

Chapter 121

ANIMALS

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[HISTORY: Adopted by the Common Council of the City of Hayward as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Keeping of Animals and Fowl [Adopted 2-5-1940 by Ord. No. 39]

- § 121-1. Special permit required for keeping certain animals.
 - A. No horse, mule, donkey, pony, cow, goat, sheep, or animal raised for fur-bearing purposes shall be kept within the City limits, except in an outlying district where there are not more than three residences other than that occupied by the owner or occupant of the premises upon which said animals are kept, within a distance of 500 feet of the structure housing or enclosing said animal, unless a special written permit therefor is issued by the Health Officer after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby.

- B. Such special permit shall be issued for the keeping of any of such animals on any lot only in the following two cases:
- (1) Where such animals were being lawfully kept on such lot prior to the enactment of the article;
 - (2) Where such animals were being lawfully kept on such lot after the enactment of the article in an area in which there were not three residences within a distance of 500 feet of the structure enclosing such animals and subsequently other residences were built bringing the structure housing the animals within a restricted district.
- C. Such permit shall be for the term of one year and shall not be renewed without a reinspection.

§ 121-2. Sanitary conditions; manure receptacles; improvements to enclosures.

- A. Every stable or other building wherein any animal listed in § 121-1 is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. Every such stable or other building occupied by authority of a special permit shall, if located within 200 feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept, be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Said receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle.
- C. The Health Officer shall, if he deems such measures necessary in order to avoid a nuisance, require that any such building be screened tightly against flies, and/or that it be provided with running water, drain sewer connection, flooring impervious to water, and that such other measures be taken as may be necessary to insure proper protection to public health and safety, as conditions precedent to the issuance of any such special permit.

§ 121-3. Setbacks; number of animals allowed; special permit.

- A. No chicken coop, dove cote, dog kennel, rabbit warren, or other yard or establishment where small animals or fowls are kept shall be maintained closer than 40 feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept.
- B. Not more than two dogs, cats, rabbits, guinea pigs, ducks or geese more than four months old, nor more than 20 chickens or pigeons more than four months old, shall be kept on any premises within the City limits, except in an outlying district where there

are not more than three residences other than that occupied by the owner or occupant of the premises upon which said creatures are kept, within a radius of 500 feet of the structure of area enclosing said creatures, without a special written permit issued by the Health Officer after an inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby.

- (1) Such special permit shall be issued for the keeping of only such creatures only in the following two cases:
 - (a) Where such animals were being lawfully kept on such lot prior to the enactment of this article;
 - (b) Where such animals were being lawfully kept on such lot after the enactment of this article in an area in which there were not three residences within a distance of 500 feet of the structure enclosing such animals, and subsequently other residences were built bringing the structure housing the animals within a restricted district.
- (2) Such permit shall be for the term of one year and shall not be renewed without a reinspection.

§ 121-4. Sanitation; annual interior painting; inspections by Health Officer.

All structures, pens, coops or yards wherein animals or fowls are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceilings, floors, partitions, and appurtenances of all such structures shall be whitewashed or painted annually or oftener as the Health Officers may direct. The Health Officer, upon the complaint of any individual, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this article.

§ 121-5. Animals prohibited from being at large.

No person shall suffer or permit any horses, mules, donkeys, ponies, cattle, sheep, goats, swine, rabbits, chickens, geese, ducks or turkeys, of which he is the owner, caretaker or custodian to be at large within the City of Hayward. Any such creature shall be deemed to be at large when it shall be off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner.

§ 121-6. Dumping or use of manure.

No manure shall be dumped or left on any street, alley, sidewalk, nor upon any open area or lot in any inhabited portion of the City. Neither shall any manure be used to grade in whole or in part any sidewalk, street, open area or lot in said section unless said manure is completely covered with at least four inches of dirt.

§ 121-7. Violations and penalties.

Any person who shall violate any of the provisions of this article, whether he do so willfully or otherwise, and whether any such animal or fowl shall be off his premises with or without his knowledge, or with or without his fault or negligence, or who shall refuse to neglect to carry out any order or regulation made pursuant to this article by the Health Officer shall forfeit not more than \$25 and the costs of prosecution, and in default of payment of the fine and costs of prosecution, shall be imprisoned in the county jail until said fine and the costs of prosecution are paid, but not to exceed 10 days. Each day's violation of the provisions of this article shall constitute a separate offense, provided that after the first conviction under this article sufficient time shall be given to remedy conditions.

ARTICLE II**Dogs and Cats**

[Adopted 9-14-1992 by Ord. No. 291]

§ 121-8. State statute incorporated by reference.

It shall be unlawful for any person to violate Chapter 174 of the Wisconsin Statutes, or any part thereof, relating to dogs and the same is hereby incorporated in full by reference and made a part hereof. The above incorporation of said Chapter 174 shall pertain to all the rules and regulations set forth therein except the fines or penalties as set forth therein.

§ 121-9. Running at large.

It shall be unlawful for any person to permit any dog or cat licensed or unlicensed, to run at large at any time within the corporate limits of the City of Hayward, Sawyer County, Wisconsin. A dog or cat shall be deemed "at large" unless securely leashed or securely confined in a yard of building.

§ 121-10. Noise.

It shall be unlawful for any person to own, keep, possess or harbor any dog or cat, which by howling, barking or screaming or otherwise, causes annoyance or disturbance to any person or persons.

§ 121-11. Seizure of dogs running at large; impoundment; disposal; recovery. [Amended 9-15-2008 by Ord. No. 485; 1-19-2009 by Ord. No. 487]

Any dog running at large within the City limits of the City of Hayward, unaccompanied by its owner or some other person in control of the dog or dogs, may be seized, impounded and disposed of after the expiration of seven days from the time of impounding. Any person claiming such dog may recover the same by paying the costs of impounding the dog at a facility designated by the City of Hayward Animal Control Officer.

§ 121-12. Seizure of cats running at large; impoundment; disposal; recovery. [Amended 9-15-2008 by Ord. No. 485; 1-19-2009 by Ord. No. 487]

Any cat running at large within the City limits of the City of Hayward, unaccompanied by its owner or some other person in control of the cat or cats, may be seized, impounded and disposed of after the expiration of seven days from the time of impounding. Any person claiming such cat may recover the same by paying the costs of impounding the cat at a facility designated by the City of Hayward Animal Control Officer.

§ 121-13. Violations and penalties. [Amended 9-15-2008 by Ord. No. 485; 1-19-2009 by Ord. No. 487]

- A. Any person violating any provision of this article shall pay a forfeiture as follows:
- (1) First alleged offense: \$50, plus applicable court costs and costs of prosecution.
 - (2) Second alleged offense (within one year): \$100, plus applicable court costs and costs of prosecution.
 - (3) Third alleged offense and subsequent alleged offenses (within one year): \$150, plus applicable court costs and costs of prosecution.
- B. Any amendments to the forfeiture of any violation of this article may be established by a resolution adopted by a majority vote of the Common Council of the City of Hayward.¹

§ 121-14. Enforcement; records; reports.

It shall be the duty of the Police Department of the City of Hayward to strictly enforce all of the provisions of this article and all parts thereof, and to keep an accurate record of all violations and to make a monthly report of such violations to the Common Council, and to make a report of all legal actions to enforce such violations and to make such report to the Common Council as the Common Council shall designate.

ARTICLE III

Animal Defecation

[Adopted 8-20-2007 by Ord. No. 473]

§ 121-15. Removal and proper disposal of animal waste required.

No owner or keeper shall suffer or permit any animal to defecate upon any property other than that of animal owner or keeper without immediately causing such defecation to be removed therefrom and properly disposed of. Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet and disposal in a waste receptacle so designated in a public park or park area, wherein animals are permitted.

1. Editor's Note: Former Section 8, Citations, which immediately followed this section, was repealed 9-15-2008 by Ord. No. 485 and 1-19-2009 by Ord. No. 487.

§ 121-16. Means for removal required.

No owner or keeper of any animals shall appear with such animal on any sidewalk, street, park or other public area or on any private property neither owned nor occupied by said person without the means of removal of any feces left by the animal.

§ 121-17. Violations and penalties.

- A. Any person violating any provision of this article within a one-year period may be subject to a forfeiture as set forth below:
- (1) First offense: \$50, plus applicable court costs.
 - (2) Second offense: \$100, plus applicable court costs.
 - (3) Third offense: \$200, plus applicable court costs.
 - (4) Fourth offense: \$500, plus applicable court costs.
- B. Any amendments to the forfeiture of any violation of this article may be established by a resolution adopted by a majority vote of the Common Council of the City of Hayward.