

**Common Council
of the
City of Waukesha, Wisconsin**

Ordinance No. 2020 - _____

**An Ordinance to Consolidate Municipal Code Sections Relating to Animals
into Chapter 33, to Renumber Certain Municipal Code Sections,
and to Create New Municipal Code Sections Relating to Animals**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Current section 33.01 of the Municipal Code, regarding beekeeping, is renumbered 33.04.

Section 2. New section 33.01 of the Municipal Code is created to read in its entirety as follows:

33.01. General Regulations. The following shall apply to all owners or keepers of animals:

- (1) **Running at Large.** The owner or keeper of any animal regulated in this chapter shall prevent the animal from running at large in any part of the city. Unless otherwise provided in this chapter, an animal is considered “running at large” if it is off the premises of the owner or keeper and is not under the physical control of the owner or keeper. A dog is not considered to be running at large if the dog is on City owned property in areas designated as “dog runs” by official signs.
- (2) **Animal Noise.** The owner or keeper of animal shall not allow the animal to disturb the peace and quiet of the City or of any person.
- (3) **Maximum Animals Per Dwelling Unit.** No person shall keep or maintain a combined total of more than four cats, dogs, Vietnamese Pot-Bellied Pigs or Nigerian dwarf goats in any dwelling unit in the City, subject to the provisions of sections 33.02(4) and 33.03(1).
- (4) **Inspection of Premises.** Premises used in keeping or maintaining one or more domestic animal shall always be open to inspection by City officials or their duly designated representatives.
- (5) **Waste Products and Manure.**
 - (a) The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley, or other public or private property unless it is immediately removed by the owner or person in charge of the animal.
 - (b) The owner or person in charge of private property shall not permit solid fecal matter of animals kept on the private property to accumulate on the private property, including

the space between the street or curb and the sidewalk adjacent to such property, for a period more than 24 hours.

(6) Horses and Cattle Prohibited. No person shall keep any horse, cow or bull in the City of Waukesha.

(7) Wild and Exotic Animals Prohibited.

(a) No person shall keep, maintain or have in such person's possession or under such person's control any poisonous reptile, dangerous or wild animal or insect including, but not limited to, poisonous insects and arachnids, all poisonous snakes, constrictor snakes, non-human primates, bears, crocodiles, alligators, coyotes, elephants, gamecocks and other fighting birds, hippopotami, hyenas, jaguars, leopards, lions, lynx, pumas, cougars, mountain lions, panthers, ocelots, tigers or other wild feline species, and wolves.

(b) Exceptions. The prohibitions set forth in sub. (1) shall not apply to licensed pet shops; zoological gardens; public or private educational institutions; circuses and professional animal acts or other shows requiring an amusement activity permit as required in sec. 8.11(1) of this Municipal Code, provided that (1) their location conforms to the zoning requirements of Chapter 22; (2) all animals and animal quarters are kept in clean and sanitary conditions and maintained so as to eliminate objectionable odors, and (3) animals are maintained in quarters constructed to prevent their escape.

(8) Compliance with Other Laws. Owners and keepers of animals shall at all times comply with all other requirements of the Waukesha Municipal Code, including zoning and property maintenance codes; and shall observe all federal, state and local laws applicable to ownership or keeping of animals.

(9) Violation and Penalties.

(a) Conduct not in compliance with this Section is prohibited.

(b) Violation of the terms of this Section shall result in the revocation of a permit for the location. Upon revocation, all ownership or keeping of animals at the location shall cease, subject to the appeals procedure given in subsection (k).

(c) Any person who keeps animals without a permit required by this Chapter shall be subject to the penalties provided in Municipal Code §25.05.

(d) Any person having the permit required by this Chapter who violates this Chapter shall, in addition to having his or her permit revoked, be subject to the penalties provided in Municipal Code §25.05.

(10) Appeal of Permit Revocation. Revocation of a permit by the Department pursuant to subsection (9)(b) may be appealed to the City Administrative Review Appeals Board pursuant to the procedure given in Municipal Code §2.11(3).

(11) Stray Animals.

- (a) The City shall utilize facilities designated by the City for the impoundment of stray animals. The facilities designated, by agreement with the City, shall follow adopted provisions, procedures and policies, in compliance with pertinent state statutes, for the handling and care of stray animals.
- (b) A person who captures or restrains a stray animal shall notify the City of Waukesha police department. The police may also apprehend any animal running at large and confine the animal in the facilities designated by the City for impoundment.
- (c) The owner or keeper of any animal confined in the facilities designated by the City may reclaim the animal at any time before it is disposed of upon payment of all costs and charges incurred by the City in confining and keeping the animal and by compliance with statutory requirements.

Section 3. Section 33.02 of the Municipal Code is created to read in its entirety as follows:

33.02. Dogs.

- (1) Every owner of a dog more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually or on or before the date the dog becomes 5 months of age pay a dog license fee and obtain a license in the manner provided for the licensing of dogs under Wis. Stats. §§174.05 and 174.07.
- (2) A valid dog license tag shall be displayed on the dog collar at all times except when confined indoors, in a fenced yard, in competition or while hunting.
- (3) No owner or keeper of any dog shall permit or allow the dog to:
 - (a) Excessively bark, yelp or howl so as to annoy or disturb any neighbor or neighborhood.
 - (b) Deposit feces on public or private property unless immediately picked up by the owner or keeper, his own property excepted.
 - (c) Be tied by a rope or chain less than 6 feet long.
- (4) No more than 2 dogs over the age of 3 months shall be kept in any dwelling unit in the City.
- (5) The owner or keeper of any dog shall properly water and feed it at regular intervals and shall keep the premises occupied by it in a sanitary condition.
- (6) No owner or keeper of any dog shall permit their dog to be upon any grounds or premises under the jurisdiction of the Park, Recreation and Forestry Department, except as follows:

- (a) Notwithstanding the prohibition in (c)(3) above, dogs on a leash no longer than six feet are permitted for persons who are led by a dog specially trained to lead blind persons.
 - (b) Where permitted by official City of Waukesha signs.
 - (c) Within areas the Park, Recreation and Forestry Department has designated as “Dog Parks,” which shall be enclosed areas where dogs are allowed without a leash.
- (7) For purposes of protecting the health and welfare of the public, trained dogs will be permitted without a leash on the grounds of Prairie Home Cemetery and grounds under the jurisdiction of the Park, Recreation and Forestry Board to disperse geese congregating in those areas. “Trained dogs” shall mean border collies trained and certified for dispersing geese. Any person or firm contracted by the City for purposes of dispersing geese under this paragraph shall agree to indemnify the City from any and all claims, suits, damages, costs, losses, and expenses in any way arising out of or connected with the activities undertaken pursuant to this paragraph.

Section 4. Section 33.03 of the Municipal Code is created to read in its entirety as follows:

33.03. Cats.

- (1) No person shall keep or maintain more than 2 cats over the age of 6 months in any household in the City.
- (2) Every owner of a cat more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually or on or before the date the cat becomes 5 months of age pay a cat license fee and obtain a license in the same manner as is provided for the licensing of dogs under §§174.05 and 174.07, Wis. Stats.

Section 5. Section 33.05 of the Municipal Code is created to read in its entirety as follows:

33.05. Pigs and Goats.

- (1) No person shall keep any pigs or goats within the City of Waukesha except as permitted. Where permitted, the owner shall comply with the following requirements:
 - (a) No pig or goat shall be kept or permitted in any building, shelter, yard or enclosure unless it be at least 200 yards from any residence, street or highway.
 - (b) All unconsumed food and excreta from the animals shall be removed daily by burying the same in the ground.
 - (c) The floor of any building or shelter in which the animals are kept, fed or housed, shall be washed daily and the washings disposed of in a drywell.

- (2) No person may keep a pig in the City of Waukesha except for the species commonly known as a Vietnamese Pot-Bellied Pig. A person keeping Vietnamese Pot-Bellied Pigs in the City must comply with the following requirements:
- (a) Every owner of a Vietnamese Pot-Bellied Pig shall pay a license fee and obtain a license in the same manner as is provided for the licensing of dogs under §§174.05 and 174.07, Wis. Stats., respectively.
 - (b) Vietnamese Pot-Bellied Pigs must be spayed or neutered prior to receiving the license required by this section.
 - (c) No more than 2 Vietnamese Pot Bellied Pigs shall be kept in any dwelling unit in the City. The owner or keeper of a pig shall properly water and feed it at regular intervals and shall keep the premises occupied by it in a sanitary condition.
- (3) No person may keep a goat in the City of Waukesha except for the species more commonly known as a Nigerian Dwarf Goat. A person keeping Nigerian Dwarf Goats in the City of Waukesha must comply with the following requirements:
- (4) Every owner of a Nigerian Dwarf Goat shall pay a license fee and obtain a license in the same manner as is provided for the licensing of dogs under §§174.05 and 174.07, Wis. Stats., respectively.
 - (5) The goats must be female and no more than 3 goats may be kept on a premises.
 - (6) Every premise must have a structure to house the goats that has 200 square feet of living space per animal. Any structure shall be located in the rear yard of the premises and shall be located at least 10 feet from any lot line.
 - (7) The goats may be kept for personal use and consumption only.

Section 6. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 7. This Ordinance shall become effective the day after its publication.

Passed the ___ day of August 2020.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk