

CITY OF KAUKAUNA
ORDINANCE NO. 1922-2025
ORDINANCE AMENDING SECTION 9.15

WHEREAS, on August 20, 2024, a request to obtain a permit for pigeons was received by the Common Council pursuant to City Ordinance 11.12; and,

WHEREAS, in review of that Ordinance the City realized issuance of a permit for keeping or housing pigeons was unable to be met because the City's board of health, the governing body to issue the permit, is no longer in existence; and,

WHEREAS, discussions were had during City Common Council meetings as to whether the City wished to continue to permit residents to own pigeons within the City limits; and,

WHEREAS, through review of the ordinance and discussions with the Common Council it was determined that updates were needed to ensure clarity on the application of certain rules to the keeping of pigeons, as well as bees, the allowance of rabbit ownership without the need for a permit, and for readability updates; and,

WHEREAS, some of those readability changes related to moving portions of City Ordinance 11.12 to other existing sections of the Municipal Code that allow for ease of reference based on the topic item; and,

WHEREAS, the Legislative Committee has recommended the following ordinance changes; and,

WHEREAS, the Common Council finds the following ordinance changes to be in the public interest;

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 9.15 of the Kaukauna Municipal Code be amended as follows:

BEFORE AMENDMENT

9.15 Animals

1. *State laws adopted.* The provisions of Wis. Stats. ch. 174, exclusive of any penalties, are adopted by reference and made a part of this Code, so far as applicable.
2. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means both the male and female sex of either wild or domesticated species.

At large means the presence of an animal at any place except the premises of the owner,

unless the animal is under full and immediate control of a person physically able to completely control the conduct and actions of the animal.

Confined means restriction of an animal at all times by the owner or his agent to an escape-proof building or other enclosure away from other animals and the public.

Dangerous or vicious animal means any animal that is known to have attacked a person without provocation when that person was peacefully conducting himself where he was lawfully entitled to be, or any animal that constitutes a physical threat to human beings or other animals.

Public nuisance means any animal which:

- a. Molests passersby or passing vehicles.
 - b. Attacks other animals.
 - c. Is repeatedly at large.
 - d. Damages private or public property.
 - e. Barks, yelps, howls, whines, or makes other noises that are excessive to the point of disturbing the comfort or repose of persons in the vicinity.
3. *Enforcement.* The employees of the police department or other persons authorized by the city shall be responsible for enforcement of this section, and they are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owners or other private property.
4. *Animals not to run at large.* It is unlawful for any person who is the owner of, or in possession of, or charged with the care of, any animal to permit same to run at large within the city. All animals off the owner's premises must be leashed.
5. *Prohibited acts.* No person shall wrongfully remove the collar, license number, or muzzle from, or shall wrongfully kill, cruelly ill-treat, entice, or carry away, any animal.
6. *Prohibited areas for animals.* Leashed dogs are permitted in select municipal parks, including: Central Park, Fassbender Park, Kelso Park, Konkapot Preserve, Nature View Park, Quarry Point Park, Rapid Croche Park, Thilwerth Park, Van Eperen Park, and on the following trails: Fox Heritage Trail, Konkapot Trail, Nelson Family Heritage Crossing Trail, and Travis Dercks Memorial Trail. Off-leash dogs are permitted in the City of Kaukauna Dog Park only. Any person owning, keeping or in charge of any animal shall not permit such animal to be in any other public park in the City at any time, except as authorized in writing by the park department. The provisions of this section shall not be applicable in cases in which a person is being assisted by a service animal.
7. *Annoyances and public nuisances.* No person shall keep or harbor any animal that would be a public nuisance.
8. *Animal excreta.*
 - a. The owner or person having immediate control of an animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property.

- b. It is unlawful for any person to permit an animal to be on such property, public or private, not owned or possessed by such person unless such person has, in his immediate possession, an appropriate means of removing animal excreta. This shall not be applicable in cases in which a person is being assisted by a seeing-eye dog.
 - c. All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so as not to attract insects or rodents, become unsightly or cause objectionable odors.
- 9. *Vicious animals prohibited.* No person shall knowingly keep or harbor a vicious animal. If any dangerous or vicious animal cannot be safely captured and impounded, and such animal poses an imminent threat to a human or another animal, such animal may be destroyed by any police officer.
- 10. *Animals involved in biting incidents.*

- a. All incidents occurring in the city in which any animal bites a person, or is suspected of biting a person, shall be immediately reported to the police department by any person having knowledge of such incident.
 - b. Any animal having bitten a person, or suspected of being afflicted with rabies, shall, upon the direction of the police department, be quarantined for the purpose of observation for the possibility of infection with rabies, or when indicated, be killed and submitted to the state laboratory of hygiene for rabies analysis. Quarantine shall be for a period of not less than ten days or until released by the police department and shall consist of:
 - 1. Confinement of the animal by the owner or other responsible person on his premises.
 - 2. Confinement under the supervision of a licensed veterinarian.
 - 3. Confinement at the animal shelter.
 - c. When it becomes necessary to place an animal under the observation of a licensed veterinarian, the owner of the animal, if known, shall bear the cost of boarding, observation, and other expenses that may be incurred.
 - d. The police department may issue such other orders which, in their judgment are necessary to safeguard the health and welfare of any person suffering from an animal bite, including seizure of an animal for confinement or to be sacrificed for laboratory testing for rabies.

11. *Animal pound.*

- a. *Confinement of animals.* The police department or any other officer appointed by the council shall apprehend any animal running at large within the city or which does any of the things prohibited under subsection (7) of this section and confine the same in a suitable animal pound.
 - b. *Enforcement.* The chief of police or his qualified assistants shall be responsible for the apprehension and confinement of animals in a pound as provided in this section and such police officer shall apprehend and confine animals as provided

in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the city. Such officer shall be paid such compensation as the council shall determine by resolution.

- c. *Disposition of unclaimed animals.* The keeper of the pound shall keep all animals apprehended for seven days at the animal pound, unless sooner claimed by the owner or keeper, and if any animal is not reclaimed by the rightful owner within such time, the animal may be sold for the amount incurred in apprehending, keeping, and caring of the animal, or it may be destroyed in a proper and humane manner.
- d. *Owner or keeper to pay costs.* The owner or keeper of any animal so confined may reclaim such an animal at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping, and caring of the animal. Such costs and charges may include expenses for inoculations or other medical treatment of the animal. The owner's or keeper's payment of costs and charges incurred in apprehending, keeping, and caring of the animal shall be made directly to the chief of police.
- e. *Owner or keeper to post bail.* The owner or keeper of any animal so confined shall, in addition to any costs required to be paid under subsection (d) of this section, post bail in the following amounts prior to reclaiming such animal:
 - 1. \$25.00 for the first offense involving such animal within one calendar year.
 - 2. \$35.00 for a second offense involving such animal within one calendar year.
 - 3. \$45.00 for the third offense involving such animal within one calendar year.
 - 4. \$60.00 for the fourth or more offenses involving such animal within one calendar year.

12. *Animals to be vaccinated.*

- a. *Required.* Except as provided in Wis. Stats. § 174.054, the owner of a dog shall have the animal vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this city after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into this city, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate or vaccination or, if no date is specified, within three years after the previous vaccination.
- b. *Penalty.* An owner who fails to have a dog vaccinated against rabies as required under subsection (12)(a) of this section may be required to forfeit not less than \$50.00 nor more than \$200.00.

13. *Quarantine of dog or cat.*

- a. *Delivery to an isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal to be 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 immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- b. *Health risks to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the tenth day of isolation, and on one intervening day. If the observation period is not extended, and if the veterinarian certifies the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- c. *Risk to animal health.*
 - 1. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
 - 2. If a dog or cat is ordered to be quarantined because there is a reason to believe that the animal has been exposed to a rabid animal, but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- d. *Sacrifice of a dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- e. *Penalty.* Any owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall forfeit not less than \$100.00 nor than \$1,000.00.

AFTER AMENDMENT

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Dangerous or vicious animal means any animal that is known to have attacked a person without provocation when that person was peacefully conducting himself where he was lawfully entitled to be, or any animal that constitutes a physical threat to human beings or other animals.

Public nuisance means any animal which:

- a. Molests passersby or passing vehicles.
 - b. Attacks other animals.
 - c. Is repeatedly at large.
 - d. Damages private or public property.
 - e. Barks, yelps, howls, whines, or makes other noises that are excessive to the point of disturbing the comfort or repose of persons in the vicinity.
3. *Enforcement.* The employees of the police department or other persons authorized by the City shall be responsible for enforcement of this section, and they are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owners or other private property.
4. *Animals not to run at large.* It is unlawful for any person who is the owner of, or in possession of, or charged with the care of, any animal to permit them to run at large within the City. All animals off the owner's premises must be leashed. Banded pigeons licensed under Ordinance 12.16 and bees kept via beekeeping pursuant to Ordinance 12.15 are exempted from this provision.
5. *Prohibited acts.* No person shall wrongfully remove the collar, license number, or muzzle from, or shall wrongfully kill, cruelly ill-treat, entice, or carry away, any animal.
6. *Permitted areas for animals.* Leashed dogs are permitted in select municipal parks, including: Central Park, Fassbender Park, Kelso Park, Konkapot Preserve, Nature View Park, Quarry Point Park, Rapid Croche Park, Thilwerth Park, Van Eperen Park, and on the

following trails: Fox Heritage Trail, Konkapot Trail, Nelson Family Heritage Crossing Trail, and Travis Dercks Memorial Trail. Off-leash dogs are permitted in the City of Kaukauna Dog Park only. Any person owning, keeping or in charge of any animal shall not permit such animal to be in any other public park in the City at any time, except as authorized in writing by the park department. The provisions of this section shall not be applicable in cases in which a person is being assisted by a service animal.

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 - b. It is unlawful for any person to permit an animal to be on such property, public or private, not owned or possessed by such person unless such person has, in his immediate possession, an appropriate means of removing animal excreta. This shall not be applicable in cases in which a person is being assisted by a seeing-eye dog or for banded pigeons under Ordinance 12.16.
 - c. All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so as not to attract insects or rodents, become unsightly or cause objectionable odors.
9. *Vicious animals prohibited.* No person shall knowingly keep or harbor a vicious animal. If any dangerous or vicious animal cannot be safely captured and impounded, and such animal poses an imminent threat to a human or another animal, such animal may be destroyed by any police officer.
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 2. Confinement under the supervision of a licensed veterinarian.
 3. Confinement at the animal shelter.
 - c. When it becomes necessary to place an animal under the observation of a licensed veterinarian, the owner of the animal, if known, shall bear the cost of boarding, observation, and other expenses that may be incurred.

- d. The police department may issue such other orders which, in their judgment are necessary to safeguard the health and welfare of any person suffering from an animal bite, including seizure of an animal for confinement or to be sacrificed for laboratory testing for rabies.

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- b. *Enforcement.* The chief of police or his qualified assistants shall be responsible for the apprehension and confinement of animals in a pound as provided in this section and such police officer shall apprehend and confine animals as provided in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the City. Such officer shall be paid such compensation as the council shall determine by resolution.
- c. *Disposition of unclaimed animals.* The keeper of the pound shall keep all animals apprehended for seven days at the animal pound, unless sooner claimed by the owner or keeper, and if any animal is not reclaimed by the rightful owner within such time, the animal may be sold for the amount incurred in apprehending, keeping, and caring of the animal, or it may be destroyed in a proper and humane manner.
- d. *Owner or keeper to pay costs.* The owner or keeper of any animal so confined may reclaim such an animal at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping, and caring of the animal. Such costs and charges may include expenses for inoculations or other medical treatment of the animal. The owner's or keeper's payment of costs and charges incurred in apprehending, keeping, and caring of the animal shall be made directly to the chief of police.
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against rabies within 30 days after the dog is obtained or brought into this City, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate or vaccination or, if no date is specified, within three years after the previous vaccination.

- b. *Penalty.* An owner who fails to have a dog vaccinated against rabies as required under subsection (12)(a) of this section may be required to forfeit not less than \$50.00 nor more than \$200.00.

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- b. *Health risks to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the tenth day of isolation, and on one intervening day. If the observation period is not extended, and if the veterinarian certifies the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- c. *Risk to animal health.*
 - 1. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
 - 2. If a dog or cat is ordered to be quarantined because there is a reason to believe that the animal has been exposed to a rabid animal, but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- d. *Sacrifice of a dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- e. *Penalty.* Any owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian, or who does not

comply with the conditions of an order that an animal be quarantined, shall forfeit not less than \$100.00 nor more than \$1,000.00.

14. No person shall keep or harbor any pigs, sheep, goats, cattle, horses, ducks, or geese within the corporate limits of the City. No person shall keep or harbor any pigeons or build, erect, or maintain and use on any lot or parcel of land within the City limits any building or yard for the purpose of keeping or housing pigeons, without first obtaining a permit as stated in Ordinance 12.16.
15. No person shall possess, keep, or harbor rabbits in the City as a commercial enterprise. No more than four rabbits shall be allowed to be kept as pets in a household at any time.
16. No person shall possess, keep, or harbor chickens in the City as a commercial enterprise. No person shall possess, keep, or harbor roosters in the City. Chickens may only be allowed as stated in Ordinance 12.17.

Introduced and adopted by Common Council on the 4th day of February, 2025.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTEST: _____

Kayla Nessmann, Clerk