

## ORDINANCE NO. 2405.2

AN ORDINANCE TO AMEND CHAPTER 4 OF THE MUNICIPAL CODE,  
PERTAINING TO ANIMALS, TO LIFT THE REGULATIONS ON THE KEEPING OF  
THE DOG BREED “PIT BULLS”

---

**WHEREAS**, the Common Council of the City of Cudahy has determined that it is in the best interest of the City’s health, safety and welfare and morals to amend certain sections of Chapter 4 of the Municipal Code, and;

**WHEREAS**, the Common Council of the City of Cudahy has determined that existing provisions pertaining to “dangerous dogs” are sufficient to protect the public and empower law enforcement to assist in the regulation of aggressive dogs, and;

**WHEREAS**, the Common Council of the City of Cudahy has determined that it is in the best interest of the City’s health, safety and welfare and morals to remove the licensing regulations required for the dog breed known as “pitbulls” within the City of Cudahy, and;

**NOW THEREFORE**, at a regular of the Common Council of the City of Cudahy, held on the \_\_\_\_ day of \_\_\_\_\_, 2019, a quorum of the members of the Common Council being present and a majority voting in favor thereof, the Common Council does hereby ordain as follows:

SECTION 1. Chapter 4 of the Municipal Code of Ordinances is hereby amended as follows (additions are underlined, deletions in strikethrough):

Chapter 4 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 4-1. - Animals and birds, keeping of.

- (a) *Horses, swine, cattle, etc* . No person, except a permitted slaughterhouse or meat packer, shall keep horses, swine, cattle, sheep or goats in the city, except horses for riding may be kept upon special permit of the city council after recommendation by the board of health.
- (b) *Selling poultry; dyed baby chicks* . No person shall display, give, or sell dyed, colored or artificially treated baby chicks or ducklings as pets or novelties. No person shall sell, give away or distribute live chicks, ducklings, goslings, poultry or any other young of the poultry family to be used as pets or novelties.
- (c) *Prohibition* . No person shall keep, feed, or breed any hares, rabbits, guinea pigs, rats, mice, gerbils, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, dogs, cats, for commercial purposes, within the residential districts.

- (d) *Commercial purposes* . No person shall conduct for commercial purposes any establishment in which dogs, cats, hares, rabbits, guinea pigs, rats, mice, gerbils, chickens, turkeys, geese, ducks, doves, pigeons, parrots of any species, game birds of any species, are kept and maintained in the commercial or industrial districts without first obtaining from the department of public health a permit so to do.
- (e) *Giving away animals as prizes prohibited* . It shall be unlawful for a person to raffle, sell or give away in the city any live animal, fish, bird or reptile as a novelty, prize or premium as an inducement to enter a place of amusement; or offer such animal as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business.
- (f) *Exceptions*. This section does not apply to the following animals which are regulated elsewhere or which the common council believes do not pose a potential danger if limited to the number specified herein. All numerical limitations apply to the building structure in which the animal is kept. Nothing in this section is intended to supersede existing regulations governing dogs and cats.
  - (1) Dogs (*canis familiaris*), cats (*felis domesticus*).
  - (2) Parakeets, cockatoos and cockatiels if not more than four in total.
  - (3) Tropical fish.
  - (4) Turtles weighing less than one pound.
  - (5) Parrots if not more than two in total.
  - (6) Nonvenomous snakes capable of growing to five feet even or less at maturity, if not more than two in total. Snakes capable of growing to more than five feet even at maturity are prohibited unless permitted under section 4-2 above regardless of the current length of the snake.
  - (7) Nonvenomous lizards capable of growing to no more than three feet at maturity if not more than two in total. Lizards capable of growing to more than three feet at maturity are prohibited unless permitted under section 4-2 regardless of the current length of the lizard.
  - (8) Gerbils, guinea pigs, rabbits, rats and mice, not more than five in total.
  - (9) Frogs, toads, geckos, salamanders, not more than ten in total.
  - (10) Such other animals as the board of health may from time to time determine do not pose a danger. All such animals determined by the city council after recommendation by the board of health that do not pose a danger shall be exempt from the provisions of this section on adoption of a resolution reflecting the board's determination and publication of the board's determination on the city's web site and posting for 30 days at city hall.

Sec. 4-2. - Protected animals.

- (a) *Possession and sale* . It shall be unlawful for any person to possess with intent to sell or offer for sale, or buy or attempt to buy or procure, 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 *Crocodylia*, gray or timber wolf (*Canis lupus*), sea otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*) and Mexican ridley turtle (*Lepidochelys kempi*).
- (b) *Compliance with federal regulations* . It shall be unlawful for any person 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 federal law.
- (c) *Regulating the importation of certain birds* . No person 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 subsection (c) 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.

- (d) *Exceptions.* The provisions of this section shall not be deemed to prevent the 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 collector's permit issued by the secretary of the state department of natural resources, or to any person or organization licensed to present a circus.

Sec. 4-3. - Wild animals.

- (a) 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 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 siamangs (Symphalangus).
  - (3) Baboons (Papoi, Mandrillus).
  - (4) Bears (Ursidae).
  - (5) Bison (Bison).
  - (6) Cheetahs (Acinonyx jubatus).
  - (7) Crocodilians (Crocodilia), 30 inches in length or more.
  - (8) Constrictor snakes, capable of growing to five feet one inch or more at maturity.
  - (9) Coyotes (Canis latrans).
  - (10) Deer (Cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
  - (11) Elephants (Elephas and Loxodonta).
  - (12) Gamecocks and other fighting birds.
  - (13) Hippopotami (Hippopotamidae).
  - (14) Hyenas (Hyaenidae).
  - (15) Jaguars (Panthera onca).
  - (16) Leopards (Panthera pardus).
  - (17) Lions (Panthera leo).
  - (18) Lynxes (Lynx).
  - (19) Monkeys, old world (Cercopithecidae).
  - (20) Ostriches (Struthio).
  - (21) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
  - (22) Rhinoceroses (Rhinocero tidae).
  - (23) Sharks (class Chondrichthyes).
  - (24) Snow leopards (Panthera uncia).
  - (25) Tigers (Panthera tigris).

- (26) Wolves (*Canis lupus*).
  - (27) Squirrels of flying or nonflying variety.
  - (28) Poisonous insects.
  - (29) Bees, wasps and hornets.
  - (30) Pigs, to include pot-bellied.
  - (31) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens, ducks, or any animal raised for fur-bearing purposes, unless otherwise permitted elsewhere in this Code.
- (b) Exceptions to prohibition on keeping. The prohibitions of this section 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; or zoological gardens if:
- (1) Their location conforms to the provisions of chapter 44, pertaining to zoning.
  - (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 100 feet of the quarters in which the animals are kept.
  - (5) No food establishment is located within 100 feet of the quarters in which the animals are kept.

Sec. 4-4. - Health nuisances.

The health officer may prohibit the keeping of any animal or fowl in any place, location or manner which in his judgment would constitute a health nuisance or be in violation of this section.

Sec. 4-5. - Keeping of unhealthy animals prohibited.

No person may keep any animal in an unhealthy condition whether the animal is one permitted by virtue of this or any other ordinance or one which is permitted by permit issued by the health inspector.

Sec. 4-6. - Animals and poultry not to run at large.

No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the city.

Sec. 4-7. - Beekeeping prohibited.

No person shall keep any bees in the city.

Sec. 4-8. - Definitions.

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

*Approved* means approved by the sanitary inspector.

*Dangerous animal* means:

- (1) Any mammal, amphibian, fish, reptile, or fowl of a species which due to size, dangerous nature, or other characteristics would constitute a danger to human life or physical well-being or to animals.

- (2) Any animal which, without provocation, bites or otherwise inflicts bodily harm on a person, domestic pet or animal on public or private property.
- (3) Any animal which chases or approaches a person in a menacing fashion or apparent attitude of attack without provocation upon the streets, sidewalks or any public grounds or on private property without the permission of the owner or person in lawful control of the animal.
- (4) An animal with a known propensity, tendency or disposition to attack, to cause injury to, or to otherwise threaten the safety of humans or other domestic pets or animals.
- (5) Any animal owned or kept primarily or in part for the purpose of fighting or any animal trained or bred for fighting.
- (6) Any animal which is urged by its owner or keeper to attack, or whose owner or keeper threatens to cause such animal to attack.
- ~~(7) —Any "pit bull" without proper permit under this section that includes any and all of the following dogs:—~~
  - a.—The Staffordshire Bull Terrier breed of dogs;
  - b.—The American Staffordshire Terrier breed of dogs;
  - c.—The American Pit Bull Terrier breed of dog;
  - d.—Any other breed commonly known as Pit Bull, Pit Bull Animal or Pit Bull Terrier; or
  - e. —Dogs that have the appearance and characteristics of being predominately of the breeds of dogs known as the Staffordshire Bull Terrier, the American Staffordshire Terrier, or the American Pit Bull Terrier.—

~~(8)~~ (7) Any animal listed in section 4-3.

*Director of public works* means the director of public works or his authorized representative.

*Dog* means all domesticated members of *Canis familiaris*, male or female.

*Domesticated* means describes any bird or animal of any species which usually lives in or about the habitation of man or which is usually raised and tended by man in order to contribute to the support of a family or the wealth of a community.

*Health officer* means the health officer or his authorized representative.

*Isolation facility* means a humane society shelter, MADACC, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

*Officer* means a peace officer, local health officer, as defined in Wis. Stats. § 250.01(5), humane officer, warden, an employee designated by the department or other person designated by the governing body of the county, city, village or town.

*Owner* means any person, a member of his family of suitable age and discretion, agent, firm, corporation, association, partnership, organization, department or other entity possessing, owning, harboring or having the care or custody, whether temporarily or permanently, of a dangerous animal.

*Peace officer* means any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes. The term "peace officer" includes a commission warden.

*Pet shop* means a business establishment where domesticated mammals, birds or reptiles are kept for sale; provided kennels shall not be included within this definition.

*Provoked* means that an animal bites, attacks or menaces any person or animal in order to:

- (1) Defend its owner, caretaker or another person from an attack by a person or animal.
- (2) Protect its young or another animal.

- (3) Defend itself against any person or animal which has tormented, assaulted or abused it.
- (4) Defend its owner's or caretaker's property against trespassers.

Sec. 4-9. - Dog and cat licensing.

Wis. Stats. §§ 174.05 to 174.07 relating to licensing of dogs, Wis. Stats. § 59.79(12) relating to the licensing of cats and those rules promulgated thereunder by the county, are made a part of this section by reference.

- (1) *Residence.* Every person residing in the city who owns a dog or cat more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, on or before the date the dog or cat becomes five months of age, pay the dog or cat license tax and obtain an annual license for each animal at city hall or other appropriate place designated by the city and is considered delinquent on April 1.
- (2) *Fees.* Such owner shall pay to the city treasurer annual fees in the amount provided in the city fee schedule, to include delinquent or fees paid untimely after April 1 of that year. At the request of the Milwaukee Area Domestic Animal Control Commission, the common council may from time to time declare periods of amnesty and waiver for late fee penalties imposed under this section for dog and cat licenses. Such periods of amnesty and the terms thereof may be established upon a finding that they are likely to have the effect of increasing compliance with one or more provisions of this chapter. The municipality may promulgate rules and procedures to implement the provisions of this section.
- (3) *Issuance.* Upon payment to the city treasurer of the license fees, the treasurer shall issue to such person a license to keep such dog or cat, which license shall not be issued for less than one year. Such person shall, upon obtaining the license, place upon such dog and/or cat a collar with a tag furnished by the city treasurer or county clerk.

Sec. 4-10. - Prohibitions.

No person shall own, harbor or keep any animal which:

- (1) Is classified as a dangerous animal in this section.
- (2) Habitually pursues any vehicle upon any public street, alley or highway in the city.
- (3) Assaults or attacks any person more than twice within one year.
- (4) The owner, a citizen, or an officer has reason to believe that the dog or cat is infected with rabies or any dog and/or cat known to have been bitten by any animal known to have been infected with rabies.
- (5) Runs at large within the city. A dog and/or cat shall be running at large when it is on a public street, alley, park or other public grounds, or any premises in the city other than the premises of its owner, unless within the immediate presence and control of the owner, his servant, agent or a member of his family of suitable age and discretion.
- (6) Habitually barks or howls to the annoyance of two or more persons.
- (7) Is not properly licensed per section 4-36.
- (8) Is listed as a prohibition elsewhere in this section.

Sec. 4-11. - Impounding of dogs ~~other than pit bulls~~ and/or cats.

- (a) *Discretionary impounding.* Any police officer or health department finding a dangerous animal may seize the animal and impound it, unless specific provisions providing for impoundment are itemized elsewhere.

- (b) *Mandatory impounding.* A dangerous animal alleged to have two assaults or attacks upon a human being within one year shall be impounded as directed by the city police department until disposition of the charge issued by citation.
- (c) *Repossession and fees.* The possession of any animal so seized or impounded may be obtained by the owner upon payment of the fee required in the city fee schedule. The possession of an unlicensed dog or cat may be obtained by the owner after he or she obtains the required license and pays the specified impoundment and daily fee for keeping the dog or cat. If necessary, dangerous animals may be disposed of in a humane manner by the department or their designee.
- (d) *Report on impounded dogs and/or cats.* Any person or any officer who impounds any dog and/or cat shall, after delivery of such dog and/or cat to the police chief, make a report to the city treasurer, stating when and under what conditions he seized or impounded such dog and/or cat, and the owner's name if known. Whenever any dog and/or cat is impounded or delivered to the police department, the chief shall give notice thereof to the owner, if known, of such impoundment within 12 hours.

Sec. 4-12. - Dogs, cats, and/or ferrets biting persons.

- (a) The provisions of Wis. Stats. § 95.21 are hereby adopted and by reference made part of this Code as if fully set forth herein.
- (b) Every owner or keeper of a dog, cat, and/or ferret that has bitten any person and every other person who knows that a dog, cat, and/or ferret has bitten any person shall immediately report such fact to a police officer or the health officer, and after verification of rabies shots such owner shall immediately confine such dog, cat, and/or ferret for at least ten days thereafter and shall not release such dog, cat, and/or ferret except with the written approval of the health officer. Any such dog, cat, or ferret shall be surrendered to the police or health officer, or designee for impoundment per section 4-11 upon demand.
- (c) *Isolation facility or on-premises owner quarantine.* 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 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 currently immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

Sec. 4-13. - Rabid dogs and/or cats.

- (a) A person shall report to the police or health authorities the existence of a dog and/or cat that has contracted rabies or has been exposed to rabies or is suspected of having rabies or which has bitten any person and is capable of transmitting rabies, describing the dog and/or cat and giving the name of the owner, if known.
- (b) The owner of any animal which has contracted rabies or which has been exposed to rabies or which is suspected of having rabies or which has bitten any person and is capable of transmitting rabies shall upon demand of the police or health department produce and surrender the animal to the police department or health department to be held in quarantine.
  - (1) If, upon investigation by the police or health department, an animal other than a dog or cat has bitten a person or appears to be infected with rabies, the animal may be destroyed as directed by the commissioner in accordance with Wis. Stats. § 95.21(4)(b).
  - (2) If, upon investigation by the police or health department and a determination by a veterinarian, that a dog or cat exhibits symptoms of rabies, the dog or cat may be destroyed as directed by the commissioner who shall act in accordance with Wis. Stats. § 95.21(5)(d).

Sec. 4-14. - Commercial kennels restricted.

No person shall establish, operate or maintain a commercial kennel consisting of more than two dogs and/or cats at least five months of age within 100 feet of any church, school, hospital, sanitarium or building used wholly or partially for residential purposes in the city.

Sec. 4-15. - Animal waste/littering.

- (a) It shall be the duty of every owner of any animal to dispose of such animal's fecal matter and other waste in a sanitary manner as often as may be necessary to prevent any unwholesome accumulation of such matter and/or waste. It shall be unlawful for any person accompanying a dog to permit the dog to defecate upon any private or public place without the consent of the owner thereof unless the person accompanying the dog immediately cleaned up and removed the defecation onto the owner's property.
- (b) No owner or caretaker of any animal may appear with the animal on any public walk, street or way without a shovel, scoop, bag or other items for the removal of fecal matter. The owner or caretaker of an animal shall immediately, after deposit of fecal matter on such premises or upon any private premises without consent of owner or other person in legal possession who has authority to grant permission for same, remove all fecal matter by shovel, scoop, bag or other item and properly wrap and deposit the fecal matter in a waste container upon his own premises or in a container designed for such purposes.

Sec. 4-16. - Maximum dogs and/or cats allowed and pet fancier's permit.

- (a) The keeping of more than three dogs and/or cats in any one residential unit, any of which is over the age of five months, is prohibited unless a permit is obtained as provided herein, in addition to each pet being separately licensed.
- (b) The permit required in subsection (a) of this section may be issued by the health officer or designee or by the common council to which the health department may, at its discretion refer the application for consideration. A permit once issued shall not be subject to reconsideration until it is subject to renewal, circumstances change relating thereto or there is a violation of any conditions, restrictions or other limitations imposed at time of issuance or upon reconsideration. Both the health officer or designee and the council shall have the authority to impose any restrictions deemed appropriate, including a probationary period.
- (c) A pet fancier's permit may be issued after the health officer or designee has viewed the premises to be licensed and has determined that they are in a safe, sanitary and healthy condition.
- (d) The permit year commences on January 1 and ends on the following December 31.
- (e) The fee for the pet fancier's permit shall be as provided in the city fee schedule.
- (f) Renewal of the permit is not subject to approval or disapproval by the common council if no complaints or other problems arise during the permit year.

Secs. 4-17—4-35 ~~4-37~~. - Reserved.

~~ARTICLE II. — PIT BULLS, REGISTRATION AND PERMIT~~

~~Sec. 4-36. — Pit bull special permit required.~~

~~A special annual permit shall be required for owning or keeping any pit bull. Permits shall be issued only to adults and only to the person who is the owner or keeper of the animal. Permits shall be granted according to the following registration procedures:~~

- ~~(1) — An initial application for a pit bull permit pursuant to this section shall be made to the city clerk no later than 30 days following the effective date of the ordinance from which this section is derived. A permit shall be valid for 12 months. An application for a permit shall be made for each 12-month period thereafter and shall be made prior to the expiration of the previous 12-month period. Applications shall be made on a form provided by the city. No permit shall be~~



granted to any current owner or keeper of a pit bull who has not properly applied for a permit with 30 days following the effective date of the ordinance from which this section is derived.

(2) — New residents to the city shall submit an initial application for a pit bull permit pursuant to this section to the city clerk no later than 30 days following the new residents' move-in date. The new residents' move-in date shall ultimately be determined by the city clerk. A permit shall be valid for 12 months. An application for a permit shall be made for each 12-month period thereafter and shall be made prior to the expiration of the previous 12-month period. Applications shall be made on a form provided by the city. No permit shall be granted to any new resident owner or keeper of a pit bull who has not properly submitted an initial application for a pit bull permit pursuant to this section to the city clerk within 30 days following the move-in date.

(3) — The application shall contain the following information:

- a. — The name, address, and telephone number of the applicant.
- b. — A statement that the applicant is the owner or the keeper of the animal.
- c. — The name, address, and telephone number of any other owner or keeper of the animal.
- d. — The address of the location where the animal will be kept.
- e. — A general description of the animal for which the permit is sought.
- f. — An acknowledgement of receipt of a copy of this article.
- g. — A signature by each owner or keeper of the animal.

(4) — The application shall be accompanied by:

- a. — Proof of public liability insurance in a single incident amount of \$100,000.00 for bodily injury to or death of any person or for damages to property owned by any persons that may result from owning or keeping a pit bull dog. At the time of the initial application, the owner or keeper must show proof to the city clerk of the required insurance. At the time of any subsequent application, the owner or keeper must show proof of insurance for the present application period and proof that there was insurance for the present application period and proof that there was insurance coverage throughout the period of the previous year. In the event said liability insurance is cancelled, lapsed, or for any other reason becomes nonenforceable, the owner or keeper shall be in violation of the provisions of this section.
- b. — Two identical color photographs of the animal taken within the previous 30 days clearly showing the color and approximate size of the animal.
- c. — Proof of microchipping.
- d. — Photo identification for each owner or keeper of the animal.
- e. — Annual permit fee for each pit bull shall be as set forth in the city fee schedule. Permit fees are not refundable.

Sec. 4-37. — Restrictions on permit issuance. — (Reserved)

(a) — *Owner compliance.* No permit shall be granted to any owner of any pit bull dog, as defined in this section unless the owner shall comply with all of the following:

(1) — *Leash.* While leashed, no person shall permit a registered pit bull to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull to be kept on a chain, rope, or other type of leash outside its kennel or pen unless an adult person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings. While leashed, the leash shall be held by a person 16 years of age or older, who is competent to govern the animal. The leash may be held by a person younger in a sanctioned American Kennel Club show or other organized competition among trained owners and dogs.

- (2) —*Confinement.* All pit bulls shall be securely confined indoors and unable to exit the house or structure through doors, windows, screen doors or any other possible exits. If outdoors, all pit bulls must be kept in a securely enclosed and locked pen or kennel, except when leashed as provided in subsection (a)(1) of this section. Such pen or kennel shall have following:
- a. — Secure sides and a secure top attached to the sides.
  - b. — Secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet.
  - c. — Locked with a key lock or combination lock when such animals are within the structure.
  - d. — Adequate lighting and ventilation.
  - e. — Clean and sanitary condition.
- (3) —*Signs.* All owners or keepers of pit bulls within the city shall, within 30 days of the effective date of the ordinance from which this section is derived, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign shall be posted on the kennel or pen of such animal.
- (4) —*Special collar.* All pit bulls shall be required to wear a bright orange collar at all times when not confined indoors. The collar shall be visibly on the dogs when it is in a kennel or pen or on a leash. The collar may be removed for grooming purposes or other care when the animal is secured indoors or in an approved pen.
- (5) —*Microchipping.* All pit bulls shall have an identification microchip implanted. Such microchipping shall be accomplished by a licensed veterinarian.
- (6) —*Reporting requirements.* All owners or keepers of registered pit bull dogs must, within ten days of any of the following incidents, report in writing to the city clerk as required hereinafter:
- a. — The removal from the city or death of a registered pit bull;
  - b. — The birth of offspring to a registered pit bull; or
  - c. — The move of the owner or the move of a registered pit bull to a new location within the city limits. In such case, the new address of the registered pit bull dog and that of the owner or keeper shall also be reported to the city clerk.
- (7) —*Offspring.* All offspring born of a pit bull must be removed from the city within six weeks of the birth of such offspring.
- (8) —*Officer order.* No person shall fail to comply with an order of the police department issued pursuant to this article.
- (9) —*Prior violation.* No person shall return to or harbor within the city limits a pit bull whose owner has been previously found guilty by plea or trial by the municipal court for a violation of this section.
- (10) —*Past convictions.* No person shall own or keep a pit bull if that person has a prior conviction for the sale or delivery of an illegal controlled substance.
- (b) —*Violation.* Violation of any provision of this section shall comprise an individual violation and appropriate citation may be issued accordingly.

#### Sec. 4-38. - Notice of violation.

When the police department has knowledge of a possible violation of this article, the police department shall forthwith cause the matter to be investigated. If after investigation there are reasonable grounds to believe there has been a violation of this article, a written notice shall be delivered to the owner or keeper of the animal that is the subject of the violation requiring such person to safely remove

said animal from the city within five days of the date of said notice. Such owner or keeper shall remove said animal from the city within the required time. Such a notice shall not be required when a dangerous animal has caused serious physical harm or death to any person or has escaped and is at large in which case the police department shall cause said animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person or animal.

Sec. 4-39-4-40.—Seizure and impoundment of pit bulls.—(Reserved)

- (a) —Any pit bull alleged to be dangerous animal by virtue of an attack upon a human being or domestic animal shall be impounded as directed by the police department until disposition of the charge issued by citation.—
- (b) —The owner of a pit bull found guilty at trial or by plea by virtue of an attack upon a human being or domestic animal shall be prohibited from returning that pit bull to the city.—
- (c) —Whenever any person is charged with violation of this section an attack upon a human being or domestic animal, that person shall remove said animal from the city until the trial on the citation. If the owner fails to remove the animal within 48 hours of the service of the citation, the police department shall impound the animal until the trial on the citation.—
- (d) —In any event, when pit bull is impounded, the impounding authority shall give notice to the owners of the impoundment and advise the owners whether and under what circumstances the animal may be redeemed. The owner of any animal impounded, confined or destroyed pursuant to the terms of this section shall be responsible for all costs of such confinement, impoundment or destruction.—
- (e) —Within 30 days after a pit bull has been designated dangerous by virtue of an attack upon a human being or domestic animal, the owner or caretaker of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.—

Sec. 4-40.—Exceptions.—

A person who meets any of the following qualifications shall be permitted to own or keep an unregistered pit bull within city limits:—

- (1) —The keeping of such animal in zoos, bona fide education or medical institute, museum, or any other place where they are kept as live specimens for the public to view or for the purpose of instruction or study.—
- (2) —The keeping of such animal for exhibition to the public by a circus, carnival, or other exhibit or show.—
- (3) —The keeping of such animal in a bona fide, licensed veterinary hospital for treatment.
- (4) —Commercial establishments possessing such animal for the purpose of sale or display.
- (5) —Transportation through the city when the person transporting such animal has taken adequate safeguards to protect the public and has notified chief of police of the proposed route of transportation and the time thereof.—
- (6) —By the city or its designees in the enforcement of this section or for other law enforcement purposes.—

Sec. 4-41. - Penalty.

- (a) Any person who violates any provision of section 4-16 shall be subject to a forfeiture. The owner shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for subsequent offenses, upon default of the payment of such forfeiture and costs, shall be imprisoned in the house of correction or county jail until the payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. The police department, in addition, shall have the authority to impound the animals found on the premises or in the household

that is in violation of the maximum number of dogs and/or cats permitted in this section, or which is in an unsafe or unsanitary condition, all in accordance with the impounding provisions of Wis. Stats. § 174.042.

- (b) Any person who violates any provision of this article shall be subject to forfeiture. The owner shall forfeit not less than \$250.00 nor more than \$2,000.00. Maintaining or keeping a dangerous animal within the city limits after a finding in municipal court that the owner of that animal has violated any provision of this article relating to dangerous animals or pit bulls is hereby declared to be a public nuisance. In addition to the foregoing penalties assessed by the municipal court, any person who violates this article shall pay to the city all expenses, including shelter, food, handling, veterinary care, witness fees, and expenses necessitated by the enforcement of this article. All expenses charged may be obtained through similar process as itemized in section 26-38.
- (c) Except as otherwise provided in this section, any person who shall violate any provision of this article, or any regulation, rule or order made herein, or who shall fail to obtain a license or permit as required by this chapter, shall be subject to a penalty as provided in section 1-15.

Secs. 4-42—4-70. - Reserved.

### ARTICLE III. - PET SHOPS

Sec. 4-71. - Permit required.

No person shall operate a pet shop unless he holds a valid permit issued by the sanitary inspector upon approval by the health officer. When all applicable provisions of this section have been complied with by the applicant and a valid occupancy permit for this type of business has been issued by the building inspector, the sanitary inspector shall issue a permit to operate a pet shop upon the payment of a fee to the city treasurer as stated in the city fee schedule. Every such permit issued shall expire on June 30.

Sec. 4-72. - Compliance required.

Pet shops shall be operated in accordance with the requirements herein set forth.

Sec. 4-73. - Dogs to be immunized against rabies.

No pet shop shall sell or offer for sale any dog more than five months old unless the dog has been vaccinated against rabies by use of an approved live, attenuated rabies virus vaccine administered by a licensed veterinarian. A certificate of vaccination identifying the dog, including its approximate age and the date of vaccination, and signed by the vaccinating veterinarian shall be given the purchaser at the time the sale is made.

Sec. 4-74. - Record of sale.

Every pet shop operator shall keep a record of every dog and cat sold by his establishment setting forth the date and source of acquisition, the date of rabies vaccination, if applicable, the date of sale and the name and address of the purchaser. Such records shall be maintained on the pet shop premises for at least one year following the date of sale of each dog and cat, and such records shall be open to inspection by the health officer at all times during which the pet shop is open to the public.

Sec. 4-75. - Sale of bats, foxes, raccoons and skunks prohibited.

No pet shop shall engage in the purchase, keeping or sale of any species of bats, foxes, raccoons or skunks.

Sec. 4-76. - Sanitary conditions.

- (a) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
- (b) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
- (c) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
- (d) Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.
- (e) Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.
- (f) Feces shall be removed from yards, pens and enclosures daily and stored in tightly-covered metal containers until final disposal.
- (g) Yards, pens, premises and animals shall be kept free of insect infestations.
- (h) No odor nuisances shall be permitted.

#### Sec. 4-77. - Violations.

Whenever, upon inspection of any establishment or place regulated under this section, the health officer finds that conditions or practices exist which are in violation of this section, he shall issue a written order setting forth the character of the violation or violations. This order, which may be served personally or by certified or registered mail to the operator of such establishment or place, shall direct him to correct such practices or conditions within a reasonable period of time to be determined by the health officer. Such order shall also contain the notification that if such practices or conditions are not corrected within such period of time, the permit to operate such establishment will be suspended.

#### Sec. 4-78. - Suspension of permit.

If, at the end of such period of time, a reinspection by the health officer reveals that such practices or conditions have not been corrected, he shall suspend the permit and give notice in writing to the operator that the permit has been suspended.

#### Sec. 4-79. - Permit revocation; hearing and appeal.

Any person whose permit to operate an establishment or place regulated under this section has been suspended, or who has received notice from the health officer that his permit is to be suspended unless existing conditions or practices at his establishment are corrected, may request and shall be granted a hearing on the matter before the health officer. If no written petition for such hearing is filed in the office of the health officer within 20 days following the day on which such permit was suspended and the violations have not been corrected, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease to operate such establishment. Upon receipt of a petition for a hearing, the health officer shall within ten days notify the petitioner of the date, time and place of the hearing. Following the hearing, the health officer may sustain, modify or withdraw the notice of permit suspension or shall revoke the permit, as in his judgment is necessary to protect the public health, safety and welfare of the citizens of the city, and shall notify the petitioner in writing of his decision. Any suspension or revocation may be appealed to the city council within ten days of notice of suspension or revocation by written notice of appeal filed with the health officer.

### ARTICLE IV. - KEEPING CHICKENS IN CITY

#### Sec. 4-100. - Permit required.

No person shall keep chickens in the city without obtaining a valid permit issued by the inspection department representative. The permit process requires a completed application and proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection,

accompanied with a fee itemized in the city fee schedule. An electrical inspection and fee are also required. The permit application is subject to neighborhood notification and approval and compliance with health and zoning codes, to include but not limited to chapter 44, article V.

For purposes of this article, the word "chicken," whether used in the singular or the plural, refers to females of the subspecies *Gallus gallus domesticus*.

#### Sec. 4-101. - Neighborhood approval requirement procedure.

Before a permit is issued for the keeping of chickens, the following process shall be followed:

- (a) Once a permit is applied for, the property owner, if someone other than the applicant, and owners of all directly or diagonally abutting properties, including those across an alley, shall be notified by the inspection department. This shall be done via first-class U.S. mail.
- (b) Property owners shall have 14 working days to file a written objection and request for a hearing to the rules, laws and licensing committee if they object to the granting of a permit.
- (c) If a timely written objection and request for a hearing has been submitted to the inspection department, the rules, laws and licensing committee shall hold a hearing within 14 days.
- (d) Within ten days of completion of the hearing conducted pursuant to subsection (c), the rules, laws, and licensing shall mail to the objector and permit applicant its specific written determination on the granting or denial of the permit.
- (e) A hearing decision by the rules, laws and licensing committee may be appealed by either party to the common council within ten days of the notice date through written notice of appeal filed with the city clerk/treasurer.
- (f) Wis. Stats. ch. 68 shall not apply to such any hearing contained within this section nor shall any other provision of state law or city ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

#### Sec. 4-102. - Keeping of chickens allowed.

The keeping of up to two chickens is allowed per residential lot, provided the following:

- (a) Chickens shall be permitted on lots where the principal structure is a detached single-family residence.
- (b) If the residence is not owner-occupied the tenant shall supply the owner's written consent to the keeping of chickens on the property to the city.
- (c) No person shall keep any rooster.
- (d) No person shall slaughter any chicken or chickens.
- (e) Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- (f) No feed shall be on the ground.
- (g) No feces shall be on the ground.
- (h) Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the coop at all times.
- (i) The coop shall be a stand-alone structure located in the rear yard at least 25 feet from all property lines and at least ten feet from the principal structure.
- (j) No coop shall be located closer than 25 feet to any residential structure on an adjacent lot.
- (k) The coop shall not exceed 64 square feet in an area nor ten feet in height.

- (l) Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- (m) Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
- (n) No coop shall be located in the front yard of a dwelling.
- (o) Chickens must be provided with adequate heat.
- (p) An electrical inspection shall be required.
- (q) Chickens shall not be permitted in any other structure on the lot, including garages, basements and attics.
- (r) In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

Sec. 4-103. - Public health requirements.

- (a) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
- (c) The health department may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.
- (d) Proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection shall be provided to the inspection department for every issuance or renewal of said license.

Sec. 4-104. - Permit revocation.

A permit is subject to revocation upon failure to comply with any provision of this article. The city shall revoke the license if more than two substantiated violations of the City of Cudahy Code are received by the City within a 12-month period. Once a permit is revoked, a permit shall not be reissued for a two-year period.

SECTION 2. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Passed and Adopted by the Common Council of the City of Cudahy \_\_\_\_\_, 2019.

\_\_\_\_\_  
Thomas Pavlic, Mayor

---

Dennis P. Broderick, City Clerk

Date published: \_\_\_\_\_.