

**CITY OF WEST ALLIS  
ORDINANCE O-2022-0092**

**ORDINANCE TO PROHIBIT DOGS AT ROGERS PARK**

**AMENDING SECTION 7.12(9)**

**WHEREAS**, there have been incidents of dogs attacking or threatening people at Rogers Park; and

**WHEREAS**, upon adoption of this ordinance, dogs would be prohibited from the entirety of Rogers Park but would still be allowed to be on a leash and walked on the public sidewalk around Rogers Park;

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:**        **AMENDMENT** “7.12 Animals, Fowls And Birds” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

7.12 Animals, Fowls And Birds

1. Keeping of Certain Animals Prohibited. [**Ord. 6158, 4/18/1995; Ord. O-2015-0014, 2/17/2015**]
  - a. Definitions.
    - i. Wild Animal. Those species of animal that are not typically domesticated by humans and usually live in nature. Wild animals include, but are not limited to, animals belonging to any or all of the following orders and families.
      - (1) Class Mammalia.
        - (A) Order Chiroptera (bats).
        - (B) Order Artiodactyla (e.g., hippopotamuses, giraffes, camels, deer, cattle, swine, sheep, goats, alpaca, and llama).
        - (C) Order Carnivora.
          - (a) Family Felidae (e.g., lions, tigers, cougars, leopards, ocelots, servals), but not domestic cats.
          - (b) Family Canidae (e.g., wolves, wolf-dog hybrids, coyotes, foxes, jackals), but not domestic dogs.
          - (c) Family Ursidae (e.g., bears).

- (d) Family Mustelidae (e.g., weasels, skunks, martens, minks, wild ferrets), but not the domestic ferret species, *Mustela putorius furo*.
  - (e) Family Procyonidae (e.g., raccoons, coatis).
  - (f) Family Hyaenidae (e.g., hyenas).
  - (g) Family Viverridae (e.g., civets, genets).
  - (h) Family Mephitidae (e.g., skunks).
  - (i) Family Herpestidae (e.g., mongooses).
  - (D) Order Edentata (e.g., anteaters, armadillos, sloths).
  - (E) Order Marsupialia (e.g., opossums, kangaroos, wallabies), except sugar gliders.
  - (F) Order Perissodactyla (e.g., rhinoceroses, tapirs, horses, donkeys).
  - (G) Order Primates (e.g., lemurs, monkeys, chimpanzees, gorillas), except humans.
  - (H) Order Proboscidea (e.g., elephants).
  - (I) Order Rodentia (e.g., squirrels, beavers, porcupines, prairie dogs), but not guinea pigs, rats, mice, gerbils and hamsters.
- (2) Class Reptilia.
- (A) Order Squamata.
    - (a) Family Helodermatidae (e.g., Gila Monsters and Mexican beaded lizards).
    - (b) Family Varanidae (e.g., monitor lizard).
    - (c) Family Elapidae (e.g., coral snakes, cobras, mambas).
    - (d) Family Viperidae (e.g., copperheads, cottonmouths, rattlesnakes).
    - (e) Subfamily Atractaspidinae (e.g., burrowing asps).
  - (B) Order Crocodylia (e.g., crocodiles, alligators, caimans, gavials).
  - (C) Any constricting snake greater than four (4) feet in length or twenty (20) pounds in weight.
  - (D) Any venomous snake.
- (3) Class Aves.
- (A) Order Falconiformes (e.g., eagles, hawks, vultures).
  - (B) Order Rheiformes (e.g., rheas).
  - (C) Order Struthioniformes (e.g., ostriches).
  - (D) Order Casuariiformes (e.g., cassowaries and emus).
  - (E) Order Strigiformes (e.g., owls).
  - (F) Order Galliformes (e.g., turkeys, chickens).
  - (G) Order Anseriformes (e.g., ducks, geese).

- (4) Class Arachnida.
  - (A) Order Scorpiones.
  - (B) Any of the following members of Order Araneae, Family Therididae:
    - (a) Argentina red widow spider: *Latrodectus coralinus*.
    - (b) Brown widow spider: *Latrodectus geometricus*.
    - (c) Red-black widow: *Latrodectus hasselti*.
    - (d) Red widow spider: *Latrodectus bishop*.
    - (e) Black widow spider: *Latrodectus mactans*.
    - (f) Western widow: *Latrodectus Hesperus*.
  - (C) Brown recluse spider: *Loxosceles reclusa*.
- (5) Class Chilopoda.
  - (A) Any of the following members of Order Scolopendromorpha, Family Scolopendridae:
    - (a) Amazon giant banded centipede: *Scolopendra giganea*.
    - (b) Arizona Tiger Centipede: *Scolopendra viridis*.
    - (c) Florida keys centipede: *Scolopendra alternans*.
  - (B) Any other venomous chilopoda that is not native to Wisconsin.
- (6) Any species of the class Insecta that is not native to Wisconsin.
- (7) Any federal or state endangered or threatened species.
- ii. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.
- iii. Possess. To own, possess, keep, harbor, or have custody or control of an animal.
- b. Intent. It is the intent of the City of West Allis to protect the public against health and safety risks that wild animals pose to the community. By their very nature, wild animals are potentially dangerous and do not adjust well to a captive environment.
- c. Possession of Wild Animals. No person shall possess a wild animal.
  - i. Exceptions. This subsection shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinarians, licensed veterinary hospitals or clinics, licensed circuses, licensed or accredited research or medical institutions, licensed or accredited educational institutions, an animal certified as having been specially trained to assist an individual with a disability, any government-owned or -operated facility, volunteers working on behalf of a government-owned or -operated facility, a person with a valid federal permit to possess a particular wild animal, or a person

temporarily transporting a wild animal through the City if the transit time is not more than twenty-four (24) hours and the wild animal is at all times maintained within a confinement sufficient to prevent the wild animal from escaping.

- ii. Registration. Any person that meets the exceptions listed in Subsection **(1)(c)** 1 shall register each wild animal that he/she possesses and is kept within the City of West Allis with the Health Commissioner.
- iii. Escape. If a wild animal escapes the possession of a person, the person shall notify the West Allis Police Department immediately of the following information: the type of wild animal; a description of the wild animal, including size, color, and name of the animal; the nature of how the wild animal escaped; the name and address of the wild animal's owner or custodian; and the location and time where the wild animal was last observed. If the wild animal returns to the possession of a person after notification to the West Allis Police Department, the person shall notify the West Allis Police Department immediately that the wild animal has returned to the person's possession.

(1) Costs. Upon the escape of a wild animal, any person possessing such wild animal shall be responsible for the costs of the capture or destruction of the wild animal and any City response to the report of escape.

- d. Keeping of Ferrets. All domestic ferrets kept or harbored in the City of West Allis shall be vaccinated against rabies in compliance with the Compendium of Animal Rabies Control of the National Association of State Public Health Veterinarians. Upon request by a law enforcement officer or employee of the West Allis Health Department, the person owning or keeping the ferret shall demonstrate proof of vaccination.

2. Keeping of Rabbits. **[Ord. 6158, 4/18/95; Ord. O-2015-0014, 2/17/2015]**

- a. Rabbits shall be kept in compliance with the provisions of this subsection. The keeping of more than two (2) adult rabbits in any outside or yard area of any dwelling or any building structure accessory thereto is prohibited. For purposes of this ordinance rabbits shall not be considered adults until they have reached the age of five (5) months.
- b. The Health Commissioner may grant exceptions to the number of rabbits allowed in Subsection (2)(a) on a case-by-case basis upon written application. The Health Commissioner's decision to grant or deny an exception shall be based upon the number of rabbits to be kept; the reason(s) for the request; an informal survey of neighborhood residents; and any other factors the Health Commissioner deems relevant.
- c. Persons to whom an exception is granted are required to obtain a rabbit permit from the Health Department. The cost shall be thirty dollars (\$30.) annually, and the permit shall be for one (1) calendar year. An additional fee of fifteen dollars (\$15.) shall be paid whenever the annual fee for a renewal is paid on

April 1 or later. The cost for a duplicate permit shall be fifteen dollars (\$15.). Permits may be revoked or denied renewal for cause. The revocation procedure shall be the same as set forth in Section 9.51 of this Code. Any permittee or applicant that requires a reinspection during the licensing year due to the Health Department finding a violation of this section, or state statute or state regulation relating to rabbit health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a first reinspection fee of ten dollars (\$10.). Any licensee or applicant that requires a second or subsequent reinspection during the licensing year due to the Health Department finding a violation of this section or state statute or state regulation relating to rabbit health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code shall pay a second or subsequent reinspection fee of fifteen dollars (\$15.). **[Ord. O-2017-0018, 4/18/2017]**

d. Appeals of the decision of the Health Commissioner shall be submitted in writing to the License and Health Committee of the Common Council within thirty (30) days of notification of the Health Commissioner's decision. The License and Health Committee shall schedule a hearing on the matter within thirty (30) days of receiving the appeal. The hearing shall be conducted as set forth in Wis. Stat. Section 68.11. The License and Health Committee shall issue a written decision within twenty (20) days of completion of the hearing, and a copy of the decision shall be mailed to the appellant. The License and Health Committee's decision shall be the final determination.

3. Cruelty to Animals Prohibited.

a. Cruelty Prohibited. No person shall cruelly beat, frighten, overburden or abuse any animal or bird, or use any device or chemical substance, except in connection with efforts to control species determined by the Health Commissioner to be a public health hazard or nuisance, if pain, suffering or death may be caused. Reasonable force, however, may be used to drive off vicious or trespassing animals.

b. Improper Transport, Abandonment Prohibited. No person shall carry or transport in any vehicle or over any street, alley, sidewalk or public ground in the City any animal or bird so tied and placed as to inflict torture thereto, nor shall animals be abandoned for any reason within the City.

c. Food and Water. No person owning or having custody of any animal or bird shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.

d. Proper Shelter Required. No person shall fail to provide any animal or bird in his charge with shelter from inclement weather to insure the protection and comfort of the animal or bird. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors for more than one hour at a time must be provided with moistureproof and windproof shelter of a size which allows the animal to turn

freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Automobiles or garages shall not be used as animal shelters, except that during winter months a dog house may be placed inside a garage for shelter. Whenever the outdoor temperature is below 40° Fahrenheit, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animal.

- e. Leashes. Chains, ropes or leashes shall be so placed or attached that they cannot be entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. Such leash shall be located so as not to allow such animal to trespass on public property or private property belonging to others nor in such a manner as to cause harm or danger to persons or other animals.
  - f. Enforcement. This section and sections 7.121 (Dogs and Dog Licenses), 7.122 (Cats and Cat Licenses), 7.123 (Animal Fancier Permit), and 9.61 (Animal Sales and Services License) may be enforced by the Health Commissioner, law enforcement (police) officers, or the Animal Control Officers of the Milwaukee Area Animal Domestic Control Corporation. **[Ord. O-2003-0055, 8/5/2003]**
4. Waste Products and Fecal Accumulations. The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such fecal matter is immediately removed therefrom by said owner or person in charge. At all times when an animal is exercised away from the premises of the owner or person in charge, that individual shall have available for use, and prominently displayed, an appropriate device for removing, containing and transporting feces which may be deposited, until such feces can be properly disposed of by wrapping and placing them into an appropriate refuse container. The owner or person in charge of any private property shall not permit solid fecal matter of animals to accumulate on such property, including the space between the street or curb and the sidewalk adjacent to such property, for a period in excess of twenty-four (24) hours.
5. Animal Bites.
- a. Whenever a dog, cat or other domesticated animal, or wild animal held captive, bites a person within the City of West Allis, and such bite penetrates or lacerates the skin of the person bitten, such dog, cat, other domesticated animal or wild animal held captive, shall be restricted to the premises of its owner, if within the City, or to a veterinarian's care within Milwaukee County, as a suspect rabies case for a period of ten (10) days.
  - b. If during the restricted time, said animal shows signs of illness, lameness or paralysis, the owner or veterinarian shall immediately report such condition to the West Allis Health Department.
  - c. During the restricted period, said animal shall not be removed from the restricted premises except to be placed under a veterinarian's care. No such animal shall be placed back into community living before it has been inspected and released by the West Allis Health Department. If the animal has spent the

ten (10) day confinement period in the care of a veterinarian, upon its release, a veterinarian's report regarding the disposition of said dog shall be made to the West Allis Health Department.

- d. In the case of an animal bite, the Health Commissioner may issue such other rules and orders which, in his judgment, are necessary to safeguard the health and welfare of any person suffering an animal bite.

6. Elimination of Pigeon Harborages.

- a. Homeless pigeon harborages are hereby declared to constitute a public nuisance.
- b. Homeless pigeon harborages shall mean any place where pigeons, which do not wear any type of ownership identification tag or band, or are not confined in an escape proof cage or pen, are permitted to live, gather or nest.
- c. It shall be the duty of the owner of any premises in the City, or his agent, to make such premises reasonably pigeon proof to prevent such premises from being a homeless pigeon harborage.
- d. In all cases where the Health Commissioner finds a homeless pigeon harborage existing, he shall serve upon the owner of such premises, or his agent, an order requiring such owner or agent, within ten (10) days of receipt of said order, to eliminate such harborage and to take whatever steps are deemed necessary by the Health Commissioner to prevent its recurrence, including the covering of openings, eaves or other places in any building with appropriate wire screenings or other suitable material to prevent pigeons from entering into such building or gathering or nesting thereon. In the event such owner or agent shall neglect or refuse to comply with such order to the satisfaction of the Health Commissioner, such owner or agent shall be subject to the penalties provided for violation of this section; and, in addition, the Health Commissioner may cause the elimination work to be done and the cost thereof shall be assessed against the real estate involved as a special tax and collected as are other special taxes.

7. Pigeon Keeping. **[Ord. 6171, 6/20/1995]**

- a. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates a different meaning is intended:
  - i. "Pigeon" means a member of the family Columbidae, and shall include "Racing Pigeons," "Fancy Pigeons" and "Sporting Pigeons," as defined in this section.
  - ii. "Racing Pigeon" means a pigeon which, through selective breeding, has developed the distinctive characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon.
  - iii. "Fancy Pigeon" means a pigeon which, through selective breeding, has developed certain distinctive physical and performing

- characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.
- iv. "Sporting Pigeon" means a pigeon which, through selective breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tipplers.
  - v. "Loft" means a structure for the keeping or housing of pigeons which is located inside a house or garage.
  - vi. "Mature Pigeon" means a pigeon aged six (6) months or older.
  - vii. "Owner" means the person who keeps or has the care, custody or control of a pigeon or pigeons.
- b. Conditions for Keeping of Pigeons. The keeping, breeding, maintenance and flying of pigeons shall be permitted, on the following conditions:
- i. The loft shall be of such sufficient size and design and constructed of such material, that it can be maintained in a clean and sanitary condition.
  - ii. There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
  - iii. The construction and location of the loft shall not conflict with the requirements of any Building Code or Zoning Code of the City.
  - iv. All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
  - v. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.
  - vi. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and, at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
  - vii. All pigeons shall be fed within the confines of the loft.
  - viii. No one shall release pigeons to fly for exercise, training or competition, except in compliance with the following rules:
    - (1) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.
    - (2) Pigeons will not be released for flying within four (4) hours of feeding.
  - ix. No owner may have more than twenty-five (25) pigeons in a residentially zoned area.
  - x. No person may own any type of pigeon other than those defined in



sec. 7.12(7)(a).

- c. Pigeon Permit. Any person owning a pigeon in the City of West Allis shall first obtain a permit. The Health Commissioner may issue an original or renewal pigeon permit upon submission of a completed application, payment of a fee of thirty dollars (\$30.), and inspection and approval of the premises for which the permit is to be issued. As part of the inspection process, the Health Commissioner shall conduct an informal survey of neighborhood residents to determine their concerns, if any, regarding pigeons being kept in the area. All permits shall expire on March 31, following the date of issuance, unless sooner revoked for cause. An additional fee of fifteen dollars (\$15.) shall be paid whenever the annual fee for a renewal is paid on April 1 or later. The cost for a duplicate permit shall be fifteen dollars (\$15.). No permit may be issued for any premises upon which three (3) or more dwelling units are located. Any permittee or applicant that requires a reinspection during the licensing year due to the Health Department finding a violation of this section, or state statute or state regulation relating to bird health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code, shall pay a first reinspection fee of ten dollars (\$10.). Any licensee or applicant that requires a second or subsequent reinspection during the licensing year due to the Health Department finding a violation of this section or state statute or state regulation relating to bird health or sanitation, or finding a health nuisance, as defined in Section 7.03 of the Revised Municipal Code shall pay a second or subsequent reinspection fee of fifteen dollars (\$15.). **[Ord. O-2017-0018, 4/18/2017]**
  - d. Right of Entry for Inspection. The Health Commissioner or his designee may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this ordinance.
  - e. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.
8. Feeding of Wild Animals. **[Ord. O-2010-0017, 5/18/2010; Ord. O-2011-0080, 2/21/2012]**
- a. Definitions.
    - i. As used in this section, "feeding" means to place any material to feed or attract animals in or from the wild.
    - ii. As used in this section, "wild animal" is defined as any nondomesticated animal that lives in nature, including, but not limited to squirrels, raccoons, and deer.
  - b. The feeding of wild animals is prohibited in the City of West Allis.
  - c. This subsection shall not apply to wild birds. Feeding of wild birds shall be done in a manner to ensure that other wild animals are unable to access the bird feed. Premises upon which bird feed is provided shall be cleaned at least

once during each twenty-four-hour period to remove food material that has fallen to the ground. The Health Commissioner or his/her designee may order a property owner/occupant to cease the feeding of wild birds if an inspection reveals that evidence of rat activity is present on the property where bird feeding is occurring or on an adjacent property within three hundred (300) feet of the property line where rat activity is present. Such order shall be mailed or served in person to the property owner(s) of the affected properties and posted in a conspicuous place on the affected properties. Any person who continues to feed wild birds after receiving such an order shall be subject to the penalties in Section 7.16. Any person affected by the order may petition the Health Commissioner to lift the order if sixty (60) days have passed since the issuance of the order and the person can demonstrate to the Health Commissioner or his/her designee that no rat activity exists on the property. [Ord. O-2014-0020, 4/1/2014]

d. This subsection shall not apply to feeding a cat by a person who relinquished possession of that cat in accordance with WAMC 7.122(1)(a), but only if the feeding takes place under direct observation of the person feeding the cat between the hours of sunrise and sunset.

9. Dogs Prohibited ~~at Rogers Playground. [Ord. O-2011-0015; 5/17/2011]~~

a. No person shall allow any dog to enter or remain at the Rogers Playground, located ~~at~~ on South 56th Street ~~south of and~~ West Rogers Street ~~in the City of West Allis.~~

b. No person shall allow any dog to enter or remain at Rogers Park, located at 2010 South 75th Street.

**SECTION 2:            EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

**SECTION 3:            AUTHORIZATION** The director of public works shall post three signs at Rogers Park notifying the public that dogs are not allowed in the park. One sign shall be posted near the three paved entrances to the park - two near South 75th Street and one near South 74th Street.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

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	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Rebecca Grill, City Clerk, City Of  
West Allis

\_\_\_\_\_  
Dan Devine, Mayor City Of West  
Allis