



City of West Allis

Legislation Text

File #: O-2015-0014, **Version:** 1

An Ordinance to Repeal and Recreate Subsections 7.12(1) and (2) of the City of West Allis Revised Municipal Code Relating to the Keeping of Animals.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsections 7.12(1) and (2) of the Revised Municipal Code of the City of West Allis are hereby repealed and recreated to read:

7.12 Animals, Fowls and Birds.

(1) Keeping of Certain Animals Prohibited.

(a) Definitions.

1. 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.

i. 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.

1. Family Felidae (e.g. lions, tigers, cougars, leopards, ocelots, servals), but not domestic cats.

2. Family Canidae (e.g. wolves, wolf-dog hybrids, coyotes, foxes, jackals), but not domestic dogs.

3. Family Ursidae (e.g. bears).

4. Family Mustelidae (e.g. weasels, skunks, martens, minks, wild ferrets), but not the domestic ferret species, *mustela putorius furo*.

5. Family Procyonidae (e.g. raccoons, coatis).

6. Family Hyaenidae (e.g. hyenas).

7. Family Viverridae (e.g. civets, genets).

- 8. Family Mephitidae (e.g. skunks).
- 9. 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.
- ii. Class Reptilia.
 - a. Order Squamata.
 - 1. Family Helodermatidae (e.g. Gila Monsters and Mexican beaded lizards).
 - 2. Family Varanidae (e.g. monitor lizard).
 - 3. Family Elapidae (e.g. coral snakes, cobras, mambas).
 - 4. Family Viperidae (e.g. copperheads, cottonmouths, rattlesnakes).
 - 5. 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 20 pounds in weight.
 - d. Any venomous snake.
- iii. 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).

iv. Class Arachnida.

a. Order Scorpiones.

b. Any of the following members of Order Araneae, Family Therididae:

1. Argentina red widow spider - *Latrodectus coralinus*.

2. Brown widow spider - *Latrodectus geometricus*.

3. Red-black widow - *Latrodectus hasselti*.

4. Red widow spider - *Latrodectus bishop*.

5. Black widow spider - *Latrodectus mactans*.

6. Western widow - *Latrodectus Hesperus*.

c. Brown recluse spider - *Loxosceles reclusa*.

v. Class Chilopoda.

a. Any of the following members of Order Scolopendromorpha, Family Scolopendridae:

1. Amazon giant banded centipede - *Scolopendra giganea*.

2. Arizona Tiger Centipede - *Scolopendra viridis*.

3. Florida keys centipede - *Scolopendra alternans*.

b. Any other venomous chilopoda that is not native to Wisconsin.

vi. Any species of the class Insecta that is not native to Wisconsin.

vii. Any federal or state endangered or threatened species.

2. Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

3. 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.

1. 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 24 hours and the wild animal is at all times maintained within a confinement sufficient to prevent the wild animal from escaping.

2. Registration. Any person that meets the exceptions listed in Subsection (1)(c)1 shall register each wild animal that s/he possesses and is kept within the City of West Allis with the Health Commissioner.

3. 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.

i. 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.

(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 ten dollars (\$10.00) annually, and the permit shall be for one calendar year. Permits may be revoked or denied renewal for cause. The revocation procedure shall be the same as set forth in Section 7.04 (16) of this Code.

(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 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.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Repeal&Recreate Ss 7.12(1)(2) KeepingAnimals