

e. Any dog that is subject to being destroyed under s. 174.02(3), Wis. Stats.

f. Any dog trained, owned or harbored for the purpose of dog fighting.

**35.** ROTTWEILER means any dog which is one-half or more rottweiler.

**37.** SUBSTANTIAL BODILY HARM means bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

### **78-3. Owner or Caretaker's Duty; Presumption.**

**1.** The owner or caretaker of any animal shall confine, restrain or maintain control over the animal so that the unprovoked animal does not attack or injure any person or domesticated animal.

**2.** The occupant of any premises on which a dog, cat or any other domesticated bird or animal remains or to which it customarily returns daily for a period of at least 10 days shall be presumed, for purposes of enforcement of this chapter, to be harboring, sheltering or keeping the animal.

### **78-5. Keeping of Animals Within City.**

**1.** PERMITTED ANIMALS. No animal that is not a domesticated animal may be kept or brought into the city except as provided in this chapter or as otherwise authorized by the commissioner.

**2.** CERTAIN ANIMALS PROHIBITED.  
a. Except as otherwise provided in this chapter, no person shall keep within the city, either temporarily or permanently, any live cows, cattle, horses, sheep, swine, goats, roosters, ducks, turkeys, geese or any other domesticated livestock, or undomesticated fowl provided, however, that the animals or fowl may be kept at places approved by the commissioner for slaughtering, educational purposes, research purposes and for circuses or similar recreational events. Upon approval by the commissioner, horses used for livery service may be kept within the city. No rabbits or guinea pigs shall be kept within any portion of any multiple dwelling.

b. No person may bring into or keep in the city an animal that a Wisconsin city, village, town or county has declared dangerous or vicious, has banished from the city, village, town or county or has ordered to be destroyed. The commissioner may declare such an animal to be a prohibited dangerous animal in Milwaukee upon receipt of an official written declaration from the other city, village, town or county setting forth the grounds for

the declaration, the name of the animal, if known, and the description of the animal.

c. No person may bring into or keep in the city, for sale or otherwise, either for food or for any other purposes whatsoever, any animal which, in accordance with the recommendations of the Compendium of Animal Rabies Control from the National Association of State Public Health Veterinarians, Inc., is not able to be effectively vaccinated against rabies, or any animal dead or alive, bird, insect, reptile or fish which is otherwise dangerous or detrimental to health.

**3.** NUMBER PERMITTED. No person may keep, harbor, shelter or possess at any time more than 3 dogs or cats or any combination thereof which are over the age of 5 months unless the person holds a valid animal fancier permit, kennel permit, pet shop permit or grooming establishment permit. The keeping of more than 3 dogs or cats over the age of 5 months per dwelling unit in a multiple dwelling is declared to be a nuisance. No person in a multiple dwelling shall be granted an animal fancier permit. There shall be no more than one animal fancier permit issued to any qualified dwelling unit.

**4.** ANIMAL REMOVAL. The department may confiscate and remove animals from a premises for violation of sub. 1, 2 or 3 or ss. 78-6, 78-6.5, 78-23, 78-25 and 78-31, or if the animals constitute a public health threat as determined by the health department. The department may convey such animals to be housed and handled appropriately. If necessary, such animals may be disposed of in a humane manner by the department or their designee.

### **78-6. Keeping of Honey Bees in the City.**

**1.** PERMIT REQUIRED. No person shall keep honey bees in the city without being a beekeeper and obtaining a valid permit issued by the commissioner. The permit process requires a completed application accompanied with a fee prescribed in s. 60-7-7, and an inspection which must meet all provisions of sub. 3. The permit application is also subject to a potential objection hearing pursuant to sub. 2.

**2.** NEIGHBORHOOD APPROVAL REQUIRED. Before a permit is issued for the keeping of bees the following process must be followed:

a. Once a permit is applied for all property owners within a circular area having a radius of 200 feet, centered on the premises for which a permit has been requested, shall be notified by the commissioner. This shall be done via first-class U.S. mail.

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b. Property owners shall have 14 working days to file a written objection and request for a hearing to the commissioner if they object to the granting of a permit.

c. If a timely written objection and request for a hearing has been submitted to the commissioner, the commissioner shall hold a hearing within 14 days.

d. Within 10 days of completion of the hearing conducted pursuant to par. c, the commissioner shall mail to the objector and permit applicant his or her written determination on the granting of the permit, taking into consideration factors listed under sub.3.

**3. KEEPING OF HONEY BEE HIVES.** A permit authorizes the keeping of honey bee hives on a premise, provided the following:

a. No more than 2 hives are allowed on a lot.

b. Honey bees are limited to eastern european races of apismelifera.

c. All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.

d. A minimum 6-foot high closed fence, closed hedge, building or other solid flyway barrier or other barrier which the commissioner determines to be of sufficient height shall be located between hives and the property lines for all hives located within 20 feet of the property line. A supply of water shall be located within these enclosures and flyway barriers. A flyway barrier is not needed if the bee hive is kept at least 10 feet off the ground.

e. All hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 10 feet from all other property lines.

f. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

g. Hives shall be provided with fresh water throughout the day and be designed to allow bees to access water by landing on a hard surface. This is not required during the winter.

h. Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.

i. In any instance in which a hive exhibits unusually aggressive characteristics it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from

stock bred for gentleness and non-swarming characteristics

j. In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

**4. PERMIT REVOCATION.** A permit shall be subject to revocation upon failure to comply with any provisions of this section. Once a permit is revoked, a permit shall not be reissued.

### 78-6.5. Keeping of Chickens in the City.

**1. PERMIT REQUIRED.** No person shall keep chickens in the city without obtaining a valid permit issued by the commissioner. The permit process requires a completed application accompanied with a fee prescribed in s. 60-7-8. The permit application is also subject to notification and approval pursuant to sub. 2.

**2. NEIGHBORHOOD APPROVAL REQUIRED.** Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of application.

**3. KEEPING OF CHICKENS ALLOWED.** The keeping of up to 4 chickens, with a permit, is allowed on a residential premise, provided the following:

a. No person shall keep any rooster.

b. No person shall slaughter any chickens.

c. Chickens shall be provided with fresh water at all times and adequate amounts of feed.

d. Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the covered enclosure or a sanitary and adequately-sized and accessible fenced enclosure, or yard, at all times.

e. Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.

f. Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.