

**CITY OF SHEBOYGAN
ORDINANCE 19-24-25**

BY ALDERPERSONS RUST AND LA FAVE.

SEPTEMBER 16, 2024.

AN ORDINANCE amending various sections of the Sheboygan Municipal Code so as to update animal ordinances.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **AMENDMENT** “Sec 8-1 Adoption Of State Law Provisions; Abatement Orders” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-1 Adoption Of State Law Provisions; Abatement Orders

The provisions of Wis. Stats. ch. 951 regarding crimes against animals, excluding penalties for violation, are adopted by reference in this section as if fully set forth. The provisions of Wis. Stat. ch. 173 and § 95.21, excluding penalties for violation, are adopted by reference in this section as if fully set forth.

(Code 1975, §§ 7-6—7-8; Code 1997, § 18-1(a); Ord. No. 26-06-07, § 1, 9-5-2006)

SECTION 2: **AMENDMENT** “Sec 8-3 Definitions” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-3 Definitions

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

Animal means ~~both the male and female sex of either wild or domesticated species~~ any mammal, bird, reptile, amphibian, mollusk, or arthropod, or any egg of any bird, reptile, amphibian, mollusk, or arthropod.

Cat means any feline animal, male or female, sexed or neutered.

Dog means any canine animal, male or female, sexed or neutered.

Domestic animal means an animal that is listed as a domestic animal by rule of the department of agriculture, trade and consumer protection.

Humane officer means an officer appointed by the City of Sheboygan Common Council pursuant to Wis. Stat. ch. 173 and § 173.03.

Kennel means any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes.

Owner means any person keeping, harboring, or having charge or control of, or permitting any dog or cat to habitually be or remain on, or be lodged or fed within, such person's house, yard or premises. The term "owner" shall not apply to veterinarians or kennel operators who temporarily maintain on their premises dogs or cats owned by others.

Pet shop means any business establishment where domesticated mammals, birds or reptiles are kept for sale; provided, however, that the term "pet shop" shall not include the term "kennel."

Police dog means any dog owned by a municipal entity and used by the city police department or the county sheriff's department for police functions while involved in police work.

Possess means to own, possess, keep, harbor, or have custody or control of an animal.

Vaccination against rabies means the inoculation of a dog or cat with a rabies vaccine licensed by the federal department of agriculture. Such vaccination must be performed by a veterinarian, duly licensed to practice veterinary medicine in the state.

Wild animal means any animal of a wild nature that is normally found in the wild and that is not a "domestic animal."

(Code 1975, § 7-1; Code 1997, § 18-2)

SECTION 3: AMENDMENT “Sec 8-5 Animals Running At Large” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 8-5 Animals Running At Large

Animals shall not be allowed to run at large within the city limits. An animal is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(Code 1975, § 7-3; Code 1997, § 18-4)

State law reference—Similar provisions, Wis. Stats. § 172.01.

SECTION 4: **AMENDMENT** “Sec 8-6 Authority To Destroy Certain At-Large Animals” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-6 Authority To Destroy Certain At-Large Animals

~~The police city officers are hereby authorized to kill all animals that may be running at large and cannot be captured safely and in the most expedient manner, pursuant to the provisions of Wis. Stats. § 174.01 et seq. It shall be unlawful for any owner of any dog or cat to permit such animal to run at large at any time.~~ A person may intentionally kill an animal if a person is threatened with serious bodily harm by the animal and other restraining actions were tried and failed or immediate action is necessary. A humane or law enforcement officer may intentionally kill an animal pursuant to court order, if the officer has reasonable grounds to believe the animal is hopelessly injured beyond a reasonable chance of recovery, or if the animal poses an imminent threat to public health or safety or to the health or safety of itself or its custodian.

(Code 1975, § 7-4; Code 1997, § 18-5)

SECTION 5: **AMENDMENT** “Sec 8-8 Sale, Giving Away Or Coloring Of Live Animals As Prizes Or Premiums” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-8 Sale, Giving Away Or Coloring Of Live Animals As Prizes Or Premiums

No person ~~shall may~~ sell, ~~raffle, or~~ give away as a prize or premium, or use as an advertising device or display any live animal ~~as a prize, premium, reward or inducement in connection with purchases and sales of any other or similar commodities made and conducted within the city, or artificially to color any such animal or fowl for the purposes of display or sale.~~ that has been dyed or otherwise colored artificially.

(Code 1975, § 7-9; Code 1997, § 18-7)

SECTION 6: **AMENDMENT** “Sec 8-15 Keeping Of Fowl” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-15 Keeping Of Fowl And Wild Animals

- (a) No person shall keep any ducks, geese, pigeons, chickens, birds, or other fowl within the city in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.
- (b) No person shall possess a wild animal or provide shelter, food, or water to wild animals.
 - (1) Exceptions. The provisions of this subsection shall not be deemed to prevent the lawful importation, possession, purchase, or sale of any species by a public agency, institute of higher learning, persons holding federal or state permits, persons authorized by state or federal law to temporarily possess a wild animal, or to any person or organization licensed to present a circus. Nor shall the provisions of this subsection be deemed to prohibit feeding wild birds via bird-feeding devices and structures at a sufficient height or design to prevent access by deer.
- (c) The building inspector or their designee ~~ion-department shall~~ may, upon complaint or on its own initiative, inspect premises upon which fowl are kept and ascertain ~~and determine~~ whether the conditions are unsanitary or if, for any reason, a nuisance is caused thereby. If the ~~department~~ inspector determines that conditions are unsanitary, or if, for any reason, a nuisance exists, it shall order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such fowl on the premises. If consent to inspection is denied, such officer may seek court approval to inspect.
- (d) The building inspector, humane or law enforcement officer, or their designee may, upon reasonable belief that a violation of this Code exists, inspect such premises where a wild animal is kept. If consent to inspection is denied, such officer may seek court approval to inspect.
- (e) (Code 1997, § 18-14; Ord. No. 13-99-00, § 1, 8-2-1999)

SECTION 7: **AMENDMENT** “Sec 8-17 Feeding Of Seagulls” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-17 Feeding Of Seagulls And Wild Animals

No person shall encourage the congregating of seagulls by feeding or any other means ~~in any commercial-zoning-district~~. No person may place, deposit, or allow the placement of any material to feed or attract wild animals except as authorized by state law.

(Code 1997, § 18-16; Ord. No. 15-05-06, § 1, 7-18-2005)

SECTION 8: **AMENDMENT** “Sec 8-18 Animal Fancier Permit” of the

Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 8-18 Animal Fancier Permit

- (a) In this section, the term "domestic animal" includes all animals encompassed under the definitions provided in Wis. Stats. §§ 95.001(ad) and 169.01(7).
- (b) No person may keep, harbor, shelter or possess more than three domestic animals including fowl over the age of five months unless the person holds a valid animal fancier permit. There shall be no more than one animal fancier permit issued per dwelling unit.
- (c) The keeping of more than three domestic animals including fowl over the age of five months without an animal fanciers permit is declared to be a nuisance as defined in section 36-1.
- (d) This permit shall be included at no cost with pet licenses issued pursuant to sections 8-9(c) and 8-42. If a person has no pet license because the person owns only animals not requiring licenses, an animal fancier permit shall be issued upon the payment of \$3.00 on an annual basis. The permit year commences on January 1 and ends on the following December 31. The collecting official shall assess and collect a late fee of \$5.00 from every animal fancier applicant if the applicant fails to obtain a permit prior to April 1 of each year, or within 30 days of falling under the requirements of this section. All late fees received or collected shall be paid into the city treasury as city revenue.
- (e) Whenever a humane officer, the director of planning and development or their designee requests an inspection of the interior and exterior premises of a person holding an animal fancier permit or of an applicant for an animal fancier permit, the animal fancier or applicant shall schedule such an inspection and allow the inspection to be completed no later than ten days after the date of the request. A request for a department inspection under this subsection may be made by any of the following means:
 - (1) A written request left at the residence or place of occupation of the applicant or permit holder.
 - (2) A written request delivered to a competent adult occupant of the applicant's or permit holder's residence.
 - (3) A written request addressed to the applicant or permit holder at the applicant's residence and mailed by first class, prepaid mail.
- (f) Upon the denial of consent to inspect, a humane officer, the director of planning and development, or their designee may apply for an administrative warrant to inspect the premises. A person who fails to comply with an inspection request as required by this subsection ~~shall may~~ have their permit revoked and ~~shall may~~ be ineligible for an animal fanciers permit for a period of one year. ~~A person who on two or more occasions within a period of five years fails to comply with an inspection request as required by this subsection shall be permanently ineligible for an animal fanciers permit.~~

- (g) No person who has a criminal conviction for a violation under Wis. Stats. ch. 951 or who has multiple non-criminal convictions for violations under Wis. Stats. ch. 951 or this chapter shall be issued an animal fancier's permit unless the common council or the committee thereof designated for such purposes, upon the request of the person wishing to hold the permit, determines that the issuance of such a permit is in the best interest of the community, that the person wishing to hold the permit is unlikely to re-offend, and that the animals will be properly taken care of. Conditions may be attached to the issuance of a permit in such a situation at the complete discretion of the common council or committee.
- (h) A person holding an animal fancier permit who does not conform to the following requirements shall have their permit revoked and shall be ineligible for an animal fanciers permit for a period of one year. A person who is found not to conform to the requirements below on two or more occasions within a period of five years shall be permanently ineligible for an animal fanciers permit.
- (1) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
 - (2) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
 - (3) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of nonporous and noncorrosive materials.
 - (4) Dogs shall be kept in separate enclosures from cats. Dogs and cats over the age of five months shall be housed in separate enclosures with no more than three dogs or three cats contained within the same enclosure.
 - (5) Food supplies shall be stored in rodent-proof containers and food and water containers shall be kept clean.
 - (6) Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.
 - (7) Feces shall be removed from yards, pens and enclosures at least daily and stored in tightly covered, secure containers until final disposal.
 - (8) Yards, pens, premises and animals shall be kept free of pest infestations.
 - (9) No odor nuisance shall be permitted. Any animal holding area containing animals shall be provided with fresh air by means of windows, doors, vents, exhaust fans or air conditioning so as to minimize drafts, odors and moisture condensation.
 - (10) All animals shall have protection from the elements, whether indoors or outdoors.
- (i) The requirement to hold an animal fancier's permit applies to persons holding kennel licenses pursuant to section 8-48 and persons operating pet shops, as they are defined in article I of this chapter, except that any person paying the kennel license fee provided in section 8-48 may obtain the animal fancier's permit at no charge.

(Code 1997, § 18-57; Ord. No. 10-03-04, § 1, 7-7-2003; Ord. No. 16-03-04, § 1, 7-21-2003)

SECTION 9: **AMENDMENT** “Sec 8-46 Impoundment” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-46 Impoundment

- (a) *Pound authorized.* The common council of the city shall authorize a pound, or it may enter into an agreement with a licensed veterinarian or a certified humane society for the establish~~ment~~^{ed} and operation of a pound.
- (b) *Dog running at large or untagged subject to impoundment.* An officer shall attempt to capture and restrain any dog running at large and any untagged dog.
- (c) *Attempt to notify owner.* The pound, Humane Society, organization or officer who is notified or to whom a dog is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort. The officer or pound who is notified or to whom a dog is delivered shall check the lost and found column of the local daily newspapers having general circulation in the community to determine if a dog is advertised which answers the description of the dog.
- (d) *Posting notice.* Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment.
- (e) *Procedure for reclaiming; disposition of unclaimed animals.* Any animal may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees. For those impounded because of lack of a license tag, its owner must furnish proof of a current valid license. At the expiration of impoundment a dog or cat may be claimed by anyone by payment of established pound fees. If the dog or cat is unclaimed at the end of seven days, the pound may dispose of the dog or cat in accordance with Wis. Stat. § 173.23(1m).
- (f) *Fees.* Fees for impoundment by the city in a pound authorized by this section shall be established by the common council.

(Code 1975, §§ 7-34, 7-35; Code 1997, §§ 18-55, 18-56; Ord. No. 8-05-06, § 1, 6-20-2005)

SECTION 10: **AMENDMENT** “Sec 8-72 Definitions” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 8-72 Definitions

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

Dangerous dog, except as otherwise provided in this division, includes any of the following:

- (a) Any dog, except one assisting a peace officer in law enforcement duties, that has done any of the following:
 - (1) Caused injury to a person or domestic animal that is less severe than a serious injury;
 - (2) Chased or attacked any human being or domestic animal without provocation;
 - (3) Demonstrated an approach or apparent attitude of attack toward any human being or domestic animal in a menacing fashion, without provocation;
 - (4) Demonstrated a trait or characteristic or a generally known reputation for dangerousness;
 - (5) Demonstrated a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals without provocation;
 - (6) Demonstrated any other behavior which constitutes a threat of bodily harm to a person when such person is conducting themselves peacefully and lawfully;
 - (7) Run at large three or more times in any 12-month period;
- (b) Any dog declared to be dangerous pursuant to subsection (a) of this definition;
- (c) Any dog declared to be dangerous in another municipality, county, or state;
- (d) Any dog previously found to be dangerous in a trial on the charge of violating subsection (a)(6) of this definition.

Vicious dog includes any of the following:

- (a) Any dog, except one assisting a peace officer in law enforcement duties, that has done any of the following:
 - (1) Caused a serious injury to or killed a person or domestic animal;
 - (2) Caused an injury by biting a person in the face or neck;
 - (3) Attacked a person in such a manner as to require defensive action to prevent bodily injury or property damage when such person is conducting themselves peacefully and lawfully on property other than that of the owner of the attacking dog;
 - (4) Attacked a person in such a manner as to result in property damage or in an injury to the person when such person is conducting themselves peacefully and lawfully on property other than that of the owner of the attacking dog;
 - (5) Attacked without provocation another animal or fowl on property other than that of the owner of the attacking dog;
- (b) Any dog owned, harbored, or trained primarily or in part for the purpose of fighting;
- (c) Any dog declared to be vicious pursuant to subsection (a) of this definition;
- (d) Any dog previously found to be vicious in a trial on the charge of violating subsection (b) of this definition;
- (e) Any dog declared to be vicious or prohibited in another municipality, county, or state.

(Code 1997, § 18-47(a); Ord. No. 46-10-11, § 1, 12-20-2010)

SECTION 11: AMENDMENT “Sec 8-74 Vicious Dogs Prohibited” of the

Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 8-74 Vicious Dogs Prohibited

No person may harbor, keep, maintain, or permit to remain about the person's premises any vicious dog within the city. No person may bring into the city any dog that has previously been declared vicious or prohibited in another municipality, county, or state.

(Code 1997, § 18-47(b), (c); Ord. No. 46-10-11, § 1, 12-20-2010)

SECTION 12: **AMENDMENT** “Sec 8-80 Procedure For Declaration Of Vicious Or Dangerous Dog” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 8-80 Procedure For Declaration Of Vicious Or Dangerous Dog

- (a) *Police officer declarations.* If a police officer determines that a dog is dangerous or vicious, as defined in this section, the officer may declare the dog to be a dangerous or vicious dog. The officer shall immediately inform the owner or custodian in writing, by personal service or certified mail, of such determination, and the reasons therefor. The determination shall be dated and shall advise such person of the right to have such determination reviewed, the time within such review may be obtained, and the officer or person to whom a request for review shall be addressed.
- (b) *Request for review hearing.* If an owner or custodian contests the designation of the dog as dangerous or vicious, the owner may request a hearing in writing, mailed or delivered in person to the chief of police within 30 days of issuance of the notice. The request for review hearing shall state the grounds upon which the person aggrieved contends that the decision should be modified or reversed. The owner or custodian may file with the request for hearing written evidence and argument in support of the person's position with respect to the initial determination.
- (c) *Restrictions applicable pending hearing.* Pending the decision of the committee upon hearing, the owner must comply with the provisions of the section relating to dangerous dogs. The officer may impose additional restrictions on a dog declared vicious pending hearing.
- (d) *Time and notice of hearing.* The hearing shall be held within 15 days of receipt of the request for hearing before the licensing, hearings, and public safety committee of the common council. The chief of police shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing.
- (e) *Conduct of hearing.* Hearing under this section shall be subject to the following:
 - (1) At hearing, the determination of the police officer shall be termed an initial determination.

- (2) At the hearing, the appellant and the city may be represented by an attorney and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the chair of the hearing committee. Any interested party may present evidence as to whether the dog is dangerous or vicious. The committee may issue subpoenas.
 - (3) An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in Wis. Stats. § 805.07(4) and must be served in the manner provided in Wis. Stats. § 805.07(5). The attorney shall, at the time of issuance, send a copy of the subpoena to the decision maker.
 - (4) The proceedings shall be taken by a stenographer or recorded. The chair of the committee or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits.
 - (5) After the hearing, the owner shall be notified in writing of the determination. The ~~law and~~ licensing, hearings, and public safety committee may impose additional restrictions on a dog declared vicious pending arrangements for its removal from the city or euthanasia.
 - (6) The committee may affirm, reverse, or modify the initial determination and shall, within 20 days of completion of the hearing and the filing of briefs, if any, mail or deliver to the owner or custodian a copy of the committee's decision on review, which shall state the reasons for such decision. Such decision shall be a final determination. The decision shall advise the owner or custodian of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.
- (f) *Judicial review*. Any party aggrieved by the determination at hearing conducted pursuant to this section may seek judicial review pursuant to Wis. Stats. § 68.13.

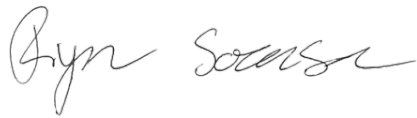
(Code 1997, § 18-47(i); Ord. No. 46-10-11, § 1, 12-20-2010)

SECTION 13: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 14: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL
OCTOBER 07, 2024.

Presiding Officer

Handwritten signature of Ryan Sorenson in cursive script.

Ryan Sorenson, Mayor, City of
Sheboygan

Attest

Handwritten signature of Meredith DeBruin in cursive script.

Meredith DeBruin, City Clerk, City of
Sheboygan