

ORDINANCE NO. 23-004
AN ORDINANCE AMENDING CHAPTER 168 ANIMALS
OF THE CODE OF ORDINANCES OF
THE CITY OF OCONTO FALLS
July 11, 2023

The Common Council of the City of Oconto Falls, Oconto County, Wisconsin, does ordain that Chapter 168 Animals of the Code of Ordinances of the City of Oconto Falls are amended to read as follows:

Chapter 168 Animals

§ 168-2. Definitions.

In this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ANIMAL

Mammals, reptiles and birds.

AT LARGE

To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.^[1]

CAT

Any feline, regardless of age or sex.

CHICKEN

Any variety of domesticated chicken breed of the sub-species Gallus (gallus domesticus).

COLLAR

A band, strip or chain placed around the neck of an animal.

CRUEL

Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

DOG

Any canine, regardless of age or sex.

FARM ANIMAL

Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

HEN

Female domesticated chicken of any age.

KENNEL

An establishment where dogs are bred, trained or boarded.

LAW ENFORCEMENT OFFICER

Has that meaning as appears in § 967.02(5), Wis. Stats., and includes a humane or animal control officer under § 173.03, Wis. Stats., but does not include a conservation warden appointed under § 23.10, Wis. Stats.

NEUTERED

As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.

OWNER

Any person owning, harboring or keeping a dog, cat, or other animal and the occupant of any premises on which, a dog, cat or other animal remains or to which it customarily returns daily for a period of seven days; such person is presumed to be harboring or keeping the dog, cat or other animal within the meaning of this chapter.

PET

An animal kept and treated as a domesticated or household pet.

RESIDENTIAL LOT

A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

RESTRAINED

Includes notifying the dog's or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog, cat, or other animal or capturing and restraining the dog, cat or other animal and killing the dog, cat or other animal if the circumstances require immediate action.

ROOSTER

A male domesticated chicken of any age, including a capon or otherwise neutered male chicken.

SERVICE ANIMAL

Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Reference: Americans with Disabilities Act § 36.104.

SONGBIRD

A bird with a musical call, especially a passerine belonging to the group that includes larks, finches, and thrushes. Suborder Oscines.

STRAY OR ABANDONED ANIMAL

Any animal whose owner or custodian remains unidentified after a period of seven days.

UNTAGGED

Not having a valid license tag attached to a collar kept on the dog. [Amended 2-10-2015 by Ord. No. 15-002]

WILDLIFE

Any wild animals, birds, or other living things living in a natural undomesticated state.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

[Amended 7.13.2023 by Ord. No. 23-004]

§ 168-8. Restrictions on keeping of dogs, cats, fowl and other animals.

A. Restrictions. It shall be unlawful for any person within the City of Oconto Falls to own, harbor or keep any dog, cat or chicken which:

[Amended 7.11.2023 by Ord. No. 23-004]

- (1) Habitually pursues any vehicle upon any public street, alley, highway, or park in the City.
- (2) Assaults or attacks any person as described in Subsection **B** or destroys property.
- (3) Is at large within the corporate limits of the City.
- (4) Habitually barks or howls to the annoyance of the population.
- (5) Kills, wounds, or endangers any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) In the case of a dog, is unlicensed.
[Amended 2-10-2015 by Ord. No. 15-002]
- (8) Unlicensed Chicken

B. Vicious dogs and animals.

- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this subsection, a dog shall be deemed as being of a vicious disposition if, within any twelve-month period, it bites two or more persons or inflicts serious injury to one person.
- (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after motor vehicles, passing public, or bicyclists.

C. Animals running at large.

- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large shall be seized and impounded by an animal control or law enforcement officer.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it or is trained and in the immediate company of a person to whom it immediately responds and obeys (e.g., a dog playing a game of fetch in a field or walking alongside its owner or a member of the owner's immediate family), if such person is over the age of 12 years.
- (3) Other exceptions may be made for animals such as homing pigeons as long as they do not endanger the safety of the citizens of Oconto Falls.
- (4) A service animal (as defined in § **168-2**) shall not be considered running at large whether or not the animal is on a leash if the animal is in the immediate company of the owner or immediately responds and obeys (e.g., a dog playing a game of fetch in a field or walking alongside its owner, a member of the owner's immediate family or the assisting individual of the service animal's owner).

D. Animals restricted on public grounds and cemeteries. No dog or cat shall be permitted in any

public playground, school grounds, public park, beach, or swimming area within the City. Dogs and cats are prohibited from being in cemeteries. All service animals (as defined in § 168-2) are exempt from this subsection.

[Amended 7.11.2023 by Ord. No. 23-004]

§ 168-12. Prohibited and protected animals, fowl, reptiles and insects.

- A. Possession and sale of protected animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City of Oconto Falls any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family Felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*Canis lupus*), sea otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*), or Mexican ridley turtle (*Lepidochelys kemp*i).
- B. Compliance with federal regulations. It shall be unlawful for any person, firm or corporation 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 the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- C. Regulating the importation of certain birds. No person, firm or corporation shall import or cause to be imported into the City of Oconto Falls any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection 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 Subsection A above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institution of higher learning, or persons holding federal permits, or by a person holding a scientific collector's permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- E. Prohibition on keeping wild animals. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City of Oconto Falls any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile or 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 his possession or under his control within the City any of the following animals, reptiles or insects:
 - (1) All poisonous animals and reptiles, including rear-fang snakes.
 - (2) Apes: chimpanzees (*Pan*), gibbons (*Hylobates*), gorillas (*Gorilla*), orangutans (*Pongo*) and siamangs (*Synphalangus*).
 - (3) Baboons (*Papoi*, *Mandrillus*).
 - (4) Bears (*Ursidae*).
 - (5) Bison (*Bison*).
 - (6) Cheetahs (*Acinonyx jubatus*).

- (7) Crocodilians (Crocodilia), 20 inches in length or more.
- (8) Constrictor snakes, three feet in length or more.
- (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) Iguanas.
- (16) Jaguars (*Panthera onca*).
- (17) Leopards (*Panthera pardus*).
- (18) Lions (*Panthera leo*).
- (19) Lynxes (*Lynx*).
- (20) Monkeys, old world (*Cercopithecidae*).
- (21) Ostriches (*Struthio*).
- (22) Piranha fish (*Characidae*).
- (23) Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers.
- (24) Rhinoceroses (*Rhinocero tidae*).
- (25) Sharks (class *Chondrichthyes*).
- (26) Snow leopards (*Panthera uncia*).
- (27) Tigers (*Panthera tigris*).
- (28) Wolves (*Canis lupus*).
- (29) Poisonous insects.
- (30) Bees, wasps and hornets.
- (31) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens, alligators or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

F. Exceptions; pet shops. The prohibitions of Subsection E above shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; or zoological gardens if:

- (1) Their location conforms to the provisions of Chapter 480, Zoning, of the City Code.

- (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, unless a special permit is obtained from the City. Exception Chicken Coops may be within 10 feet of buildings, must comply with Chapter 480 Article XI Accessory Buildings.

G. Licensing and keeping of chickens.

Chickens (hens only) may be kept in accord with the following requirements and standards:

- A. *License.* Prior to establishing the use, a license shall be obtained from the city clerk for the keeping of chickens and the construction of the coop and related fencing. The application for the license shall include a location sketch of the coop and fencing, showing property lines and nearby structures. A fee shall be paid with submittal of the application in accord with the city's fee schedule. § 168-8.
- B. *Limitation.*
 - (1) No person or persons may keep more than six chickens, or any combination of those exceeding six in number, per dwelling unit. Chickens shall be hens only. No roosters.
- C. *Shelter and fencing.* See also **City Code § 480-83** Accessory Structure. Chickens shall be kept in a coop and shall have an adjacent fence-enclosed area. The coop and fenced area shall be located in the rear yard only. The coop and fenced area shall not exceed 50 square feet in area or eight (8) feet in height. The coop and fenced area shall not be closer than (10) ten feet to any lot line. Such facilities shall not conflict with any public or private utilities, drainage facilities or any easements related thereto.
- D. *Public nuisance.* Chickens keeping shall not cause a public nuisance due to noise, odors, unsanitary conditions or any operational features. The city may take enforcement actions as necessary to abate any public nuisances in accord with public nuisance ordinance.
- E. *Personal use only.* The keeping of chickens shall be for the personal use of the owner. There shall be no business operations wherein the owner receives any compensation or trade for eggs, meat or the sale of chickens.
- F. *Deed restrictions or covenants.* It shall be the property owner's responsibility to verify that keeping of chickens are permitted uses in any deed restrictions or covenants applicable to the subject property.
- G. *Penalty.* Any person who violates this section shall be subject, on conviction, to a forfeiture in the amount of not less than \$50.00 nor more than \$500.00, plus costs and fees imposed by law. Each day a violation continues or occurs shall constitute a separate offense. Repeated or ongoing violations may result in destruction of chickens.

State law reference(s)—See title 1, general provisions, Ch. 1-1, Art. III.

[Amended 7.13.2023 by Ord. No. 23-004]

§ 168-13. Providing proper food and drink to confined animals.

- A. *Proper care.* No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section.
- B. *Feeding.* The food shall be sufficient to maintain all animals in good health.
- C. *Watering.* If potable water is not accessible to the animals at all times, it shall be provided daily

- C. Watering. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

§ 168-14. Providing proper shelter.

No person owning or responsible for the care of any animal may fail to provide the animal with the proper shelter required for the species of animal possessed, including:

- A. Shelter from inclement weather.
- B. Shelter from direct sunlight.
- C. Ambient temperatures that are compatible with the health of the animal.
- D. Adequate ventilation.
- E. Sanitation standards that include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

§ 168-18. Limitations on number of animals.

- A. Maximum number. It shall be unlawful to keep more than three animals of any species over six months of age in any one household or in any multifamily building. Excepted are litters of offspring from one female dog or cat which may be kept for not more than 16 weeks from birth.
- B. Exceptions. The limitation of dogs within a multifamily building may be exceeded by the ownership or control of a service dog.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

§ 168-22. Enforcement.

It shall be the responsibility of all municipal law enforcement officers and appointed humane or animal control officers to enforce the provisions of this chapter. Persons enforcing this chapter shall have the right to detain the animals of persons violating this chapter. Upon conviction, the court may order the destruction of said animals. All fees associated with detaining and destroying said animals are the responsibility of the owner.

Effective Date. This Ordinance shall be effective upon passage by City Council and publication as required by law. The City of Oconto Falls Code of Ordinances is amended.

City Council Hereby Adopts City of Oconto Falls Ordinance 23-004, Amend Chapter 168
Animals in the Code of Ordinances of the City of Oconto Falls. On this 11th Day of July, 2023.

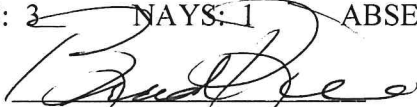
STATE OF WISCONSIN, COUNTY OF OCONTO

OFFERED BY COUNCIL PERSON: WIRTZ

SECONDED BY COUNCIL PERSON: BAHRKE

AYES: 3 NAYS: 1 ABSENT: 2

Attest



Mayor Brad Rice

Attest


City Administrator Peter A. Wills

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Oconto County Times Herald

Attest


Deputy Clerk, Jenny Friedman

ADOPTED: 11th Day of July, 2023. APPROVED: 11th Day of July, 2023

