\$5.00) per animal based upon proposed operating population with a minimum fee of Two Hundred Seventy-five Dollars (\$275.00). Upon payment of the required kennel license tax and, if required by the Common Council, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Treasurer shall issue the

kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. 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, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

State Law Reference: Section 174.053, Wis. Stats.

#### **SEC. 7-1-4                    LATE FEES.**

The City Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog 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 dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

#### **SEC. 7-1-5                    RABIES QUARANTINE.**

- (a) **DOG, CAT OR FERRET CONFINED.** If a district is quarantined for rabies, all dogs, cats or ferrets within the City shall be kept securely confined, tied, leashed or muzzled. Any dog, cat or ferret 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, CAT OR FERRET FROM CITY QUARANTINE.** A dog, cat or ferret 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 animal'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 ferret. An officer shall order a dog, cat or ferret quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If quarantine cannot be imposed because the dog, cat or ferret cannot be captured, the officer may kill the animal. The officer may kill a dog, cat or ferret only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
  - (2) Sacrifice of other animals. An officer may order killed or may kill an animal other

than a dog, cat or ferret if the officer has reason to believe that the animal bit a person or is infected with rabies.

(d) **QUARANTINE OF DOG, CAT OR FERRET.**

- (1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog, cat or ferret to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility 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.
- (2) Health risk to humans. If a dog, cat or ferret is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog, cat or ferret has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) Risk to animal health.
  - a. If a dog, cat or ferret is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
  - b. If a dog, cat or ferret is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog, cat or ferret is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Sacrifice of a dog, cat or ferret exhibiting symptoms of rabies. If a veterinarian determines that a dog, cat or ferret exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog, cat or ferret is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

- (e) **DELIVERY OF CARCASS; PREPARATION; EXAMINATION BY LABORATORY OF HYGIENE.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the

- City, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **COOPERATION OF VETERINARIAN.** Any practicing 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, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **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 isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the County is responsible for these expenses.

**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 Menasha to own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
  - (2) Assaults or attacks any person or destroys property.
  - (3) Is at large within the limits of the City.
  - (4) Habitually barks or howls to the annoyance of any person or persons. (See Sec. 7-1-12.)
  - (5) Kills, wounds or worries 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, is unlicensed.
- (b) **VICIOUS DOGS AND ANIMALS.**
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. 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 off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
  - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
  - (3) "Off the premises" shall be defined as being outside of any secured enclosure or vehicle of the owner. It is intended by this section that any vicious dog shall be required to be chained, muzzled, or leashed even if on the private property of its owner unless it is inside a secured enclosure.
- (c) **ANIMALS RUNNING AT LARGE.**
- (1) No person having in his 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 his 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.

- (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) **OWNER'S LIABILITY FOR DAMAGE CAUSED BY DOGS; PENALTIES.** Sections 174.02 and 174.12, Wis. Stats., are adopted by reference.
- (e) **LIMITATIONS ON NUMBER OF DOGS AND CATS.** The total combination number of dogs and cats per dwelling unit shall be limited to four (4). A dwelling unit that has obtained a previous exemption under this paragraph allowing more than four (4) but no more than twelve (12) dogs and cats shall retain its exemption for only the listed dogs and cats named on the original petition for the life of the animal or until applicant's ownership ceases, whichever occurs first.
- (f) **VIOLATIONS OF CONSTITUTE A PUBLIC NUISANCE**
- (1) Should any person be convicted of at least three violations of sec. 7-1-6(a) and (c) within a 24 month period, in addition to any other penalties, the City may take action to have any such dog or cat owned by such person to be declared a public nuisance.
- (2) The Chief of Police or his designee shall notify the City Attorney by providing copies of convictions from a Court of competent jurisdiction that such owner has had three such convictions.
- (3) Upon such notice from the Chief of Police, the City Attorney shall notify the dog owner that the City intends to declare the dog a public nuisance.
- (4) A declaration that a dog is a public nuisance shall require that the owner of the dog euthanize the dog or to remove the dog from the City of Menasha. Removal of the dog shall be effective until such time as the Chief of Police or his/her designee shall determine that sufficient time has passed or that the dog shall have undergone sufficient training so as to avoid any further action in violation of sec. 7-1-6.
- (5) Any challenge to the City's declaration that a dog is a public nuisance shall be made in the Neenah-Menasha Municipal Court. The showing of three convictions in a 24 month period shall constitute prima facie evidence that the dog constitutes a public nuisance.

## **SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.**

- (a) **ANIMAL CONTROL AGENCY.** The City of Menasha does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (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. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the City for any damages it sustains for improper or illegal seizure.
- (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. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or not ascertainable, the officer shall post written notice in three (3)

public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession.

If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the 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 pound without being properly licensed if so required by state law or City Ordinance.

- (d) **DISPOSAL OF IMPOUNDED ANIMALS.** If the owner doesn't reclaim the animal within the time established by s. 173.23, the animal shelter may dispose of the animal pursuant to s. 173.23 Wis. Stats.
- (e) **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.

#### **SEC. 7-1-8 DOGS AND CATS RESTRICTED ON CEMETERIES.**

No pet shall be permitted in any public cemetery. Every dog specially trained to assist blind, deaf or mobility handicapped persons shall be exempt from this Section.

#### **SEC. 7-1-9 DUTY OF OWNER IN CASE OF DOG, CAT OR FERRET BITE.**

Every owner or person harboring or keeping a dog, cat or ferret who knows that such animal has bitten any person shall immediately report such fact to the City Health Officer and shall keep such animal confined for not less than ten (10) days or for such period of time as the Health Officer shall direct. The owner or keeper of any such dog, cat or ferret shall surrender the animal to a law enforcement or humane officer upon demand for examination.

#### **SEC. 7-1-10 ANIMAL FECES.**

The owner or person in charge of any dog, cat 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 there from by said owner or person in charge. The person in charge of any dog, cat or other animal shall have in his or her possession a means to comply with this section.

#### **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 thereon.

#### **SEC. 7-1-12 BARKING DOGS AND HOWLING CATS.**

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, or yelps or cat which whines 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 or cats are hereby declared to be a public nuisance. A dog 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.

**SEC. 7-1-13 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.**

- (a) **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 (*chelonina mydas*), Mexican ridley turtle (*lepidochelys kempii*).
- (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.
- (c) **WILD ANIMALS; PROHIBITION ON KEEPING.** It shall be unlawful for any person to keep, maintain or have in his possession or under his 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 the wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
  - (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and ans siamangs (*Symphalangus*).
  - (3) Baboons (*Papoi*, *Mandrillus*).
  - (4) Bears (*Ursidae*).
  - (5) Bison (*Bison*).
  - (6) Cheetahs (*Acinonyx jubatus*).
  - (7) Crocodilians (*Crocodilia*), thirty (30) inches in length or more.
  - (8) Constrictor snakes, six (6) feet in length or more.
  - (9) Coyotes (*Canis latrans*).
  - (10) Deer (*Cervidae*); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
  - (11) Elephants (*Elephas* and *Loxodonta*).
  - (12) Game cocks and other fighting birds.
  - (13) Hippopotami (*Hippopotamidae*).
  - (14) Hyenas (*Hyaenidae*).
  - (15) Jaguars (*Pantera onca*).
  - (16) Leopards (*Panthera pardus*).
  - (17) Lions (*Pantera leo*).
  - (18) Lynxes (*Lynx*).
  - (19) Monkeys, old world (*Cercopithecidae*).
  - (20) Ostriches (*Struthio*).
  - (21) Puma (*Felis concolor*); also known as cougars, mountain lions and panthers.
  - (22) Rhinoceroses (*Rhinocero tidae*).

- (23) Snow leopards (*Panthera uncia*).
  - (24) Tigers (*Panthera tigris*).
  - (25) Wolves (*Canis lupus*) and wolf hybrids
  - (26) Poisonous insects.
  - (27) Bees, wasps and hornets.
  - (28) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
- (d) **EXCEPTIONS; PET SHOPS.** The prohibitions of subsection (c) 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; licensed pet shops; 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.

#### **SEC. 7-1-14 TRAPPING OF ANIMALS.**

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on City parks or other municipally owned property, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping within the confines of buildings or homes.
- (e) Nothing in this Section shall prohibit or hinder the City of Menasha or its employees or agents from performing their official duties.

#### **SEC. 7-1-15 KEEPING OF BEES.**

- (a) It shall be unlawful for any person to 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) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary.
  - (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.

- (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
  - (4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.
- (b) Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.