

CITY OF MUSKEGO
CHAPTER 13 - LICENSING AND REGULATION OF ANIMALS
(Ord. #647 - 05-18-89)

13.01 DOGS - (Ord. #647 - 5-18-89)

- (1) Statutes Adopted. The current and future provisions of Ch. 174, Wis. Stats., defining and regulating dogs, excluding provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions constitutes a violation of this section. Any future amendments, revisions, modifications or additions to the statutes incorporated herein are intended to be made part of this Ordinance.
- (2) Definitions: **(Ord. #1377 – 10-03-2013)**
1. "Owner" as used in this ordinance means any person, including a keeper or custodian, owning possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.
 2. "Vicious Dog" as used in this ordinance means: 1) any dog with a propensity, tendency, or disposition to attack or cause serious injury to human beings or domestic animals; 2) any dog, which without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal causing serious injury; 3) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; 4) any dog which has been found to be vicious by a Circuit or Municipal Court in a trial or hearing upon a charge of harboring a vicious animal. (Ord. #1158 - 12-04-2003)
 3. "Dangerous Dog" as used in this ordinance means: 1) any dog, which because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; 2) any dog which, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property; 3) any dog which has caused less than serious injuries to humans, livestock or domestic animals after the owner was notified or should have known the dog previously injured or caused injury to a person, livestock or domestic animal; or 4) any dog which has been found to be dangerous by a Circuit or Municipal Court in a trial or hearing upon a charge of harboring a dangerous animal. (Ord. #1158 - 12-04-2003)
 4. "At large" means that the dog is off the premises of the owner or keeper and not accompanied and under the control of a person of suitable age and able to control the dog.
 5. "Premises" of the owner shall be defined as the residence of said owner, including the attached property surrounding said residence that is leased or owned by said owner but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.
 6. "Serious injury" is defined as broken bones or wounds that require sutures.
 7. "Guard Dog" shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

8. "Dog Bite" as used in this ordinance means any bite from a dog which occurs without provocation, and causes less than serious injury to a person, livestock or domestic animal. (Ord. #808 - 8-5-93)

(3) Licenses Required. **(Ord. #1377 – 10-03-2013)**

1. Every owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or within 30 days from the date such dog becomes 5 months of age, at the time and in the manner provided by law for the payment of personal property taxes, pay to the Treasurer, his dog license tax and obtain a license therefore. Prior to the issuance of the license the owner shall present evidence that the dog is currently immunized against rabies.

An animal is considered to be unlicensed if a valid license tag is not attached to a collar which is kept on the animal.

2. All owners of dangerous dogs shall comply with the provisions of this ordinance regarding the containment/security/identification of a dangerous dog on the owner's premises subject to police inspection or compliance prior to the initial registration. An inspection fee of \$50.00 shall be charged. Annually, pursuant to paragraph 1 of this section, owners shall register their dangerous dog with the City Clerk-Treasurer's Office and shall provide a current color photograph, showing its distinct features, and pay a dangerous dog registration fee. An owner of a dangerous dog who fails to register his/her dog is subject to a forfeiture prescribed by law. (Ord. #1073 - 07-05-2001)

- (4) Fees. All fees shall from time to time be established by the Common Council by resolution, a copy of which shall be kept on file with the City Clerk.

- (5) Running At Large Prohibited. No Owner of any dog shall permit such dog to run at large within the City.

- (6) No person shall harbor, keep or maintain within the city limits of the City of Muskego any vicious dog. Violators of this section shall be summoned to appear before the Municipal Court.

1. Whenever any person is charged with harboring a vicious dog as defined in this ordinance, that person shall, to the satisfaction of the Police Chief, confine said dog, as defined in paragraph (7) 1-3 of this section, until the trial on the citation. If the owner fails to confine the dog within 48 hours of the issuance of the citation, the Muskego Police Department shall impound the dog until the trial on the citation. If the dog is determined by plea or trial to be a vicious dog pursuant to law, the Court shall be empowered and required to order such disposition of the dog as shall best safeguard the health, safety and welfare of the general public. The Court shall further order the dog impounded until it is satisfied that arrangements have been made to comply with the Court's order. Failure to make such arrangements within 7 days of the hearing shall be deemed to constitute consent by the owner to destruction of the dog and the Court shall order the destruction of the dog by humane means.

2. The owner of a dog found to be vicious pursuant to this chapter shall provide certification of the implantation of an identification microchip if the disposition of the vicious dog is not the destruction of the dog. The microchip shall be an American Veterinary Identification Device (AVID) or equivalent. The chip implanted in the dog

shall be consistent with the AVID technology and readable by an AVID scanner.
(Ord. #1073 - 07-05-2001)

- (7) No person shall harbor, keep or maintain within the city limits of the City of Muskego any dangerous dog not in compliance with this section. Determination of a dangerous dog will be made by the Municipal Court upon complaint and summons issued by the Police Department to the owner.
1. Dangerous Dog on Premises of Owner. A dangerous dog, as defined in this ordinance, must be securely confined indoors or in a securely-enclosed and locked pen or structure, suitable to prevent the entry of young children, designed to prevent the animal from escaping, and designed so that the snout of the dog cannot protrude beyond the enclosure. Such pen or structure must have a minimum dimension of 5 feet by 10 feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground not less than 2 feet. The enclosure must also provide protection from the elements for the dog.
 2. The owner shall display a sign on his or her premises facing out from all sides of the premises, warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.
 3. Dangerous Dog Off Premises. A dangerous dog, as defined in this ordinance, may be off the owner's premises if it is muzzled and restrained by a suitable lead or chain not exceeding 3 feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
 4. The owner of a dangerous dog, as defined by this ordinance, shall provide certification from a veterinarian of the implantation of an identification microchip. The microchip shall be an American Veterinary Identification Device (AVID) or equivalent. The chip implanted in the dog shall be consistent with the AVID technology and readable by an AVID scanner. (Ord. #1073 - 07-05-2001)
- (8) No dog shall be declared to be vicious or dangerous if the dog caused injury or damage to a person who, at the time, was teasing, tormenting, abusing or assaulting the dog, or if the dog was protecting its owner from attack by a human being. (Ord. #808 - 8-5-93)
- (9) Dogs which cannot be brought to an animal shelter or impounded because of inability of the owner or police officer to extricate or capture an animal which the officer has reasonable cause to believe may be vicious, dangerous or infected with any dangerous or incurable disease or in any painfully crippled condition may be destroyed by a police officer, or veterinarian if available.
- (10) Noisy Dogs Prohibited. No person shall keep a dog which by barking, fighting or howling disturbs the peace and quiet of the neighborhood.
- (11) Animal Control. The Dog Officer shall apprehend and confine dogs in violation of this section. He may commence action in the name of the City for the collection of forfeitures for violation of this section.

- (12) Impounding of Dogs. The Officer shall apprehend and confine in the Animal Shelter any dog found in violation of this section or any dog suspected of rabies.
- (13) Examination for Rabies. The keeper of the Animal Shelter shall keep any dog suspected of rabies for such period as the Health Officer shall deem necessary to determine whether such dog has rabies. If the dog is found to have rabies, it shall be disposed of in a humane manner by the keeper of the Shelter or by the Health Officer.
- (14) Disposition of Unclaimed Dogs. The keeper of the Animal Shelter shall keep all dogs apprehended hereunder for 7 days and if any dog is not claimed within such time the dog may be sold or destroyed in a humane manner.
- (15) Payment of Costs. The owner of a dog impounded may reclaim the dog upon the payment of an apprehension fee set by the Common Council and an additional fee set by the Common Council for each day that the dog is impounded. In addition, thereto, any expense for inoculation, destruction or other medical treatment of the dog shall be paid by the owner of the dog.
- (16) Number of Dogs Limited. Not more than four (4) dogs over the ages of five months shall be kept or maintained in any area of the City, except in an authorized hobby kennel or commercial kennel (See Chapter 17, Section 15.04). **(Ord. #1377 – 10-03-2013)**
- (17) No person shall return to or harbor within the city limits of the City of Muskego a dog previously determined by the Municipal Court to be a vicious dog or used in the sport of animal fighting.
- (18) Keeping Guard Dogs. It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of persons or property unless the following provisions are met:
1. The dogs shall be confined to an enclosed area adequate to insure they will not escape or shall be under the absolute control of a handler at all times when not securely enclosed; and
 2. The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curblin or a distance of fifty (50) feet, whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day; and
 3. Prior to the placing of a guard dog on any property, the person or persons responsible for the placing shall inform the police department and the fire department, in writing, of their intention to post said dog or dogs, the number of dogs to be posted, the locations where said dog or dogs will be posted, the approximate length of time said dog or dogs will be guarding the area, the daily hours said dog or dogs will be guarding the area, the breed, sex, age and rabies tag number of said dog or dogs. Such notice must be renewed every six (6) months.
- (19) It is unlawful in the City of Muskego to own or possess any animal used or that has been used or trained in the sport of animal fighting.
1. Whenever any person is charged with harboring an animal used or that has been trained in the sport of animal fighting, that person shall, to the satisfaction of the Police Chief, confine said dog, as defined in paragraph (7) 1-3 of this section, within

48 hours of the issuance of a citation, and shall keep the dog confined until the trial on the citation. If the owner fails to confine the dog within 48 hours of the issuance of the citation, the Muskego Police Department shall impound the dog until the trial on the citation. If the dog is determined by plea or trial to be a vicious dog pursuant to law, the Court shall be empowered and required to order such disposition of the dog as shall best safeguard the health, safety and welfare of the general public. The Court shall further order the dog impounded until it is satisfied arrangements have been made to comply with the Court's order. Failure to make arrangements within 7 days of the hearing shall be deemed to constitute consent by the owner to destruction of the dog and Court shall order the destruction of the dog by humane means.

- (20) Dog Bite. A person who owns or is responsible for any dog within the City that bites or otherwise causes a less than serious injury to a human being, live stock, or domestic animal, is guilty of permitting a dog bite. (Ord. #808 - 8-5-93)