

Title 6**ANIMALS****Chapters:**

<u>6.04</u>	<u>Dog and Cat License</u>
<u>6.08</u>	<u>Animal Control</u>
<u>6.10</u>	<u>Pet Shops and Kennels</u>
<u>6.11</u>	<u>Treatment of Animals</u>
<u>6.12</u>	<u>Keeping Certain Animals</u>
<u>6.14</u>	<u>Keeping of Honey Bees</u>
<u>6.16</u>	<u>Pigeons</u>
<u>6.20</u>	<u>Squirrels</u>
<u>6.25</u>	<u>Hunting</u>

Chapter 6.04**DOG AND CAT LICENSE*****Sections:**

- 6.04.005 Purpose.**
- 6.04.010 License--Required--Fee.**
- 6.04.020 Tags.**
- 6.04.030 Violation--Penalty.**

6.04.005 Purpose. The purposes of this chapter are to promote humane treatment of all animals and to reduce the hazard, nuisances and conflicts created by irresponsible pet ownership and to promote effective enforcement of pet licensing requirements. (Ord. 2864 §2, 1978).

6.04.010 License--Required--Fee. No person shall own, harbor, or keep a dog or cat over the age of 5 months within the corporate limits of the city without first obtaining a license therefor from the city treasurer. Licenses for dogs shall be issued in compliance with Wisconsin Statutes Section 174.05 through 174.10. The license fee shall be as stated in the City of Eau Claire Fees and Licenses Schedule. Written proof of neutering or spaying shall also accompany the application in order to qualify for such reduced rate. The license year shall commence on January 1st and shall end on the following December 31st. Licenses shall not be transferable, license fees shall not be prorated nor refundable. Application for such license shall be made before April 1st of the current license year, or within thirty days of acquiring a licensable dog or cat. A late fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be assessed and collected from every owner of a dog or cat 5 months of age or over, if the owner failed to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. A valid rabies certificate shall accompany

* For statutory provisions regarding dogs generally, see WSA Ch. 174.

the application stating the name of the veterinarian who administered the inoculation, the date it was given, and the length of time during which such inoculation will be effective, which shall be at least as long as the license period. (Ord. 6363 §23, 2002; Ord. 5772, 1997; Ord. 5190, 1991; Ord. 4987, 1989; Ord. 4789 §12, 1987; Ord. 4613 §1, 1985; Ord. 4160, 1981; Ord. 4155 §1, 1981; Ord. 3864 §3, 1978; Ord. 3392 §1, 1973; Prior code §12.01(a)).

6.04.020 Tags. Upon receipt of the rabies certificate and the payment of said fee the treasurer shall issue a tag that shall be attached to the collar of such licensed dog. No person shall, negligently or otherwise, permit any dog to be untagged. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area. No person other than the owner or a police officer in line of his duty shall remove the license tag from the dog. (Ord. 4174 §2, 1981; Ord. 3864 §4, 1978; Ord. 3392 §2, 1973; Prior code §12.01(b)).

6.04.030 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 3864 §5, 1978).

Chapter 6.08

ANIMAL CONTROL

Sections:

6.08.010 Running at large.

6.08.020 Number per family.

6.08.030 Care of dogs and domesticated animals.

6.08.040 Barking.

6.08.045 Dangerous dogs.

6.08.050 Quarantine and disposition of rabid animals.

6.08.055 Vaccination.

6.08.060 Animal excreta.

6.08.070 Violation--Penalty.

6.08.010 Running at large. A. No dogs, cats or other domestic animals shall negligently or otherwise, be permitted to run at large within the city limits. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

B. All dogs, cats or other domestic animals shall be kept on a leash no longer than eight feet at all times when off the premises of their owner.

C. No dog shall be permitted in a public cemetery, except when confined within a vehicle, or in a playground, schoolyard, beach or other posted area, except with the express permission of the authority in charge. (Ord. 4174 §3, 1981; Ord. 3864 §§7, 8, 1978; prior code §12.01(c)).

6.08.020 Number per family. No individual or family unit living together, firm or corporation shall keep more than two dogs and three cats over the age of three months within any residential district, excepting however, bona fide animal hospitals, pet shops and kennels. However, an animal control officer of the Eau Claire Police Department may, in his discretion, permit the keeping of more than two dogs and/or three cats by any person where no nuisance will be created by granting a variance. The fee to apply for the above referenced variance shall be as stated in the City of Eau Claire Schedule of Fees and Licenses. The decision of this person may be appealed to the administrative review board under the procedures specified in ch. 1.06. Appeal shall stay the contested administrative determination pending decision by the board. (Ord. 7031 §1, 2012; Ord. 6572 §13, 2005; Ord. 5077, 1990; Ord. 3864 §9, 1978; Prior code §12.01(d)).

6.08.030 Care of dogs and domesticated animals. All dogs and domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner or keeper. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death. (Ord. 3864 §10, 1978; Ord. 3392 §III, 1973; Prior code §12.01(e)).

6.08.040 Barking. No person shall keep or harbor within the city any dog which by loud or frequent or habitual barking, yelping or howling shall cause serious annoyance to the neighborhood or to persons passing to and fro upon the streets. (Prior code §12.01(f)).

6.08.045 Dangerous dogs. A. Purpose. The purpose of this section is to protect the public health, safety, and general welfare of the citizens and visitors of the city of Eau Claire by reasonable regulation of dangerous dogs.

B. Definitions.

1. "City" means the city of Eau Claire, or the official, agent, or employee of the city designated by the city manager.

2. "Dangerous dog", as used in this section, means:

a. Any dog which, without provocation, has attacked, bitten, or injured any human being or domestic animal on public or private property; or

b. Any dog which, without provocation, behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals; or

c. Any dog which is owned, harbored, or trained primarily or in part for the purpose of dog fighting.

3. "Department" means the city of Eau Claire police department.

4. "Harbored" means that the dog has been fed or sheltered for 3 or more consecutive 24 hour periods. This definition shall not apply to any veterinary clinic or boarding kennel in the city.

5. "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or keeping any dog, or in the case of a person under the age of 18, that person's parent or legal guardian.

C. Prohibitions.

1. No person shall own, harbor, keep, or maintain within the city limits any dangerous dog.

2. No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous dog within the city.

3. No person shall own or harbor any dog for the purpose of dog fighting or use any dog for the purpose of causing or encouraging said dog to attack human beings or domestic animals when not provoked.

4. No person shall bring a dangerous dog onto any off-leash recreation area designated by the city.

5. No person shall obstruct, provide false information, or otherwise unreasonably interfere with officers of the department in the enforcement of this section or in the capture of any dog suspected of being dangerous.

D. Removal. The department, through the chief of police or his or her designee, may impound any dog suspected of being dangerous for a period not to exceed thirty (30) days and may, after considering application of the relevant evidence in subsection B. 2., determine the dog to be a dangerous dog.

1. If the dog is determined to be dangerous, the department shall order the dog removed from the city within five (5) days of the written order of the city.

2. If the dog is determined dangerous under subsection B. 2. a., the department may, in addition to the provisions of subsection D. 1., destroy the dog with the consent of the dog owner or commence an action to destroy the dog as provided in s. 174.02(3), Wis. Stats.

3. All orders of the city under this subsection shall be in writing and served upon or mailed to the owner of the dangerous dog at the owner's last known address. The city shall at all times maintain a current list of all known dangerous dogs for which orders have been issued.

4. A copy of all orders shall be filed at the time of service or mailing with the city clerk and the city clerk shall retain such orders with the dog license records. If a dangerous dog is unlicensed at the time of issuance of any order, the city clerk shall report it to the department.

5. The city clerk shall not issue a dog license to the owner of any dog determined to be dangerous under this section, except as authorized under subsection E.

6. The owner of any dog determined to be dangerous under this subsection shall be responsible for all costs associated with the impoundment, care or removal of the dog.

7. The city shall not assess the owner of a dog not determined to be dangerous any costs of impoundment or care under this subsection.

E. Duration of dangerous dog status.

1. Upon the petition of the owner of a dog that has been previously determined to be dangerous and later removed from the city under subsection D. 1., the city may remove the dog from its list of dangerous dogs if:

a. The owner demonstrates to the department that there have been no additional reported instances anywhere of the behavior, as defined in subsection B. 2., within a 36-month period from the date of the order to remove the dog from the city under subsection D. 1.; and

b. The owner of the dog demonstrates to the department that changes in circumstances or measures taken by the owner have mitigated the risk to public safety; and

c. The owner presents to the department proof from a dog training specialist accredited by the American Kennel Club (AKC) that the dog has been certified and passed the AKC canine good citizen program; and

d. The department concludes from all of the evidence presented that the dog does not present a risk to public safety.

2. The provisions of subsection E. 1. shall not apply to:

a. The owner of a dog that was removed from the city under (D.)(1.), was subsequently removed from the list of dangerous dogs under subsection E. 1., and was then removed from the city under (D.)(1.), a second time; or

b. The owner of a dog removed from the city under subsection D. 1. who is ineligible under subsection E. 2. a.

3. The city shall notify the petitioning owner in writing of all decisions under this subsection, and shall file a copy of all orders with the city clerk.

4. If a city order removes a dog from the list of dangerous dogs, the city may issue a dog license to the owner of that dog as of the date of the order.

F. Penalty. Any person who violates any part of subsection C. shall forfeit for each violation an amount not less than \$60 nor more than \$500, plus the costs of prosecution, including any expert testimony fees necessitated by enforcement of this subsection. Every day that any violation of this subsection C. continues shall be deemed a separate offense.

G. Repeat offenders. Any person that repeatedly violates any part of subsection C. shall forfeit an amount double the deposit set forth in subsection F. Every day that any violation of this subsection continues shall be deemed a separate offense.

H. Exemptions. The provisions of this section shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

I. Severability. If any part of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining parts shall not be affected. (Ord. 7067§1, 2013; Ord. 6703 §1, 2006.)

6.08.050 Quarantine and disposition of rabid animals. A. Any dog, cat, or ferret which is known to be or if good reason exists to believe such animal is mad, rabid, vicious or dangerous to the public, shall be impounded and disposed of according to law.

B. In all cases hereunder, if any dog, cat, or ferret is found to exhibit signs of rabies, it shall be destroyed and no person shall interfere with the city authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or ferret.

C. Any dog, cat, or ferret which has bitten any person and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or ferret shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the health department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat, or ferret shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog, cat, or ferret which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat, or ferret has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his/her determination or findings thereof in writing to the health department.

E. Any domesticated wild animal that has bitten any person, inclusive of, but not limited to, wolf-dog hybrids, skunks and raccoons, shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the state lab of hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or ferret is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or ferret is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog, cat, or ferret is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or ferret is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person shall keep or harbor any dog or other domesticated animal which is known to be or when there is good reason to believe the same to be mad, rabid, vicious or dangerous to the public.

I. The provisions of s. 95.21, 173.23 and 174.02(3) Wis. Stats., insofar as applicable, and any amendments thereto, are incorporated by reference and made a part of this section with the same force and effect as those provisions set forth verbatim herein. (Ord. 7031 §2, 2012; Ord. 6703 §2, 2006; Ord. 5798, 1998; Ord. 5606 §1, 1996; Ord. 3392 §IV, 1973; Prior code §12.01(g)).

6.08.055 Vaccination. A. The owner of a dog or cat shall have the animal vaccinated by a licensed veterinarian on or before the date the animal reaches five months of age.

B. An owner who imports an animal into Eau Claire county that has reached five months of age must have the animal vaccinated by a licensed veterinarian as evidenced by a current certificate of rabies vaccination from this state or another state.

C. The owner of a dog or cat shall have the animal vaccinated:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate; or
3. Within one year after the previous vaccination, if no date is specified on the certificate. (Ord. 5606 §2,1996).

6.08.060 Animal excreta. The owner or person in charge of an animal shall promptly remove and dispose of in a sanitary manner any excreta deposited by such animal upon any public or private property. (Ord. 5095 §1, 1990; Ord. 3864 §11(part), 1978).

6.08.070 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than ten dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 4072 §1, 1980; Ord. 3864 §11(part), 1978).

Chapter 6.10**PET SHOPS AND KENNELS****Sections:****6.10.010 Definition.****6.10.015 State law adopted.****6.10.020 License required--Application--Term.****6.10.030 Operation.****6.10.040 Revocation--Suspension--Appeal.****6.10.050 Violation--Penalty.**

6.10.010 Definition. A. "Pet shop" means any business enterprise which regularly engages in raising, training, buying, selling or boarding of any species of animal, except dogs, for hire or profit, but not including an animal hospital.

B. "Kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes. (Ord. 5684 §1, 1997; Ord. 3864 §12(part), 1978).

6.10.015 State law adopted. The provisions of Wisconsin Statutes Section 174.053 are adopted and made a part of this chapter by reference. (Ord. 4155 §2, 1981).

6.10.020 License required--Application--Term. A. No person shall operate a pet shop or kennel without first obtaining a license from the city clerk. The license shall not be transferable between persons or locations. A written application for such license shall be filed with the city clerk, which shall contain the name and address of the applicant, the location of the proposed pet shop or kennel and such other information as may be required by the clerk.

B. The license year for a pet shop license shall be from July 1 to June 30. The annual license fee shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

C. The license year for a kennel license shall be from January 1 through December 31. The annual license fee for a kennel license shall be as stated in the City of Eau Claire Fees and Licenses Schedule.* (Ord. 6363 §24, 2002; Ord. 5684 §§2, 3, 1997; Ord. 3864 §12(part), 1978).

6.10.030 Operation. Every pet shop and kennel, including all places of confinement and all other facilities therein, shall be maintained in a clean and sanitary condition, and no refuse or waste material shall be allowed to accumulate thereon which is detrimental to the animals in the pet shop or kennel. All animals kept thereon shall be humanely treated and confined. Any animal having any disease shall be properly isolated and treated and shall not be sold. (Ord. 3864 §12(part), 1978).

6.10.040 Revocation--Suspension--Appeal. A license issued under this chapter may be revoked or suspended by the city clerk during its term for failure or refusal to comply with the provisions of this chapter or with any other governmental law, rule or regulation governing the keeping or protection of animals. A license may be suspended for not exceeding two days, without notice or hearing, in the event of a violation of this chapter which presents an immediate and extensive danger to the health, safety or welfare of persons or animals. A license may be suspended for longer than two days or revoked, and the licensee shall be entitled to an appeal from the afore stated determination to the administrative review board under the procedures specified in ch. 1.06. During suspension, no sales of pets or other business or transactions involving such pets shall be performed by the licensee, but the provisions of Section 6.10.030 shall continue to apply to the licensed premises. Within ten days following revocation, all pets shall be humanely disposed of and no part of the license fee shall be refunded. Appeal shall stay the contested administrative determination pending decision by the board, but the provisions of this chapter shall continue to apply. (Ord. 6572 §14, 2005; Ord. 3864 §12(part), 1978).

* Ed. Note: Ordinance 4684 provided as follows: "The term for kennel licenses currently in effect, which have a license term from July 1, 1996 through June 30, 1997, shall be extended through December 31, 1997. Thereafter, the license term shall be as provided under s. 6.10.020 C., created in Section 3 of this ordinance."

6.10.050 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 3864 §12(part), 1978).

Chapter 6.11

TREATMENT OF ANIMALS

Sections:

6.11.010 Care of animals.

6.11.020 Violation--Penalty.

6.11.010 Care of animals. A. Cruelty. In this section, "cruel" means causing unnecessary pain or suffering or unjustifiable injury or death. No person may treat any animal, whether belonging to such person or another person, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

B. Use of Poisonous and Controlled Substances. No person may expose any domestic animal to any known poisonous substance listed in Wisconsin Statutes, Section 161.14, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises for the purpose of rodent or pest extermination nor to the use of controlled substances in bona fide experiments carried on for scientific research or in accepted veterinary practices.

C. Feed, Shelter, Treatment. Each owner or person in charge of an animal shall provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and shall provide humane care and treatment.

D. Instigating Fights Between Animals. No person may instigate, promote, aid or abet as a principal, agent, employee or spectator, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal or a person. This subsection does not prohibit events or exhibitions commonly featured at rodeos. No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

E. Abandonment. No owner of an animal shall intentionally abandon such animal.

F. Striking Animal. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and shall immediately report such injury or death to the animal's owner, if the ownership can be ascertained. In the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane officer or association. (Ord. 5095 §2, 1990; Ord. 3864 §13(part), 1978).

6.11.020 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 3864 §13(part), 1978).

Chapter 6.12

KEEPING CERTAIN ANIMALS

Sections:

- 6.12.010 Prohibited animals.**
- 6.12.015 Snakes.**
- 6.12.020 Cattle and goats.**
- 6.12.030 Swine.**
- 6.12.040 Cows, swine and goats to be registered.**
- 6.12.060 Barnyard sanitation.**
- 6.12.070 Violation--Penalty.**

6.12.010 Prohibited animals. A. No person, firm, corporation, partnership, or limited liability company shall keep, feed, or breed any fur bearing animal, game animal, or game bird as defined in sec. 29.001(30), (36) and (39), Wisconsin Statutes.

B. No person, firm, or corporation shall keep, feed, or breed any member of the feline family, other than domestic cats.

C. No person, firm, or corporation shall keep, feed, or breed any domestic fowl.

D. This section shall not apply to domestic rabbits, defined as those rabbits that are normally born and raised in captivity.

E. This section shall not apply to animals in the possession of a wildlife rehabilitator who is licensed by the state of Wisconsin, Department of Natural Resources, while such animal is being lawfully nurtured or rehabilitated for release in the wild. No animal may be kept under this exception for a period of more than 55 days. No animal may be kept under this exception that poses a danger to the community. (Ord. 7031 §3, 2012; Ord. 6113, 2000; Ord. 5283 §1, 1992; Ord. 4504, 1984; Prior code §12.02).

6.12.015 Snakes. A. For purposes of this section, "poisonous" shall mean having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.

B. No person shall keep or possess any snake in the city which is poisonous or in excess of 10 feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the chief of police in writing of the location and type of snake being kept and the purpose for such possession.

C. Section 6.12.015 shall be effective January 1, 1999. (Ord. 5886, 1998).

6.12.020 Cattle and goats. The keeping of cattle or goats within the city is forbidden, except in the outlying districts which are essentially rural, and in such districts the same shall be kept in a barn or stable distant from any neighbor's dwelling or store as follows: Any single critter shall be kept at a distance of not less than seventy-five feet, and any larger number of cattle or goats shall be kept at a distance of not less than two hundred feet. (Prior code §12.03).

6.12.030 Swine. The keeping of swine of any size within the city is forbidden, except in the outlying districts which are essentially rural, and in such districts the same shall be kept in barns or structures not less than two hundred feet distant from any neighbor's dwelling or store. (Prior code §12.04).

6.12.040 Cows, swine and goats to be registered. All swine, cows and goats shall be registered immediately by their possessor with the department of health. Such possessor shall notify in writing the department of the death or loss of any such animal or its transfer from one person to another. Such possessor shall likewise at any time give such information in writing to said department as it may require. (Prior code §12.05).

6.12.060 Barnyard sanitation. A. All places and structures wherein any animal is kept shall be maintained in a clean and sanitary condition and shall at all times be subject to inspection and such reasonable regulations as to its maintenance and location as the department of health may make.

B. Manure. For provisions regarding manure see Section 8.32.160. (Ord. 5283, §3, 1992; Prior code §12.07).

6.12.070 Violation--Penalty. Any person who violates any of the provisions of this chapter or any regulation or order made therein, shall, upon conviction, forfeit not more than fifty dollars and in default of payment of said forfeiture and costs shall be imprisoned in the county jail not exceeding fifteen days. (Prior code §12.10).

Chapter 6.14

“KEEPING OF HONEY BEES”

Sections:

6.14.010 Purpose.

6.14.020 Definitions.

6.14.030 Permit and Fee Required.

6.14.040 Conditions and Exemptions for Keeping and Maintaining Hives.

6.14.050 Standards of Practice.

6.14.060 Inspection and Enforcement.

6.14.070 Violation and Penalty.

6.14.010 Purpose. The purpose of this article is to establish certain requirements of sound beekeeping practice intended to prevent problems associated with the keeping of bees in populated areas, and to reduce the likelihood of a private or a public nuisance.

6.14.020 Definitions. For the purposes of this chapter, the following terms have the meaning indicated:

A. “Apiary” shall mean the assembly of one (1) or more colonies of honey bees at a single location.

B. “Beekeeper” shall mean a person who owns or has charge of one (1) or more colonies of honey bees.

C. “Beekeeping equipment” shall mean any item used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

D. “Colony” shall mean an aggregate of honey bees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

E. “Hive” shall mean the receptacle inhabited by a colony that is manufactured or created for that purpose.

F. “Honey bee” shall mean all life stages of the common domestic honey bee, *Apis mellifera* species of European origin.

G. “Lot” shall mean a contiguous parcel of land under common ownership.

H. “Nucleus colony” shall mean a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

I. “Undeveloped property” shall mean any idle land that is not improved or not in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith.

6.14.030 Permit and Fees Required. A. Persons that keep bees within the limits of the city must first obtain a permit. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honey bees on or in any property in the City of Eau Claire without a permit.

B. Applications for a permit to keep or maintain bees will be made on such forms as provided by the City.

C. A permit fee for the 2015-2016 licensing year shall be \$45.00 and then as stated in City of Eau Claire Fees and Licenses Schedule. Applicants shall also pay any and all applicable inspection fees including, but not limited to, health department inspection fees.

D. Permits shall not be transferable or refundable. Only the owner of the proposed permitted real

property, or an occupant of the proposed permitted real property with the owner's written permission, is eligible to obtain a beekeeping permit.

E. All permits issued shall expire on March 31st of the year following issuance unless sooner revoked.

F. Applicants shall provide the following information on the original application and with each renewal:

1. A detailed lot diagram of the beekeeping equipment location including the distances to property lines and from nearby structures on neighboring properties.

2. Written consent from at least eighty (80) percent of the owners of real estate situated within one hundred (100) feet of the applicant's proposed permitted property.

a. Large acreage exemption. When the proposed location of the beekeeping equipment is within a lot greater than four (4) acres in size, the applicant is exempt from the above neighbor consent requirement if either of the following is true:

i. The applicant provides approval from eighty (80) percent of the occupants of real estate situated within two hundred fifty (250) feet of the beekeeping equipment; or

ii. The applicant demonstrates that the beekeeping equipment is greater than two hundred fifty (250) feet away from any property line.

G. New permits may only be granted subject to the successful completion of the City-County Health Department pre-inspection. Permit renewals may only be granted subject to the successful completion of at least one annual inspection by a State Apiary Inspector or at least one annual inspection by a member of a local beekeeping organization approved by the City-County Health Department. Renewal applicants shall provide written documentation evidencing inspection(s).

6.14.040 Conditions and Exemptions for Keeping and Maintaining Hives.

A. Approval of all applications is subject to reasonable restrictions, limitations, conditions, or prohibitions prescribed by the City-County Health Department in consultation with the City Zoning, Forestry, Fire, and/or Police Departments. Any approved permit shall specify any restrictions, limitations, conditions or prohibitions deemed necessary by the health department to safeguard public health and the general welfare, and deemed necessary to reduce the likelihood of public or private nuisance.

B. The number and location of hives, colonies and/or beekeeping equipment used for the housing of honey bees permitted by this section shall be determined by a permit issued by the City of Eau Claire.

C. Beekeeping equipment shall be restricted to rear-yards and side-yards and shall be screened to avoid being visible from the street or sidewalk. Beekeeping equipment may also be permitted on a roof provided such equipment is screened from view and is determined by the health department to otherwise meet the setback and other requirements of this chapter.

D. Beekeeping equipment shall not be allowed on lots with two or more dwelling units unless the health department approves an exemption. An exemption may only be granted where unique circumstances exist in which the keeping of bees is otherwise consistent with both the purpose and requirements of this ordinance and will not interfere with any person's use or enjoyment of the property that person occupies. An exemption may be granted with special conditions and requirements to ensure beekeeping is consistent with the purpose and requirements of this ordinance.

E. Non-honey bees do not qualify for a permit and are not permitted to be kept within the City of Eau Claire.

F. Beekeeping equipment shall not be located closer than ten (10) feet from any side-yard property line, five (5) feet from any rear-yard property line, fifteen (15) feet from a public sidewalk, nor twenty-five (25) feet from a principal residential dwelling on an abutting lot.

6.14.050 Standards of Practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

A. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. A hive shall not exceed 15 cubic feet in size.

B. Each beekeeper shall ensure that a sufficient and convenient source of water is available to the colony.

C. Each beekeeper shall ensure that no wax comb or other materials that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

D. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9-5/8) inch depth ten-frame hive body with no supers.

E. Each beekeeper shall maintain beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by

swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honey bees.

F. In apiaries the beekeeper shall conspicuously post a sign including the words "HONEY BEE HIVE" and his/her name and telephone number clearly readable at twenty-five (25) feet. A copy of the permit shall be placed in a conspicuous place on the hive.

G. City of Eau Claire staff shall have the right to inspect any permitted beekeeping equipment between 8 a.m. and 5 p.m. Where practicable, prior notice shall be given to the beekeeper.

H. A flyway barrier six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.

1. Exemptions.

a. A flyway barrier is not required if all property adjoining the apiary lot line is undeveloped, or is zoned agricultural or non-residential, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line.

b. The health department may provide a flyway barrier exemption if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

c. The health department may approve a shorter flyway barrier if necessary to comply with zoning or other land use restrictions where a shorter flyway barrier will not increase the likelihood of public or private nuisance.

I. No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:

1. One-half (1/2) acre or smaller lot: Two (2) colonies with an allowance for a temporary additional nucleus colony.

2. Larger than one-half (1/2) acre but smaller than three-quarter (3/4) acre lot: Four (4) colonies.

3. Larger than three-quarter (3/4) acre lot but smaller than one (1) acre lot: Six (6) colonies.

4. One (1) acre or larger: Eight (8) colonies.

5. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he/she temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired. A beekeeper engaging in such a practice shall only qualify for this subsection's exemption if the beekeeper provides the City of Eau Claire written notification within seventy-two (72) hours of engaging in such an action.

6.14.060 Inspection and Enforcement. A. The health department, the city building inspector or his or her designee, the zoning administrator or his or her designee, and the police department may issue compliance orders and citations pursuant to the provisions of this chapter, city code and state law.

B. Violations of this chapter may constitute a public nuisance under Chapter 9.36 of this Code, or under Wisconsin Statutes Chapter 823. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisance by the City of Eau Claire or its officials in accordance with the laws of the State of Wisconsin, the laws of the United States, or the City of Eau Claire code of ordinances. This chapter shall also not be construed as otherwise limiting, in any way, any other action the City of Eau Claire is permitted to bring under the laws of the State of Wisconsin, the laws of the United States or under the City of Eau Claire code of ordinances

6.14.070 Violation and Penalty. Any person who violates this chapter shall, for each violation, forfeit not less than fifty (50) dollars nor more than two hundred (200) dollars not including court costs. Each day such violation continues shall constitute a separate offense. (Ord. 7122, 2015).

Chapter 6.16

PIGEONS

Sections:

6.16.010 Definitions.

6.16.060 Conditions for keeping and maintaining.

6.16.070 Violation--Penalty.

6.16.010 Definitions. The following definitions shall apply only in the interpretation and enforcement of this chapter:

- A. "Loft" includes any and all quarters in which pigeons are housed.
- B. "Pigeon" includes any and all varieties and breeds of pigeons.
- C. This chapter shall apply to the keeping and harboring of pigeons for any purpose within the corporate limits of the city of Eau Claire. (Ord. 5207 §2, 1992; Prior code §12.11(1)).

6.16.060 Conditions for keeping and maintaining. It is a violation of this chapter for any person, firm or corporation to harbor, keep or maintain pigeons upon other than the following conditions unless varied by provisions of chapter 18.35:

- A. No loft, coop or other place for keeping or confining pigeons shall be maintained or operated in any manner which violates the city building code or zoning ordinance.
- B. All premises on which pigeons are kept and maintained shall be kept reasonably clean and free from filth, garbage and such substances which attract rodents at all times.
- C. All pigeons shall be fed within the confines of the loft or premises on which pigeons are housed.
- D. All grains and food stored for the use of pigeons shall be kept in rodent-proof containers.
- E. Pigeons shall be exercised and permitted to fly only when under the control of the person, firm or corporation harboring, keeping, or maintaining said pigeons.
- F. All aviaries shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping the confines of the loft or coop.
- G. The loft floor area shall not exceed two hundred square feet.
- H. The outline of the loft to house said pigeons shall be of such design to conform with the symmetry of the existing buildings.
- I. Any loft housing pigeons shall be elevated a minimum of six inches and maximum of twelve inches above grade to insure free-way beneath the loft; further, the loft shall rest upon concrete footings and piers, cement blocks, or other suitable foundation material. Any loft built expressly to house pigeons shall have a maximum height of nine feet.
- J. The property upon which pigeons are kept shall have established a principal use conforming to the zoning ordinance. (Ord. 6948, 2011; Ord. 5207 §§3, 4, 5, 1992; Prior code §12.11(2)(e)).

6.16.070 Violation--Penalty. Any person who violates any of the provisions of this chapter shall forfeit a penalty not exceeding twenty-five dollars and the costs of prosecution for each and every offense, and in default of payment thereof, shall be committed to the county jail of Eau Claire County until such forfeiture and costs are paid, not exceeding ten days, unless said forfeiture and costs and expenses of prosecution are sooner paid. (Prior code §12.11(2)(f)).

Chapter 6.20

SQUIRRELS*

Sections:

6.20.010 Protection.

6.20.020 Nest--Molesting unlawful.

6.20.030 Dogs--Hunting squirrels prohibited.

6.20.040 Traps--Unlawful.

6.20.010 Protection. No person shall at any time or place within the city kill or injure any squirrel of any kind, except for the activities undertaken by, or with permission of, the director of parks and recreation pursuant to Section 9.76.120, with required permission having been obtained from appropriate authorities. (Ord. 3827, 1977; Ord. 3462 §1, 1974; Prior code §12.08(a)).

6.20.020 Nest--Molesting unlawful. No person shall at any time destroy, injure or in any manner interfere with the nest, whether natural or artificial, or the box or house of any squirrel of any kind. (Prior code §12.08(b)).

6.20.030 Dogs--Hunting squirrels prohibited. No person shall knowingly permit any dog, within his charge or control, to hunt, worry, injure or in any manner molest any squirrel of any kind within the city. (Prior code §12.08(c)).

6.20.040 Traps--Unlawful. No person shall at any time set, lay or prepare any trap or other contrivance or device whatever with the intent to kill any squirrel of any kind within the city, whether the same are caught or not. (Ord. 3462 §2, 1974; Prior code §12.08(d)).

Chapter 6.25

HUNTING

Sections:

6.25.010 Hunting.

6.25.010 Hunting. A. No person shall hunt any fur-bearing animal or bird within the city limits except as otherwise expressly permitted by state law or by the City of Eau Claire Code of Ordinances.

B. This section shall not apply to bow hunting of deer when it has been determined by the director of parks and recreation that such hunting is necessary for proper game management or to protect parks or other property. Additionally, a permit for such hunting must be issued by the chief of police, or the chief of police's designee, stating that the activity would not pose a threat to health and safety in the area where such hunting shall take place. (Ord. 7152 §1, 2015; Ord. 5222, 1992).

* For statutory provisions punishing cruelty to animals, see WSA 948.