

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any live, vertebrate creature, domestic or wild.

Animal at large means an animal that is off the property and/or premises of the owner and/or caretaker and not under restraint.

Animal control officer means any person designated by the Police Department to enforce the ordinances of the City and state statutes adopted by reference as they pertain to animal control.

Animal shelter means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Bodily Harm means bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

Caretaker means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.

Confined means restriction of an animal at all times by the owner to an escape-proof building, vehicle or other enclosure.

Cruel means causing unnecessary and excessive pain, suffering or unjustifiable injury or death to an animal. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

Dangerous Animal means any of the following:

- (1) Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
- (2) Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of

another without the permission of the owner or person in lawful control of the property.

- (3) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals.

Domestic animal means any animal which normally can be considered tame and converted to home life.

Dwelling unit means a building or portion thereof designed to be used exclusively for residential purposes.

Health officer means the City Health Officer or his duly designated representative.

Humane officer means an individual appointed as such in accordance with §173.03.

Kennel means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.

Leash means a strap, chain, or cord that is no more than eight (8) feet in length and of appropriate strength to control the animal, used by a person of sufficient capability to restrain, control, and guide an animal.

Licensing authority means the political body authorized to issue animal licenses.

Molests means excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way, or on public property, or on their own property, or property of anyone other than the owner and/or caretaker of the animal.

Owner means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his premises/property for five (5) or more consecutive days.

Pet store means any retail establishment in a commercially zoned building whose business includes the sale of live animals.

Prohibited Dangerous Animal means any of the following:

- (1) Any animal that is determined to be a prohibited dangerous animal under this division.

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- (2) Any animal that, while off the owner or caretaker's property, has killed a domesticated animal without provocation.
- (3) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
- (4) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
- (5) Any dog that is subject to being destroyed under s. 174.02(3), Wis. Stats.
- (6) Any dog trained, owned or harbored for the purpose of dog fighting.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks persons or animals without provocation when such persons or animals are peacefully conducting themselves in a place where they are lawfully entitled to be;
- (3) Is at large on school grounds, parks or cemeteries;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous or untimely fashion;
- (7) Any animal not having the vaccination as required by §3-18 of the Appleton Municipal Code;
- (8) Is the subject of repeated violations under this chapter.

Render sterile refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. The term includes neutering and spaying.

Restraint means that the animal is secured by a leash not more than eight (8) feet in length and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.

Serious bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or Supp. #89

protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Veterinary hospital or clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

Wild animal means any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the canis lupis species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding six (6) feet in length.

(Code 1965, §23.02; Ord 4-93, §1-6-93; Ord 32-97m §1-4-16-97; Ord 116-00, §1, 12-23-00; Ord 58-04, §1, 4-27-04; Ord 17-05, §1, 3-8-05; Ord 13-16, §1, 2-9-16; Ord 50-16, §1, 7-12-16)

Cross reference(s) – Definitions and rules of construction generally, §1-2.

Sec. 3-2. Enforcement and penalties.

(a) The provisions of this chapter shall be enforced by employees of the Health Department, Police Department or other persons authorized by the City Health Officer or Chief of Police. The City Health Officer may grant any exemptions or variances to the enforcement of this chapter for dogs specially trained to lead blind or deaf persons, to provide support for mobility-impaired persons or to assist with emergency search and rescue operations.

(b) Police Department and Health Department personnel are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owner, caretaker or other private property. It shall be a violation of this chapter to interfere with the Health Department, Police Department or other persons authorized by the City Health Officer or Chief of Police in the performance of their duties.

(c) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §1-16. (Code 1965, §23.13; Ord 40-96, §1, 5-1-96; Ord 164-02, §1, 8-27-02; Ord 17-5, §1, 3-8-105)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation. §1-18; health officer §2-261 et seq.; police department, §2-346 et seq.

Sec. 3-3. Authority to order general confinement of dogs and cats.

Whenever the safety of the public shall require it, the Mayor, by notice published in the official paper of the City, shall order that, for a period of twenty (20) days from and after the date of the notice, no dogs or cats shall be