

ORDINANCE

An Ordinance to amend various sections of Chapter 6-5, entitled "Licensing of Dogs and Regulation of Animals" and amend Chapter 1-2, entitled "Fees" in the Municipal Code to provide requirements and standards for licensing animals in the City.

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 6-5-3, entitled "Issuance of licenses" of the Municipal Code shall hereby be amended as follows:

- (a) Upon payment of the required dog license fee and upon presentation of evidence that the dog is currently immunized against rabies, the City Clerk shall complete and issue to the owner a license for the dog bearing a serial number and in an approved form, stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog.
- (b) License fees are established and listed in title 1 of this Code.
- (c) The owner of more than ~~one~~ **three** dogs may, in lieu of obtaining a license for each dog as required by this chapter, apply for and obtain a multiple dog license.

SECTION 2. That Section 6-5-4, entitled "Kennel licenses" of the Municipal Code shall hereby be repealed.

- ~~(a) Persons applying shall complete an application for a kennel license and shall deliver that application along with the required kennel license fee to the city clerk's office. Such forms shall be available from the city clerk's office and the police department.
 1. The applicant must demonstrate that all animals are properly cared for, sheltered, and do not pose a health problem within the property or a nuisance within the neighborhood. An initial inspection of the property by the city's kennel inspector shall be required and shall be the city's basis for determining whether these requirements are met. During the course of such inspection and any subsequent annual inspections as referenced herein, the kennel inspector shall photograph each adult dog, cat or other domesticated animal owned, harbored or kept on the property to document the resident population of animals. Any~~

~~applicants seeking such license shall further agree, in writing, to make their property available for such inspections by the city's kennel inspector on an annual basis as a condition of maintaining their kennel license.~~

- ~~2. The holder of a valid kennel license shall further agree to make their property available for inspection(s) by the city's kennel inspector upon evidence or complaint that the above requirements have not been maintained.~~
- ~~3. A kennel license may be revoked by the kennel inspector upon sufficient evidence that requirements of this section have not been met or maintained. Furthermore, a kennel license may be revoked upon evidence that the licensee has been convicted of or pleaded guilty or no contest to three or more violations, within any 12-month period, of ordinances of the city relating to the restrictions on keeping dogs and cats. Kennel operators must reapply in accordance with subsection A. above for any subsequent permits after revocation.~~
- ~~4. Each applicant for or holder of a kennel license having been denied a kennel license or upon their license being revoked may request the city manager, in writing, to set a meeting with the city council, committee of the whole, to discuss the matter. City manager shall thereupon set a meeting at the mutual convenience of the council and the person making the request.~~
- ~~5. The person or persons granted such license shall pay an annual kennel license fee as a condition of maintaining such license. Such annual kennel license fee shall be paid prior to or on the date of the annual inspection described in subsection A.(1) above.~~

~~(b) Such licenses may be transferred from one property to another within the city, provided that the new location is inspected and approved by the city's kennel inspector and provided the premises are not in violation of any other provisions of this Code. An additional kennel license fee must be paid in advance of such inspection.~~

~~(c) Any person who keeps or operates a kennel may, instead of obtaining a dog license for each dog, apply for a multiple dog license as outlined in this chapter.~~

~~(d) The owner or keeper of a kennel shall keep, at all times, a~~

~~dog license/tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.~~

- ~~(e) 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.~~

SECTION 3. That Section 6-5-21, entitled "Limit on number of dogs and cats" of the Municipal Code shall hereby be repealed.

- (a) *Purpose.* The owning, harboring, maintaining or keeping by any person of a large number of dogs, cats, or a combination of those animals, within the city detracts from the quality of life within the city due to various noise, odor, health and safety problems which may create a public nuisance.
- (b) *Limitation.* No person or persons may own, harbor, maintain, or keep in their possession in any apartment, house, condominium, or on any single parcel of land, more than three dogs, five cats, or any combination of those animals exceeding five in number, over the age of five months. ~~unless they possess a valid kennel license which is in full force and effect.~~ Notwithstanding the foregoing to the contrary, any litter of puppies or kittens or a portion of a litter may be kept for a period of time not exceeding five months from birth. Dogs or cats over the age of five months shall be considered "adult" animals, as that term is used in this section.
- (c) *Exception by permit.* Any person or persons who do not possess a valid **State of Wisconsin** Kennel License and, following the effective date of this section, own, harbor, maintain or keep any adult dogs and/or cats on a premises in the City of Two Rivers in excess of three may retain those animals if the following conditions are met:
1. Such person or persons shall complete an application for permit granting temporary waiver of the requirements of this chapter related to maximum number of dogs and/or cats, and shall deliver that application along with the appropriate waiver permit fee (as established in title 1 of this Code) to the city clerk's office. Such permits may be granted to responsible pet owners ~~and noncommercial kennel owners~~ who have completed an application for permit

granting waiver of the requirements of this chapter related to maximum number of dogs and/or cats, who have adult dogs and/or cats on their premises in numbers that exceed the limits established herein, to obtain and retain a waiver subject to the terms of this section.

2. The applicant(s) must demonstrate that all animals are properly cared for, sheltered, and do not pose a health problem within the property or a nuisance within the neighborhood. An initial inspection of the property by the ~~city's kennel inspector~~ **Community Service Officer or designee authorized by the Chief of Police** shall be required and shall be the city's basis for determining whether these requirements are met. ~~During the course of such inspection and any subsequent annual inspections as referenced herein, the kennel inspector shall photograph each adult dog and cat owned, harbored or kept on the property, to document the resident population of dogs and cats.~~ Any applicants seeking such permit shall further agree, in writing, to make their property available for such inspections by the ~~city's kennel inspector~~ **Community Service Officer or designee authorized by the Chief of Police** on an annual basis as a condition of maintaining their temporary exception from the requirements of this section.
 - a. **No person or persons may exceed five dogs and/or cats at any point unless such person or persons possess a valid State of Wisconsin Kennel License.**
3. The person or persons granted such permit shall pay an annual inspection fee as indicated in title 1 of this Code.
4. All dogs must be properly licensed.
5. The holder of a valid waiver permit shall further agree to make the property available for inspection(s) by the ~~city's kennel inspector~~ **Community Service Officer or designee authorized by the Chief of Police** upon evidence or complaint that the requirements of this section are not being met.
6. A waiver permit may be revoked by the ~~kennel inspector~~ **Community Service Officer or designee authorized by the Chief of Police** upon sufficient evidence that the requirements of this section are not being met or that the permittee has been convicted of or pleaded guilty or no contest to three or more violations within any 12-month period of ordinances relating to restrictions on keeping dogs and cats. Any person whose waiver permit has been revoked must reapply for such a permit. ~~in accordance with the provisions of subsection C.~~

7. Each applicant or holder of a waiver permit having been denied a permit, or after having their permit revoked, may request, in writing, to the city manager to set a meeting with the city council, committee of the whole, to discuss the matter. The city manager shall thereupon schedule a meeting at a time mutually convenient to the council and the person making the request.
8. Such permits may be transferred from one property to another within the city, provided that the new location is first inspected and approved by the ~~city's kennel inspector~~ **Community Service Officer or designee authorized by the Chief of Police** and is not otherwise in violation of this Code. An additional waiver permit fee must be paid in advance of such inspection.

(d) *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.

SECTION 4. Any person or persons that exceed five dogs and/or cats at the time of adoption of this ordinance shall be permitted to keep such animals until those animals no longer reside at that dwelling. Any new animals cannot be added to the annual permit until the number of animals residing in the dwelling is reduced to under five.

SECTION 5. That chapter 1-2 entitled "Fees" to be amended to removed kennel license from the list of fees established by the City.

SECTION 6. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 18th day of December, 2023

Adam Wachowski
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney