

ORDINANCE NO. : 1380-B

An Ordinance creating Section 18-55 of the Municipal Code of the City of Antigo regarding dangerous animals.

The Common Council of the City of Antigo does ordain as follows:

**Section I.** Section 18-55 shall be created to read as follows:

**Section 18-55. Dangerous animals.**

*(a) Prohibitions.*

1. No person shall own, harbor, keep, or maintain within the City limits, any "dangerous animal," except as provided in subsection (d) below.
2. No person may bring into or keep within the City limits, any animal that is determined to be a "prohibited dangerous animal" under this section.
3. No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous animal within the City except as permitted under this section.
4. No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.
5. The issuance of a citation under this section need not be predicated on a determination that an animal is a dangerous or prohibited dangerous animal.

*(b) Definitions.*

*Dangerous animal* as used in this chapter means:

1. Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property and after evaluation by the Chief of Police or the Chief's designee is determined to pose a threat to public safety or welfare;
2. Any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation, on public or private property and after evaluation by the Chief of Police or the Chief's designee is determined to pose a threat to public safety or welfare; or
3. Any animal owned, harbored, or trained primarily or in part for the purpose of fighting.

*Prohibited dangerous animal* as used in this chapter means:

1. Any animal that, while off the owner's or caretaker's property, has killed a domesticated animal without provocation;
2. Any animal that, without provocation, inflicts bodily harm on a person on public or private property;
3. Any animal brought from another city, village, town or county that has been declared dangerous or vicious or its equivalent by that jurisdiction;
4. Any dangerous animal that is not in compliance with any of the provisions of subsection (d);
5. Any animal declared dangerous under this section that subsequently has a second or more reported unprovoked incidents in which the animal has bitten, inflicted injury, attacked, or otherwise unreasonably endangered with aggressive or threatening behavior, the safety of a human being or pet animal on public or private property;
6. Any dog that is subject to being destroyed under Wis. Stats. §174.02(3); or
7. Any animal, owned, harbored or trained primarily or in part for the purpose of fighting.

*(c) Procedure for declaring a dangerous animal.*

1. The Chief of Police or the Chief's designee, upon conducting an investigation, may issue an order declaring an animal to be a dangerous animal whenever he/she finds that an animal meets the definition of a dangerous animal in subsection (b). An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).
2. Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with the signage, leashing, muzzling and confinement requirements of subsection (d)(3) and (d)(5)-(7). The owner or caretaker shall comply with the requirements of subsection (d)(6)(B) within five days of the order and with all other requirements in subsection (d) being satisfied within 30 days of the order.
3. Upon written request by the owner or caretaker, the Chief of Police or the Chief's designee may waive any requirement specified in subsection (d) that he/she deems to be inappropriate for a particular dangerous animal.

*(d) Restrictions.* The owner or caretaker of any animal determined by the Chief of Police or the Chief's designee to be a dangerous animal shall comply with all of the following conditions:

1. *Registration.* The owner or caretaker of any dangerous animal shall register it with the City Clerk within 30 days of the order, and thereafter before January 1 of each year, by providing a current color photograph of the animal and payment of a registration fee as provided in section 18-35. Upon payment of the fee and satisfactory proof of compliance with the

provisions and conditions of this chapter, the owner shall be issued a dangerous animal certificate of registration. The owner or caretaker shall post the certificate of registration on the front door of the residence where the dangerous animal is being kept.

(A) The owner or caretaker of any dangerous animal shall also provide proof of current license and rabies certificate as required under sections 18-33 and 18-34 respectively at the time of registration and each year thereafter.

2. *Liability insurance.* At the time of registration, the owner or caretaker of any dangerous animal shall provide proof of liability insurance in the amount of at least \$250,000.00 for any acts of property damage or liability incurred by virtue of personal injury inflicted by such animal. Such insurance shall name the City as coinsured solely for the purpose of notice of cancellation of the policy.
3. *Display of sign.* The owner or caretaker of the dangerous animal shall display signs on his or her premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the sign shall include a pictorial symbol warning children of the presence of a dangerous animal.
4. *Identification.* The owner or caretaker of the dangerous animal shall provide written proof from a licensed veterinarian or humane society a device which can be later detected to aid in the proper identification of the animal. The device must be numbered and the number must be provided to the Chief of Police or the Chief's designee.
5. *Collar.* A leather collar shall be worn by the animal at all times, except when being groomed.
6. *Duty to keep animal under restraint while on owner's or caretaker's property.* While on the owner's or caretaker's property, a dangerous animal must be securely and humanely confined indoors or when outdoors, kept in a secure enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping or as set forth in subsection (d)(7).

(A) *Indoor confinement.* No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the premises of its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

(B) *Outdoor confinement.* All owners or caretakers of a dangerous animal must maintain on the property a pen or kennel as

provided in this subsection. The pen or kennel shall be child proof from the outside and animal proof from the inside. A strong metal double fence with adequate space between fences (at least two feet) shall be provided so that a child cannot reach into the animal enclosure. Such pen or structure must have secure sides and a secure top attached to all sides. The pen or structure shall be locked with a key or combination lock when the animal is within the structure. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal. All structures erected to house dangerous animals shall comply with all City building and zoning regulations and be adequately lighted and ventilated and kept in a clean and sanitary condition.

7. *Duty to keep animal under restraint when off property.* No owner or caretaker may permit a dangerous animal to go outside its dwelling, kennel or pen unless the animal is muzzled and restrained by a leather collar with harness and leather lead not exceeding four feet in length and is under control of an adult, able-bodied person competent to govern the animal and physically capable of controlling and restraining the animal. The animal may not be leashed to inanimate objects such as trees, posts and buildings. The animal shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.
8. *Spay and neuter requirement.* The owner or caretaker shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

*(e) Procedure for declaring a prohibited dangerous animal.*

1. The Chief of Police or the Chief's designee, upon conducting an investigation, may issue an order declaring an animal to be a prohibited dangerous animal and order the animal to have a microchip or other device inserted for identification purposes, whenever he/she finds that an animal meets the definition of prohibited dangerous animal in subsection (b). The cost of a microchip or other device shall be at the expense of the owner or caretaker. An owner or caretaker withing to contest an order under this section shall proceed as provided in subsection (f).
2. Upon issuance of an order declaring an animal to be a prohibited dangerous animal, the owner or caretaker shall remove the animal from the city within five days after the date of the order.
3. No owner or caretaker of a prohibited dangerous animal may sell or transfer possession of the animal to any other person with the city.
4. Any animal declared to be a prohibited dangerous animal that is not removed from the City within five days of it being declared a prohibited

dangerous animal may be seized by the City pursuant to Wis. Stats. § 173.13(1).

5. The owner or caretaker shall provide the Chief of Police or the Chief's designee within five days of the animal being declared a prohibited dangerous animal, the name, address, and telephone number of the person that will be in possession of the prohibited dangerous animal or a certification from a licensed veterinarian or local humane society that the prohibited dangerous animal was humanely euthanized. The owner or caretaker shall also present evidence to the Police Department showing that he or she has notified the Police Department or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner and advised that the animal is a prohibited dangerous animal.

*(f) Appeal process for dangerous and prohibited dangerous animal.*

1. Whenever an owner or caretaker wishes to contest an order of the Chief of Police or the Chief's designee to declare an animal dangerous under subsection (c) or prohibited dangerous under subsection (e), he or she shall, within five days after receipt of the order, deliver to the City Clerk, a written objection to the order, addressed to the Public Health and Safety Committee, stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Finance, Personnel and Legislative Committee to be reviewed at the next regular meeting, unless the appeal is filed within four days of the next meeting in which case it shall be heard at the following meeting, or at the discretion of the chair of the Finance, Personnel and Legislative Committee at a specially scheduled meeting. The Finance, Personnel and Legislative Committee shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous or prohibited dangerous. The City elects not to be bound by Wis. Stats. Ch. 68 with respect to administrative procedure in this regard.
2. After the hearing, the owner or caretaker shall be notified of the Public Health and Safety Committee's determination.
3. If the owner or caretaker wishes to further contest the determination, he or she may, within five days of receiving the Finance, Personnel and Legislative Committee's decision, seek a review of the decision by the circuit court.

*(g) Notification.*

1. The owner or caretaker of a dangerous animal shall notify the Police Department immediately if a dangerous animal is at large.
2. The owner or caretaker of a dangerous animal shall notify the Police Department within 24 hours if the dangerous animal has bitten or inflicted injury upon another animal or human being, or has died.

3. No owner or caretaker may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal. The owner or caretaker shall also provide the Police Department with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or transferred to a person outside the city, the owner or caretaker shall present evidence to the Police Department showing that he or she has notified the Police Department or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner and advised that the animal is a dangerous animal.
4. The owner or caretaker shall update the City Clerk and the Police Department within five days upon moving the dangerous animal to another location.

*(h) Impoundment.*

1. Pending any investigation as to whether an animal is a dangerous or prohibited dangerous animal or pending a hearing on an appeal under subsection (f) of either determination, the animal must be securely confined in a humane manner either on the premises of the owner or caretaker, with a licensed veterinarian or other appropriate facility such as the local humane society. The owner or caretaker of any animal impounded on the premises of the owner or caretaker must comply with the restrictions set forth in subsection (d)(3) and (d)(5) – (d)(7). The Chief of Police or the Chief's designee may order impoundment of the animal pending his/her investigation and through any appeal hearing under subsection (f), pursuant to Wis. Stats. § 173.13(1). If an animal is determined to be dangerous, it may remain impounded until the owner or caretaker has complied with all restrictions set forth in subsection (d) or until such time as the Chief of Police or the Chief's designee determines the animal may be safely returned to its owner or caretaker and upon payment of all costs and expenses under subsection (h)(2). If an animal is determined to be a prohibited dangerous animal, it may remain impounded until the owner or caretaker provides the Police Department adequate assurances that the animal will be removed from the City as provided in subsection (e)(2), insertion of a microchip or other device for identification purposes, and upon payment of all costs and expenses under subsection (h)(2). Any animal that has been impounded and remains unclaimed by its owner or caretaker for more than seven days after written notice by certified mail has been sent to the owner or caretaker to his/her last known address advising that a determination has been made that the animal may be returned to the owner or caretaker upon compliance with the requirements of this subsection may be humanely euthanized pursuant to Wis. Stats. § 173.23. Any owner or caretaker aggrieved by the impoundment order of the Chief of Police or the Chief's designee may appeal such decision in the same manner and under the same procedures as set forth in subsection (f).

2. The owner or caretaker of the animal shall be liable to the city for the costs and expenses of impounding an animal unless the Chief of Police or the Chief's designee fails to declare the animal dangerous or prohibited dangerous or the determination is ultimately overturned by the Public Health and Safety Committee or a reviewing court.
  3. The owner or caretaker of an animal confined on the premises under subsection (h)(1) shall immediately notify the Police Department if the animal is loose, unconfined, has attacked or bitten or injured another animal, or has attacked, bitten or injured a human being or has died. The animal shall not be sold or given away during the confinement or impoundment period.
  4. The Chief of Police or the Chief's designee shall make a reasonable attempt to promptly notify the owner or caretaker in writing of any impoundment under this subsection if he or she can be identified and located with reasonable effort. Mailing written notice to the owner's or caretaker's last known address shall satisfy this requirement.
- (i) *Destruction.* Any dog that has caused serious injury to a person or a domestic animal on two separate occasions off the owner's premises, without reasonable cause may be destroyed as a result of a judgment rendered by a court of competent jurisdiction as specified under Wis. Stats. § 174.02 (3). The City Attorney may petition an appropriate court to obtain order to destroy such a dog.
- (j) *Duration of dangerous animal status.*
1. The Chief of Police or the Chief's designee may remove the declaration of dangerous animal upon petition by the owner or caretaker of an animal upon a finding of all of the following:
    - (a) The owner or caretaker demonstrates that changes in circumstances or measures taken by the owner or caretaker have mitigated the risk to public safety;
    - (b) The owner or caretaker demonstrates there have been no additional reported instances of the behavior set forth in subsection (b) within a 36-month period from the date of the order declaring the animal dangerous;
    - (c) The owner or caretaker provides documentation from an accredited dog training specialist of attending and passing either an animal socialization program offered through the Association of Pet Dog Trainers or the American Kennel Club Canine Good Citizen Program; and
    - (d) The Chief of Police or the Chief's designee concludes from all of the evidence presented the animal no longer presents a risk to public safety.

*(k) Penalties for violations.*

1. An owner or caretaker of a dangerous animal who fails to comply with the provisions of subsection (d) is subject to a forfeiture of not less than \$100.00 nor more than \$250.00 per day.
2. An owner or caretaker of a dangerous animal who violates subsections (a)(1), (3), or (4) is subject to the forfeiture provided for in the cash deposit schedule established under section 1-14.
3. An owner or caretaker of a prohibited dangerous animal who violates subsection (a)(2) is subject to a forfeiture of not less than \$250.00 nor more than \$500.00 per day.
4. An owner or caretaker of a dangerous or prohibited dangerous animal who violates any other provision of this section is subject to a forfeiture of not less than \$25.00 or more than \$250.00 per day.

*(l) [Additional violations.]* Every day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this chapter.

*(m) Exemptions.* The provisions of this chapter regarding dangerous animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

*(n) Severability.* If any provision of this chapter is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this chapter.

Section 2. This Ordinance shall be in force and effect from and after its passage and publication.

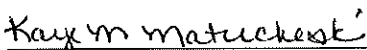
ADOPTED: June 11, 2025.

APPROVED: June 11, 2025.



Thomas C. Bauknecht, Mayor

ATTEST:



Kaye M. Matucheski, City Clerk