

**CHAPTER 26**  
**ANIMALS**

**26.01 KEEPING ANIMALS WITHIN CITY.**

(1) In this Chapter, the term "domestic animal" includes all animals encompassed under the definition provided in Sec. 95.001(ad) and 169.01(7), Wis. Stats. The term "domestic animal" shall not include any animal defined as an Exotic Animal pursuant to Section 26.09, of the Municipal Code.

(2) Except on lands zoned agricultural or as otherwise permitted in this Chapter, no person shall keep within the City of Hartford, either temporarily or permanently, any fowl, bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock, provided, however, that such animals or fowl may be kept at places approved by the Zoning Administrator for slaughtering, for educational purposes, or for research purposes.

(3) Except as otherwise permitted in this Chapter, no person shall house in a dwelling unit, or on a dwelling unit's property:

- (a) more than three dogs or cats over the age of five months, or
- (b) any combination of dogs or cats numbering more than four animals over the age of five months, unless otherwise licensed to do so.

(4) Except as otherwise permitted in this Chapter, no person shall house in a dwelling unit, or on a dwelling unit's property, any combination of domestic animals, numbering more than 8 animals.

(5) The keeping of more than the allowed number of cats, dogs, and/or combined domestic animals without a permit as described in this Chapter is declared to be a nuisance as defined in Section 22.02 of the Municipal Code.

(6) Animals kept within the City shall be kept in accord with the following requirements to the satisfaction of the City:

- (a) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
- (b) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
- (c) Animals' pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
- (d) Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.

- (e) Litter and/or bedding material shall be changed as often as necessary to prevent an odor nuisance.
- (f) Feces shall be removed from yards, pens, and enclosures daily and stored in tightly covered metal containers until final disposal.
- (g) Yards, pens, premises, and animals shall be kept free of insect infestations.
- (h) No odor nuisances shall be permitted.

(7) Summary Abatement. The City and/or Police Department shall have the authority and duty to prohibit the keeping within the City of animals listed under 26.01(2) and 26.09 (1), and the authority to prohibit the keeping of animals in excess of the number of animals allowed by the Code.

With respect to permitted animals, if the City and/or Police Department determines that they are kept and managed in such a manner that there results a danger to the public through poor sanitation, odor, or excessive noise, or any other objectionable condition, as the City and/or Police Department shall determine, he/she shall direct the Chief of Police or a Deputy Sheriff to serve a notice on the owner. Such notice shall direct the owner of the animal or animals causing the health hazard or objectionable condition to abate or remove same within 24 hours, and shall stipulate that if such hazard, pollution or objectionable conditions is not abated, the City will cause the same to be abated and will charge the costs to the owner, occupant or person causing the same, as the case may be.

In case of nonpayment same shall become a special charge against the property owner, and shall be included as an assessment and lien against the property on the annual tax bill.

If, through ensuing experience, it is apparent that the continued keeping of the animal or animals results in further hazard to health and environment, the City and/or Police Department shall have the authority to have the animals physically removed from the property.

**26.02 DOG AND CAT LICENSES.** (1) Dog and Cat License Required. Every person residing in the City who owns, harbors or keeps a dog or cat which is more than 5 months of age on January 1st of any year, shall annually at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor.

(2) Rabies Vaccination Required. It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21 (2), Wis. Stats., or to keep a cat in the City which is over 5 months of age and has not received a rabies vaccination. No dog or cat license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

(3) Fees. Such owner shall pay to the City Treasurer annually a sum as determined in Chapter 42 of the Municipal Code for each neutered male dog or cat and spayed female dog or cat (a veterinarian's certificate must be presented for each neutered or spayed dog or cat), for

each unneutered/ unspayed dog or cat, and for each fancier permit or kennel.

(4) Issuance of License: Tag. Upon receipt of payment of the required fee, the Treasurer shall issue to the owner a license and license tag to keep such dog or cat. The license tag shall be securely attached to a collar to be kept on the dog or cat at all times. Absence of such collar and tag on a found dog or cat shall be presumptive evidence that the dog or cat is unlicensed.

(5) State Regulations. The provisions of Chapter 174 of the Wisconsin Statutes pertaining to licensing of dogs are made a part of this section by reference thereto.

(6) Kennel License. Licenses for kennels not existing on September 1, 1986 wherein dogs or cats are kept for the purposes of breeding two or more litters per year may only be granted to kennels located on property zoned A-1, B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, or M-4.

**26.03 IMPOUNDING UNLICENSED DOGS.** The provisions of Section 174.042 of the Wisconsin Statutes relating to the impounding and disposition of unlicensed dogs are incorporated into this section by reference thereto.

**26.04 DOGS AND CATS RUNNING AT LARGE.** No person shall permit his/her dog or cat to run at large in the City at any time, excluding those areas specifically designated by the Common Council as provided in Section 8.10 of the Municipal Code. Each owner of any such animal is required to confine it within the limits of his/her premises except when it is attended by some person, and in such cases it shall be fastened securely by a suitable leash not more than 10 feet in length. For the purposes of this section, the phrase "running at large" embraces all places within the City except the owner's premises, and includes all streets, alleys, sidewalks or other public property which may abut on the owner's premises.

Any police officer finding any dog or cat running at large within the limits of the City shall forthwith take and confine it in some suitable place, and if such dog or cat thus taken is not called for by the owner and charges for its keep paid at a rate per day as determined in Chapter 42 of the Municipal Code, within 7 days after its confinement, such dog or cat shall be disposed of humanely.

**26.05 KEEPING OF VICIOUS DOGS REGULATED.** (1) DEFINITIONS. The terms used in this section are defined as follows:

(a) Vicious Dog. A vicious dog includes any dog found in violation any of the following under a declaration and, if requested, hearing pursuant to (6) of this section:

1. Any dog, except one assisting a peace officer in law enforcement duties, that has done any of the following:

A. Caused a serious injury to or killed a person or domestic animal;

B. Caused an injury by biting a person in the face or neck;

C. Attacked a person in such a manner as to require defensive action to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully on property other than that of the owner of the attacking dog;

D. Attacked a person in such a manner as to result in property damage or in an injury to the person when such person is conducting himself or herself peacefully and

lawfully on property other than that of the owner of the attacking dog;

E. Attacked without provocation another animal on property other than that of the owner of the attacking dog;

2. Any dog owned, harbored, or trained primarily or in part for the purpose of fighting;

3. Any dog declared to be vicious in another municipality, county, or state;

4. Any dog previously found to be vicious in a trial on the charge of violating paragraph (2) of this section.

(2) No person may harbor, keep, maintain, or permit to remain about his or her premises any vicious dog within the City.

(3) No person may bring into the City any dog that has previously been declared vicious in another municipality, county, or state.

(4) No person may sell, give away, or transfer ownership or custodianship of a vicious dog without first advising the police department in writing, including the name and address of the person to whom the vicious dog is given.

(5) The owner or custodian of a vicious dog shall immediately notify the police department if the dog escapes, is unconfined, has attacked another animal or human being or has died.

(6) Declaration of vicious dog; notification and hearing.

(a) If a police officer determines that a dog is vicious as defined in this section, he or she may declare the dog to be a vicious dog. The officer shall immediately inform the owner or custodian in writing, by personal service or certified mail, of such determination, and the reasons therefor. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within such review may be obtained, and the officer or person to whom a request for review shall be addressed.

(b) If an owner or custodian contests the designation of the dog as vicious, the owner may request a hearing in writing, mailed or delivered in person to the chief of police within thirty days of issuance of the notice. The request for review shall state the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed.

(c) The hearing shall be held within 15 days of receipt of the request for hearing before the common council. The chief of police shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. Any interested party may present evidence as to whether the dog is vicious. At such a hearing, the determination of the police officer shall be termed an initial determination.

(d) The owner or custodian may file with the request for hearing written evidence and argument in support of the person's position with respect to the initial determination.

(e) At the hearing, the appellant and the municipal authority may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the Mayor or Council President. The common council may issue subpoenas. An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in Wis. Stats. § 805.07(4), and must be served in the manner provided in Wis. Stats. § 805.07(5). The attorney shall, at the time of issuance, send a copy of the subpoena to the decision maker.

(f) At the hearing, the police department and the owner or custodian of the allegedly vicious dog may present any relevant evidence related to whether the dog meets the definition of a vicious dog in this section.

(g) The proceedings shall be taken by a stenographer or recorded. The City Clerk or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits.

(h) Pending the decision of the common council upon hearing, the owner must comply with any restrictions established by the police department vicious pending hearing. After the hearing, the owner shall be notified in writing of the determination. The common council may impose additional restrictions on a dog declared vicious pending arrangements for its removal from the city, euthanasia, or during any period pending judicial review.

(i) Any party aggrieved by the determination may seek judicial review pursuant to Wis. Stats. § 68.13.

(7) At trial on a charge under subsection (2), (4), (5), or (6), or at a hearing pursuant to subsection (9)(b):

(a) The fact finder shall consider evidence of provocation of the animal by a person or animal bitten or injured by the dog as a potentially mitigating factor. If the provocation is purposeful or substantial, the fact-finder may accept any alleged bite or injury as self-defense by the animal and not classify the animal as vicious.

(b) The attack, chase, or injury of a person or domestic animal by an animal shall, in the absence of contrary evidence, be presumed to be due to an unprovoked attack. However, a dog shall not be deemed to be vicious if it bites, attacks or menaces any person or animal:

- i. To defend its owner, caretaker or another person from an unjustified attack by a person or animal;
- ii. To protect its young or another animal;
- iii. To defend itself against any person or animal that has tormented, assaulted or abused it;
- iv. To defend its owner's or caretaker's property against trespassers;
- v. That is actively committing or attempting to commit a crime;
- vi. That is violating or attempting to violate an ordinance that protects persons

or property.

(b) No animal may be declared vicious for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(c) Any vicious dog may be ordered impounded or removed from the city for violations of this chapter. The animal's owner shall be responsible for costs of impoundment or removal.

(d) Any dog that has caused serious injury to a person or domestic animal on two separate occasions, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under Wis. Stats. § 174.02(3). The animal's owner shall be responsible for costs of destruction.

(8) PENALTY. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

(9) SEVERABILITY. If any provision of this Ordinance is found to be unconstitutional but shall not affect the enforceability of the remaining sections of this Ordinance.

#### **26.06 INFECTED DOGS; HYDROPHOBIA, RABIES.**

(1) The provisions of Wis. Stat. § 95.21 pertaining to rabies control for dogs are hereby adopted by reference. In addition, all the provisions of Wis. Stat. § 95.21 applicable to dogs are hereby made applicable to cats. In addition to the requirements of Wis. Stat. § 95.21 and pursuant to Wis. Stat. § 95.21(9), the City adopts the following provisions of a rabies control program. Where there is any conflict between Wis. Stat. § 95.21 and the following provisions, the more restrictive provision shall apply.

(2) Any person may kill a dog or cat which he believes to be infected with the disease known as hydrophobia or rabies. Proof that the appearance or conduct of the dog was such as would give an ordinarily prudent person to believe the dog or cat to have been infected with the disease, shall be sufficient basis for the belief that the dog or cat was in such diseased condition, and shall constitute an absolute defense to any action for damages or otherwise for the killing of the dog or cat.

(3) Any person who shall suspect that any dog or cat in the City is infected with rabies or hydrophobia, shall report his suspicion to the police or health authorities, describing the dog or cat and giving the name of the owner, if known.

(4) No person shall knowingly harbor or keep any dog or cat infected with hydrophobia or rabies, or any dog or cat known to have been bitten by a dog or cat known to have been infected with hydrophobia or rabies, or shall fail to report to the police or health authorities the existence of any dog or cat which he knows to be infected with hydrophobia or rabies.

#### **26.07 BARKING DOGS.** It shall be unlawful for any person within the City to own, harbor

or keep any dog that habitually barks or howls to the annoyance of any person. This paragraph shall not apply to any veterinarian offices or boarding kennels.

**26.08 ANIMALS: AT LARGE: SETTING AT LARGE: LITTERING.** It shall be unlawful for the owner of any animal to permit fecal matter which is deposited by such animal while off of its own premises to remain on any street, alley, sidewalk, lawn, field or any public property, and it shall be solely the responsibility of the owner of said animal to immediately after deposit remove all fecal matter by shovel, scoop or like instrument and deposit said fecal matter in a manner approved by state or other local regulations.

**26.09 KEEPING OF WILD AND EXOTIC ANIMALS REGULATED.** (1) Keeping Wild and Exotic Animals Prohibited. No person shall keep, maintain or have in such person's possession or under such person's control any poisonous reptile, dangerous or wild animal or insect, including, but not limited to, poisonous insects and arachnids, all venomous snakes, constrictor snakes, any snake exceeding four (4) feet in length, non-human primates, bears, crocodiles, alligators, monitor lizards, bats, wild and domestic animal hybrids such as coyote/dog, coyotes, elephants, gamecocks and other fighting birds, hippopotami, hyenas, jaguars, leopards, lions, lynx, pumas, cougars, mountain lions, panthers, ocelots, tigers, or other wild feline species, wolves, and prairie dogs.

(a) Exceptions. The prohibitions set forth in subsection (1) shall not apply to: residents of the City who possessed one or more of the prohibited species prior to October 25, 2005 and who register same with the office of the City Clerk within 60 days of the effective date; licensed veterinary clinics; licensed animal rehabilitation homes; zoological gardens; public or private educational institutions; agricultural fairs; a display for judging purposes; circuses and professional animal acts or other shows requiring a license under Section 32.01 of the Municipal Code; provided that:

1. Their location conforms to the zoning requirements of Chapter 13 of the Municipal Code.
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
3. Animals are maintained in quarters so constructed as to prevent their escape.

(b) Any resident who shall claim exemption under subsection (a) above shall furnish satisfactory evidence in the form of a bill of sale, veterinary records, or other proof satisfactory to the Clerk, which demonstrates ownership of the otherwise prohibited species prior to the effective date of this ordinance.

All ordinances or parts of ordinances contrary to the terms of this ordinance are hereby and to that extent repealed.

**26.10 KEEPING OF CHICKENS.**

(1) KEEPING OF CHICKENS.

(a) No person shall keep or harbor any chickens or build, erect or maintain and use any chicken coop or run within the City without registering the name and address of the owner, the number of chickens, and paying the requisite license fee as determined in Chapter 42 of the Municipal Code.

(b) Chickens must be contained within a coop or enclosed chicken run and may not be allowed to roam at large within or beyond the property.

(c) Prior to issuance of a site license for the keeping of chickens, the owners of adjoining and surrounding properties shall be notified by the City Treasurer of the pending license request.

(d) All chicken coops and runs wherein any chickens are contained shall be kept in a clean, sanitary condition and free from all objectionable odor or vermin.

(e) Chicken coops and runs under this section shall be limited to the keeping of up to a total of four chickens per property, and shall be subject to the following conditions:

1. The principal use of the property where a chicken coop and yards may be permitted is limited to single-family dwellings and duplexes within single-family or two-family zoned property.
2. No person shall keep any rooster.
3. No person shall slaughter any chickens.
4. Chickens shall be kept in a water-proof, rodent-proof, and predator-proof coop in a fenced-in area.
5. Coops shall be considered accessory structures under Chapter 17 and shall be subject to all requirements of that Chapter. Coops and runs shall be placed in rear yards and shall have a minimum setback of 5 feet. Coops and runs may be placed or erected in one side yard of a lot only upon approval of a site plan. The site plan must provide suitable screening of the coop and run from adjoining properties and road right-of-way. Any site plan for a coop and run may be approved by the Director of Community Development. No coop or run shall be placed within 25 feet of any separate residential or business structure on an adjacent lot.

(f) Enclosures for chicken runs may be comprised of welded wire or chicken wire material but may not be part of a residential fence within the property.

(g) It shall be property owner's responsibility to verify that keeping chickens and chicken coops are permitted uses in any deed restrictions or covenants applicable to the subject property.

(h) Any person found to be in violation of this Section 26.10, shall have their permit revoked and shall be ineligible for a chicken permit for a period of one year. A person who on two or more occasions within a period of five years fails to comply with the provisions of this Section shall be permanently ineligible for a chicken permit.

**26.11 KENNELS DEFINITION, REQUIREMENT OF PERMIT, AND SANITARY OPERATION OF KENNELS.** (1) A business wherein more than the total of animals set forth in Section 26.01(3) over the age of five months are kept for daycare, boarding, breeding, sale or sporting purposes.

(2) No person shall operate a kennel unless he holds a valid permit issued by the City. A yearly fee as determined in Chapter 42 of the Municipal Code shall expire on the last day of December. The application for such permit shall be made through the office of the City Clerk of the City of Hartford and the permit fee shall be prorated on the basis of months remaining



during the term thereof at the time application shall be issued.

**26.12 ANIMAL FANCIER DEFINITION AND REQUIREMENT OF PERMIT.**

(1) Any person in a residential dwelling unit may apply for an animal fancier permit, within the following limitations:

(a) Fancier permits may only be issued to owner occupied single-family dwellings and owner occupied duplexes.

(b) The following limits shall be in effect for any individual issued a fancier license:

1. Any permit granted for a property with a lot size of 0.25 acres or less shall allow ownership of:

- A. Up to 4 dogs or cats more than five (5) months of age, or
- B. A total of 5 cats and/or dogs more than five (5) months of age.

2. Any permit granted for a property with a lot size of 0.25 acres or more shall allow ownership of:

- A. Up to 5 dogs or cats more than five (5) months of age, or
- B. A total of 6 cats and/or dogs more than five (5) months of age.

3. Any permit granted shall allow for the ownership of up to 10 total domestic animals, including, but not limited to, cats and dogs more than five (5) months of age and chickens owned pursuant to a valid permit.

(2) Any applicant shall pay to the City Treasurer annually a sum as determined in Chapter 42 of the Municipal Code.

(3) Whenever the Director of Community Development or his or her designee, including the City of Hartford Police Department, requests an inspection of the interior and exterior premises of a person holding an animal fancier permit or of an applicant for an animal fancier permit, the animal fancier or applicant shall schedule such an inspection and allow the inspection to be completed no later than ten days after the date of the request. A request for a department inspection under this paragraph may be made by any of the following means:

(a) A written request left at the residence or place of occupation of the applicant or permit holder.

(b) A written request delivered to a competent adult occupant of the applicant's or permit holder's residence.

(c) A written request addressed to the applicant or permit holder at his or her residence and mailed by first class, prepaid mail.

(4) The City may contract with an outside agency qualified in the field of animal welfare to perform inspections under this Section. In the event that an outside agency performs such inspections, the permit holder shall be solely responsible for paying the actual cost of such inspection.

(5) A person who fails to comply with an inspection request or other requirement of this Section shall have their permit revoked and shall be ineligible for an animal fanciers permit for a period of one year. A person who on two or more occasions within a period of five years fails to comply with an inspection request or other requirement of this Section shall be permanently ineligible for an animal fanciers permit.

(6) No person who has a criminal conviction for a violation under ch. 951, Wis. Stats, or who has multiple non-criminal convictions for violations under ch. 951, Wis. Stats., or this

chapter shall be issued an animal fancier's permit unless the common council or the committee thereof designated for such purposes, upon the request of the person wishing to hold the permit, determines that the issuance of such a permit is in the best interest of the community, that the person wishing to hold the permit is unlikely to re-offend, and the animals will be properly taken care of. Conditions may be attached to the issuance of a permit in such a situation at the complete discretion of the common council or committee.

(7) A person holding an animal fancier permit who does not conform to the following requirements shall have their permit revoked and shall be ineligible for an animal fanciers permit for a period of one year. A person who is found not to conform to the requirements below on two or more occasions within a period of five years shall be permanently ineligible for an animal fanciers permit.

(a) All animals shall be maintained in a healthy condition, or if ill shall be given appropriate treatment immediately.

(b) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

(c) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of nonporous and non-corrosive materials.

(d) Dogs shall be kept in separate enclosures from cats. Dogs and cats over the age of five months shall be housed in separate enclosures with no more than three dogs or three cats contained within the same enclosure.

(e) Food supplies shall be stored in rodent-proof containers and food and water containers shall be kept clean.

(f) Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.

(g) Feces shall be removed from yards, pens and enclosures at least daily and stored in tightly covered, secure containers until final disposal.

(h) Yards, pens, premises and animals shall be kept free of pest infestations.

(i) No odor nuisance shall be permitted. Any animal holding area containing animals shall be provided with fresh air by means of windows, doors, vents, exhaust fans or air conditioning so as to minimize drafts, odors and moisture condensation.

(j) All animals shall have protection from the elements, whether indoors or outdoors.

**26.13 PET SHOPS DEFINITION AND REQUIREMENT OF PERMIT.** (1) Shall mean a business establishment where domesticated animals, birds or reptiles are kept for sale, provided, however, a kennel shall not be included within this definition.

(2) No person shall operate a pet shop unless he holds a valid permit issued by the Health Officer, through the office of the City Clerk. The payment of an annual fee as determined in Chapter 42 of the Municipal Code shall terminate on the last day of December. The conditions of sanitation shall be under the supervision of the City Health Officer, and the structural premises under the supervision of the Building Inspector.

**26.14 GROOMING ESTABLISHMENT DEFINITION AND REQUIREMENT OF PERMIT.** (1) Shall mean care or service provided to the exterior of an animal to change its looks or improve its comfort, but shall not mean the treatment of physical disease or deformities.

(2) No person shall operate a grooming establishment unless he holds a valid permit issued by the Health Officer through the office of the City Clerk. The permit fee is as determined in Chapter 42 of the Municipal Code and expires on the last day of December. The fee during the first year of operation will be prorated by the number of months of operation in that year.

**26.15 EFFECT OF EXPIRED OR REVOKED LICENSE OR PERMIT.** (1)Any person holding a license or permit set forth in this chapter, other than a dog or cat license, who fails to renew the license in a timely manner shall pay a penalty of \$20 upon the renewal of the license.

(2)Any person who fails to renew or has revoked a license or permit, other than a dog or cat license, shall be required to come into compliance with the provisions of this Chapter, including, but not limited to, rehoming any animals which are in excess of the number allowed pursuant to Section 26.01

Repealed and recreated Ordinance 1461, 2022-09-13