

ORDINANCE

AN ORDINANCE to amend Municipal Code Section 6-5-7, entitled "Restrictions of Keeping Dogs, Cats, and Other Animals" to add section 6-5-7(D).

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

SECTION 1. That Section 6-5-7(D) of the Municipal Code shall hereby be added as follows:

D. Restricted Species.

- (1) Exotic or Wild Animals Prohibited. No person may bring into or keep, raise, possess or have under such person's control, either temporarily or permanently, any venomous reptile or snake, constrictor snake or any nonvenomous snake more than five feet in length at maturity, lizard up to more than five feet in length at maturity, poisonous insect or arachnid, a wild animal, including but not limited to a live monkey or other nonhuman primate, alligator or crocodile, bat, cheetah, coyote and coyote-dog hybrids, cougar, fox, jaguar, leopard, lion, lynx, opossum, panther, prairie dog, raccoon, skunk, tiger or hybrids thereof, wolf and wolf-dog hybrids, or any other animal or bird of prey which can normally be found in the wild state, without the written permission of the Chief of Police or his designee.
- (2) Certain Domestic Species Prohibited. No person may bring into or keep within the corporate limits of the City, either temporarily or permanently, gamecocks and other fighting birds, cows, cattle, horses, sheep, swine, pigs, goats, turkeys, geese, or any other domesticated livestock without the written permission of the Chief of Police or his designee. {llama, alpaca, camel or animal raised for fur bearing}
- (3) Dangerous Animals Prohibited. No person may bring into or keep within the corporate limits of the City, either temporarily or permanently, a prohibited dangerous animal. Prohibited dangerous animal means any of the following:
 - (a.) Any animal that, while off the owner's or caretaker's property, has inflicted serious injury to or killed a domesticated animal without provocation;
 - b. Any animal that inflicts bodily harm to a person on public or private property;
 - (c.) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction;
 - (d.) Any animal that is subject to being destroyed under Wis. Stat. § 174.02(3);
 - (e.) Any dog trained, owned, or harbored for the purpose of dog fighting.
- (4) In considering any request for permission under subsection 3(a) or (b) of

this section, the Chief of Police or his designee shall consider the number and type of animals or creatures, their location, the facilities to be used for such purpose, the likelihood of a public or private nuisance being created or a health hazard, and the ability of the owner to responsibly control and care for the creatures.

- (5) 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).
- (6) Exemption. {It shall be unlawful for any person to possess, sell or purchase an exotic or wild animal} The provisions outlined in this section shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by a public agency; licensed veterinary clinics; pet shops; zoological gardens; public or private educational institutions; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; circuses and professional animal acts; research purposes; 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 or similar recreational event.
- (7) Prohibited Dangerous Animals. The Chief of Police may determine an animal to be a prohibited dangerous animal whenever he finds that an animal meets the definition of a prohibited dangerous animal as set forth in subsection (3) of this section.
 - (a) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the Chief of Police may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the Chief of Police a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the City council to be reviewed at the next regular meeting. The City council shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.
 - (b) Pending the outcome of the hearing, the animal may be confined subject to Wis. Stat. § 173.21 or held at a location outside the limits of the City.
 - (c) After the hearing, the owner or caretaker shall be notified in writing of the Committee's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or caretaker shall

remove the animal from within the City within five days after the date of the determination. If the owner or caretaker further contests the determination, he or she may, within five days of receiving the panel's decision, seek review of the decision by the Circuit Court.

(d) Destruction. Any animal that has caused bodily harm to a person, persons, or a domestic animal on two separate occasions, without reasonable cause, may be destroyed as a result of a judgment rendered by a court of competent jurisdiction, as specified under Wis. Stat. § 174.02(3). The City Attorney may petition an appropriate court to obtain a court order to destroy such an animal.

(e) Exemptions.

(1.) The Chief of Police may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

(2.) No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

(3.) No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(f) Enforcement. The Chief of Police may make whatever inquiry is deemed necessary to ensure compliance with this section.

(g) Costs of Disposition. Any owner or caretaker of a prohibited dangerous animal shall pay the costs for the animal's removal, impoundment, destruction or other disposition.

And to renumber subsequent sections as appropriate.

SECTION 2. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 5th day of February, 2024

Adam Wachowski
President, City Council

Gregory E. Buckley
City Manager

Attest:

Lisa Kuehn
Deputy City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney