

WISCONSIN POINT COMMITTEE Agenda
Tuesday, February 7, 2023 – 5:00 p.m.
Government Center Room 204



VIDEO CALL LINK: <https://us02web.zoom.us/j/84243865973>
Meeting ID: 842 4386 5973 Password: 631389
Dial-in option: (312) 626-6799

MISSION STATEMENT: *"Implementing of the Wisconsin Point Area Management Plan directives, policy development and monitoring."*

COMMITTEE MEMBERS: Jenny Van Sickle, Ruth Ludwig (alt), Tom Bridge, Keith Allen, Mike Raunio (alt), Nick Danz, Thomas Howes, Deanna Erickson, Cherie Hagen

1. ROLL CALL AND MEMBER INTRODUCTIONS

2. APPROVAL OF MINUTES

2.1. Wisconsin Point Committee (Meeting held November 15, 2022)

3. OLD BUSINESS

3.1. Nimaawanji'idimin Giiwitaashkodeng Project Presentation

4. NEW BUSINESS

4.1. Animal Ordinance – Off Leash Dog area at Wisconsin Point (Action Requested)
4.2. Federal funding opportunity for birding trail and cultural components

5. RECURRING BUSINESS

5.1. Committee Member/Partner Updates
5.2. Future Agenda Items
5.3. Confirm next meeting date as May 9, 2023 at 5pm in Room 204 of the Government Center

6. ADJOURNMENT

Notice is hereby given that a majority of the members of the Common Council may be present at the meeting, and although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.

Pursuant to the Americans with Disabilities Act of 1990, if you are in need of an accommodation to participate in the public meeting process, please call (715) 395-7200 by 4:30 p.m. on the day prior to the scheduled meeting date (OR dial 711 for Telecommunications Relay Service). The City will attempt to accommodate any request depending on the amount of notice received.

In compliance with Wisconsin Open Meetings Law, this agenda was posted on 1/31/2023 at the following locations: Superior Government Center, Douglas County Courthouse, Superior Public Library, PACT TV, and online at <https://www.ci.superior.wi.us/agendacenter>. It was also emailed the Superior Telegram.

WISCONSIN POINT COMMITTEE Minutes
November 15, 2022 Regular Meeting



The meeting was called to order by Chair Bridge at 5:01 pm on November 15, 2022 in Government Center Room 204.

1. ROLL CALL AND MEMBER INTRODUCTIONS

***MEMBERS PRESENT:** Tom Bridge, Thomas Howes, Nick Danz, Jenny Van Sickle*, Keith Allen*, Deanna Erickson, Cherie Hagen*, Ruth Ludwig*

MEMBERS ABSENT:

***CITY STAFF PRESENT:** Linda Cadotte, Jodi Saylor*

***OTHERS PRESENT:** Gini Breidenbach (MN Land Trust), Shelley Nelson* (Superior Telegram), Tom Prestby* (Audubon)*

2. APPROVAL OF MINUTES

2.1. Wisconsin Point Committee (Meeting held August 9, 2022)

MOTION by Danz, second by Ludwig and carried to approve the minutes from the August 9, 2022 meeting.

3. OLD BUSINESS

3.1. Wisconsin Point Beach Nourishment Project Update

The WI DNR has been working with the Army Corp of Engineers (USACE) regarding the short term fix for the erosion at WI Point. They have been doing measurements to figure out the estimated cubic yards and how much material is needed for the short term fix. The DNR required Submerged Land Lease status should be confirmed during a call this week as well as finding out if there is a need for a beach nourishment permit. Once the volume and land lease are secured, they will then look at working with either Mississippi dredging or a local port dredging source to figure out where the sand would come from. The local USACE will determine dredging needs for navigational dredging in 2023 and it is possible that if they have extra, that material could be brought to WI Point. They have identified a location at the East Gate Basin area on the Duluth side, East Gate basin north of Blatnik Bridge, inside of the harbor.

The WI DNR put in a funding request for FY23 to begin broader Coastal Resiliency study for WI Point. This study will show if there is a longer term need to protect this area. EPA has expressed interest in funding the project. The WI DNR will get together a proposal. Dave Grandmaison will be gathering a group of partners. He has recommended Working Harbors who has done the Illinois State Beach Project. They really like the model that was used there. Hope to get funding and start the study next year.

4. NEW BUSINESS

4.1. [Headwater's Partnership Presentation](#) – Allouez Bay Restoration Vision

The Headwaters Sustainability Partnership was developed to address the question, “What’s next for us in the St. Louis Estuary after Area of Concern (AOC) work is done?” It is an intentional collaboration and information sharing frame work for transitioning from the AOC to an Estuary Landscape Focus. There are two main goals – the first was to establish a Headwaters Forum with a funded coordinator position and then to develop a common agenda and tools to be used moving forward. There are 10 local representatives on the Project Advisory Group. It is a bi-state effort.

The Estuary Landscape is the same as AOC boundary. It is a very large area, so it has been divided into meso-scale geographic zones. Using as middle ground for how they understand and organize information around the landscape. From the large boundary, the focus will be on the two larger boundaries and establishing restoration vision for each zone. Partners will then be able to do projects within those boundaries. There are twelve primary concerns that are primarily ecologically focused. A group of fifty eight people from twenty seven agencies created goals for each of the 12 areas of concern. All of those goals and objectives are posted on the [Headwaters Partnership website](#). There are three types of participants – agencies, partners/stakeholders, and community. The MOU has been approved by the partners and is in process of getting signatures which will signify a commitment to cooperate with the Headwaters Partnership on these concerns.

The Restoration Vision for Allouez Bay was the prototype. The idea is to establish a vision on the broader scale that individual projects can then fit into. For example, the Hemi-Marsh Bird Project would fit within this greater vision. They are in the process of sending out to the partners for review. The draft of this is also on the website. The modifications of the entry to bay have changed the wind and wave energy coming across the bay and have been negatively influencing the wetlands (they are shrinking). The vision is about developing some shelter to obstruct and reduce the energy to make the wetlands have supportive conditions for increasing their extent over time. There is also a desire to protect the high quality native plant communities that exist there and continuing the wild rice restoration and more.

Federal funders are starting to take notice of the partnership such as EPA through GLRI funding and NOAA through the Lake Superior Reserve and the Wisconsin Coastal program are funding the Headwaters Partnership Coordinator Position. This is the first draft of the plan that can be modified and adapted as needed. The partnership has just finished the initial four year grant period. Starting in December, they will have the capacity and funding to start implementing the vision and having coordinator work on plan the advisory group has put together. The initial focus will be on 2-3 more restoration visions over next three year period. The coordinator will also help identify projects for the infrastructure funding. If anyone has feedback on the draft vision for Allouez Bay, they are encouraged to reach out to Gini Breidenbach via email (gbreidenbach@mnland.org) or phone (218-221-7033).

Shelley Nelson left at 5:37PM.

Gini Breidenbach left at 5:40pm

- 4.2. Confirm 2023 Meeting Dates: February 14, May 9, August 8 and November 14, 2023.
The committee asked to move the February 14th meeting to February 7th at 5pm.

5. RECURRING BUSINESS

5.1. Committee Member/Partner Updates

- 5.1.1. Bridge mentioned that the ADA access beach mats at WI Point get very slippery when there is ice and snow on them.
- 5.1.2. LSNERR – The St. Louis River Summit will be March 8th (virtually) and then March 9th and 10th in person at the Yellowjacket. Registration will open January 9th.
- 5.1.3. The Gather Around the Fire Project (GATFP) has been gathering tree stumps from WI Point. They have all been in the estuary. These are trees that fell over a long time ago. They sand down to where the wood is preserved and then cut through so they can look at the rings. In most of the trees so far there has been a seven to nine year space between fires. They will be presenting their work sometime in January.
- 5.1.4. The Lake Superior Reserve System has some funding available over the next five years through the Infrastructure Act. They will also be receiving block grants through the Inflation Reduction Act. As people think about projects or ideas that might fall under this funding, let her know.
- 5.1.5. Director Cadotte added that the GATFP project specifically collected tree ring samples from thirty four trees as well as a standing dead tree with peel scar that will be put on display at the Fond du Lac Cultural Center and Museum.
- 5.1.6. The Howards Bay project was pushed further into the fall than was anticipated which means the Parks crew cannot complete the connective trail to lot 1 this year. As of yesterday, the pavilion shipped and will be installed next year and the trail connection in the spring.

Tom Prestby left at 5:50pm

5.2. Future Agenda Items

- 5.3. Confirm next meeting date as February 14 7, 2022 at 5pm in Room 204 of the Government Center

6. ADJOURNMENT

MOTION by Howes, second by Bridge and carried to adjourn the meeting at 5:55 p.m.

Respectfully submitted by Jodi Saylor

Chapter 22 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shall mean all living creatures, not human, endowed with sensation and power of voluntary movement, including mammals, birds, amphibians, and reptiles.

At large means off the premises of the owner and not under the immediate control of the owner or some other person.

Cruelty or torture means any act, omission or neglect that inflicts, causes or permits unnecessary or unjustifiable physical pain or suffering and/or results in the injury or death to the animal.

Dangerous dog means a dog that has been declared to be dangerous by the humane officer because it has, without provocation killed or inflicted great bodily harm on a human being or a domestic animal on public or private property; or has aggressively bitten, attacked or endangered the safety of a human or domestic animal after the dog has been declared a potentially dangerous dog and the owner has received notice of such.

Domestic animal means an animal of a species which is generally bred or kept by human beings and which does not generally exist untamed and in the wild.

Hearing officer means the chief of police, or his or her designee.

Humane officer means the person designated by the mayor, and consented to by the common council, to handle those duties delegated to a humane officer under Wis. Stats. ch. 173, and who has completed a course of training approved by the department of agriculture, trade and consumer protection or received certification by the department.

Non-domestic and/or wild animal means any native or non-native animal of a species which is generally not bred or kept by human beings and which generally exists untamed and in the wild, or any animal that is wild, ferocious, or vicious by nature, habit, disposition or character.

Owner means any person who owns, keeps, harbors or has custody of an animal or any person who resides with a person who owns, keeps, harbors or has custody of an animal. Any person who accepts from an owner temporary or permanent keeping or custody of an animal shall be considered an owner of the animal.

Potentially dangerous dog means a dog that has been declared a potentially dangerous dog by the humane officer because it has chased, approached, or bit a person, including a person on a bicycle, upon the streets, sidewalks or any private property, other than the dog owner's property in an apparent attitude of attack, or who has a known propensity, tendency or disposition to attack unprovoked, cause injury or otherwise threaten the safety of humans or domestic animals.

Public nuisance means any animal to which the following conditions apply:

¹Cross reference(s)—Health and sanitation, ch. 62; declaration of Barker's Island as bird sanctuary, § 90-47.

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- (1) Animals that are found on any property against the wishes of the owner or lawful occupant of the property;
 - (2) An animal that damages or fouls the property of anyone other than its owner;
 - (3) Animals that are dangerous or vicious animals;
 - (4) Animals that cause unsanitary conditions of enclosures or surroundings;
 - (5) Animals that are diseased animals dangerous to human health;
 - (6) Animals that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property; or
 - (7) Animals that have been determined to be strays.

Public property includes all streets, sidewalks, boulevards, parks, beaches, and any public right-of-way.

Stray means any unlicensed and unattended animal which appears to not have an owner.

Superior Dog Park means the fenced in area adjacent to Municipal Forest parking lot located off of North 28th Street/Millennium Trailhead where people may responsibly exercise their dogs without leashes.

Under restraint means an animal controlled:

- (1) 1. BY A FENCE, LEASH, TIE OUT LINE, ELECTRONIC FENCE, OR OWNER COMMAND IF EFFECTIVE AND/OR PRODUCTIVE, WITHIN THE CONFINES OF OWNER'S PROPERTY ~~By a fence, leash and/or its owner's command within the confines of the owner's property; or~~
- (2) By a leash while outside the owner's property and under the control and direction of the owner or a responsible member of the immediate family, so as to be effectively restrained; or
- (3) WITHIN A VEHICLE THAT IS SUFFICIENTLY ENCLOSED SO AS TO PREVENT THE ANIMAL FROM EXITING THE VEHICLE. IN ADDITION, VEHICLE CONFINING THE ANIMAL SHOULD BE MONITORED PERIODICALLY IN AN EFFORT TO PREVENT THE ANIMALS EXPOSURE TO EXTREME TEMPERATURES. ~~Within a vehicle that is sufficiently enclosed so as to prevent the animal from exiting the vehicle.~~

Unprovoked means that the victim has been conducting themselves peacefully and lawfully and has been bitten or chased in a menacing fashion or attacked by a dog.

Unreasonably disturb the peace and quiet means generally, but is not limited to the creation of any noise by any animal which can be heard by any person, including a law enforcement officer or humane officer, from a location outside of the building or premises where the animal is being kept.

(Code 1971, § 7-1; Ord. No. O09-3709, § 1, 11-17-2009; Ord. No. O17-4039, § 1, 11-7-2017; Ord. No. O19-4132, § 1, 2-5-2019)

Sec. 22-2. Enforcement.

- (a) City humane officers and law enforcement officers shall enforce the provisions of this section and state law. Any person may call or deliver a complaint to a humane officer or law enforcement officer stating the facts and circumstances of an alleged violation of this section. The officer may investigate such complaint.
- (b) If a violation occurs in the presence of the officer, a citation may be issued. If a violation did not occur in the presence of such officer, but probable cause of a violation exists, all reports, witness statements, and evidence will support a citation. The officer may also issue an abatement order in accordance with Wis. Stats. ch. 173. Such an order shall contain the following: the name and address of the person to whom directed, the statute or ordinance alleged to be violated, prohibition on further violations, a description of measures necessary to correct the alleged violation, and a description of the hearing and appeal provisions.

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- (c) No person shall interfere with, hinder, or molest a humane officer or law enforcement officer enforcing this chapter or state law, nor shall any person fail to obey the lawful order of a humane officer. No person shall seek to release any animal in the custody of a humane officer, law enforcement officer or city animal impound facility.

(Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-3. Owners to exercise proper control of their animals; penalty.

Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. A public nuisance is created by any owner who allows:

- (1) Excessive, continuous or untimely barking, howling, crying or yelping, or the making of loud, continuous and disruptive noises;
- (2) Molesting or threatening persons, chasing vehicles, or attacking other domestic animals;
- (3) Running at large on public or private property;
- (4) Defecating on public property or private property not exclusively owned or occupied by the owner of the animal, and allowing feces to remain and collect on the property owned or occupied by the owner of the animal; or
- (5) Any dog to be tied to a leash which, at its full length, reaches within three feet of a public sidewalk.

Any animal which has become a public nuisance may be impounded by a law enforcement officer or humane officer.

(Code 1971, § 7-2; Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-4. Potentially dangerous or dangerous dogs.

- (a) *Declaration.* All cases involving bites or any other cases involving behavior considered potentially dangerous or dangerous will be reviewed by the humane officer who will issue notice in conformity with this chapter.
- (b) *Notice of potentially dangerous dog.* Upon determination that a dog is potentially dangerous by the humane officer the city shall provide a notice of potentially dangerous dog to the owner of such dog by U.S. mail, Priority Service, or by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be potentially dangerous and shall give the owner a list of the restrictions immediately imposed by the designation as well as their right to a hearing to dispute the designation. A hearing must be requested in writing, within 14 days after receipt and submitted to the Superior Police Department to the attention of the administrative assistant.
- (c) *Notice of dangerous dog.* Upon determination that a dog is dangerous pursuant to this section, the humane officer shall prepare a written notice of the dangerous dog declaration to be sent by U.S. Mail, Priority Service, or personally served on the owner, or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be dangerous. The notice shall further inform the owner of the right to appeal the determination by requesting a hearing, in writing, within 14 days after receipt and submitted to the Superior Police Department to the attention of the administrative assistant. Notwithstanding any request for hearing, the dog owner shall, immediately upon receipt of the dangerous dog notice, confine the dog in a proper enclosure or shall muzzle the dog whenever it is outside of the enclosure. If no timely request for hearing is received by the police department, the owner shall comply with all of the requirements in subsection (f) "Regulation of potentially dangerous and dangerous dogs" herein. If a hearing is requested by the dog owner, in writing, within 14 days of receiving the notice, a hearing officer shall be

appointed and a hearing shall be convened. Once the hearing officer has conducted the hearing on the declaration, said officer shall issue an order which either confirms the humane officer's declaration, or reverses it. After the owner is given notice and an opportunity for a hearing as provided in this section, the chief of police or his or her agent is authorized to order the destruction or disposition of any animal which is determined to be a dangerous animal.

- (d) *Hearing.* If the owner timely appeals the determination of a potentially dangerous or dangerous dog, a hearing shall be scheduled as soon as possible for the owner and the hearing officers' schedules. The hearing officer shall receive evidence whether the dog should be declared potentially dangerous or dangerous. After considering all evidence submitted, the hearing officer shall make written findings of fact and reach a conclusion whether the dog is a potentially dangerous dog or dangerous dog pursuant to the section. The findings and conclusions shall be made within ten working days after the hearing and shall be personally served upon the owner or a person of suitable age at the residence of such owner. The decision of the hearing officer shall be final.
- (e) *Exemption.* Dogs may not be declared potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person:
- (1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - (3) Who was committing or attempting to commit a crime at the time.
- (f) *Regulation of potentially dangerous and dangerous dogs.* The owner of any dog determined to be potentially dangerous or dangerous after being given the opportunity for a hearing provided above shall be required to abide by any and all restrictions mandated by the humane officer, including, but not limited to:
- (1) The dog shall be registered with the city as a dangerous dog within 14 days of the determination that the dog is dangerous. The city may charge the owner an annual dangerous dog registration fee of \$500.00 in addition to regular dog licensing fees. The property will also be posted with visible warning sign to inform others that there is a dangerous dog on the premises.
 - (2) A proper enclosure exists for the dog. If the dog is outside the enclosure it shall be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person but will not cause injury to the dog or interfere with its vision or breathing. Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from escaping.
 - (3) The dog shall be microchipped for identification. The name of the microchip manufacturer and the microchip number will be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the humane officer. In either case all costs related to the purchase and implantation of the microchip will be the responsibility of the dog owner.
 - (4) An owner of a dangerous dog must notify the humane officer in writing of the death of the dog or any change in residency within ten days of the death or transfer and must, if requested by the animal control authority, execute an affidavit under oath stating the circumstances the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog has been transferred.

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- (5) A humane officer may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized the humane officer may have the animal sterilized at the owner's expense.
 - (6) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement that the person owns a dangerous dog that will reside at the property.
 - (g) *Seizure.* Failure to strictly comply with the humane officer's order regarding a potentially dangerous dog may result in a fine of up to \$500.00 and/or impoundment. The dog may be released at the discretion of the humane officer after paying all fees incurred in impounding and confining the dog.
 - (h) *Failure to strictly comply with the humane officer's order regarding a dangerous dog will result in seizure of the dog.* The dog will be held until all the requirements are met. The owner shall be responsible for all fees incurred during impoundment. If the owner fails to act or does not claim the dog after seven days of impoundment, the dog will be humanely destroyed.

A second violation of the dangerous dog order will result in the seizure and destruction of the dog. The owner shall pay all costs incurred in confiscating, confining and destroying the dog.

(Ord. No. O09-3709, § 1, 11-17-2009; Ord. No. O19-4132, § 1, 2-5-2019)

Sec. 22-5. Impoundments.

A police officer, humane officer, or designee, who captures and restrains an animal within the City of Superior shall notify or deliver the animal to the designated animal impound facility. Unless impounded or relinquished by their owners, all domestic animals which are impounded shall be kept and disposed of in accordance with the provisions of Wis. Stats. ch. 173, as such statute may from time to time be amended. Non-domestic animals and animals impounded by their owner may be impounded and/or disposed of as directed by the humane officer or their assistants.

Animals subject to impoundment:

- (1) Any unrestrained or unlicensed animal required to be restrained or licensed by this section may be impounded.
- (2) Any animal meeting the definition of a public nuisance animal as defined in this section may be impounded.
- (3) Any animal found to be not properly sheltered from cold, hot or inclement weather, not properly fed or watered, or provided with suitable food and drink in circumstances that threaten the life of the animal in accordance with Wis. Stats. ch. 951.
- (4) Any animal involved in a biting incident.

However if it is the opinion of a licensed veterinarian that a critically injured or diseased animal will unnecessarily suffer, such an animal may be humanely euthanized prior to the designated holding period even though attempts to locate or notify the owner have been unsuccessful. If an owner is located they will be responsible for the cost of the euthanization and or the reasonable cost of the care and treatment.

(Code 1971, § 7-3; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-6. Fee for redemption of impounded animals.

Until such time as the animal is disposed of by the impound facility, the owner of the animal impounded under this chapter may reclaim the animal upon payment of the applicable license fee, if unpaid and upon payment of all costs and charges incurred by the city for the capture, impounding and maintenance of the animal.

(Code 1971, § 7-4; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-7. Cruelty; neglect.

No person shall:

- (1) Intentionally torture any animal or without justification kill any domestic animal of another;
- (2) Abandon or fail without reasonable excuse to provide necessary food, water, care or shelter for any animal in his ownership or control, as described:
 - a. *Food*—Of sufficient quantity and quality to allow for normal growth and maintenance.
 - b. *Water*—Clean and fresh water available at all times. Water must not be frozen nor is snow or ice an adequate source of water.
 - c. *Care*—Keep areas where animals are kept clean of feces, urine and debris, and provide veterinary care in cases of sickness, injury, disease or suffering.
 - d. *Shelter*—For an animal exposed to the elements this shall include a windproof, waterproof structure of suitable size to accommodate the animal and allow retention of body heat. In the winter the structure shall be provided with suitable bedding material consisting of straw, cedar shavings, blankets, or the equivalent to provide insulation and protection against cold and dampness and promote the retention of body heat. In the summer months shade must be provided.
 - e. *Debris and other material*—Whether manmade or occurring in nature, must be tended to in such a manner as to provide a safe environment for an animal at all times. This provision includes, but is not limited to, the obligation to maintain a premises so as to allow an animal to move safely without risk of entanglement.
- (3) Intentionally poison any domestic animal of another or place poison in any place with intent that it be taken by a domestic animal of another;
- (4) Intentionally transport or confine any animal in a cruel manner;
- (5) Intentionally participate in or cause an animal to fight with another animal for amusement, gain or training purposes, or intentionally maintain or allow any place to be used for such purpose; or
- (6) Intentionally abandon any animal by leaving an animal by roadside or other public area, leave an animal on private property without the consent of the owner, or leave an animal without care (food, water or shelter).
 - a. As used in this section, "torture" does not include bona fide experiments carried out for scientific research or normal and accepted veterinary practices, or normally accepted farming or husbandry practices.
 - b. All penalties and fines levied due to a violation of this section shall be in accordance with Wis. Stats. §§ 951.18, 393.50 [939.50], 939.51.

(Code 1971, § 7-5; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-8. Rabies control.

- (a) *State statute adopted by reference.* Wis. Stats. § 95.21, "Rabies Control Program," and such amendments to said section as may be from time to time be made, is incorporated and adopted.
- (b) *Duties of owner of animal exposed to rabies.* It is hereby made the duty of any animal which the person knows to have been exposed to rabies or has bitten any person to immediately notify the humane officer of such fact and to release the animal to the humane officer upon demand. Said officer may seek whatever legal process is necessary to enter private property to carry out this directive.
 - (1) *Animal bites.* A humane officer or law enforcement officer shall order a dog, cat or ferret quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies, or has been in contact with a rabid animal. If quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - a. A humane officer or law enforcement officer who orders a dog, cat or ferret to be quarantined shall deliver the animal or order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued. The officer may order the animal to be quarantined on the premises of the owner if the animal is currently immunized against rabies and the owner agrees to and is capable of the quarantine requirements. The animal will be kept under strict isolation and under the supervision of a veterinarian for at least ten days after the incident occurred.
 - b. A humane officer or law enforcement officer may order killed or may kill an animal other than a dog, cat or ferret if the officer has reason to believe that the animal bit a person or is infected with rabies. The animal will then be sent to the state diagnostic lab for rabies testing.
 - (2) *Vaccinations required.* The owner of every dog, cat or ferret shall have the animal vaccinated against rabies no later than five months of age and re-vaccinated within one year after the initial vaccination. The owner of any dog, cat or ferret, shall keep the animal current with rabies vaccinations and shall have the animal re-vaccinated against rabies by a veterinarian on or before the date the immunization expires. Because of techniques and tolerances, species limitations and public health implications, animal rabies vaccines shall be administered only by or under the supervision of a licensed veterinarian. Any animal of a species for which no rabies vaccination is licensed for that species by the United States Department of Agriculture shall be considered unvaccinated for rabies, regardless of that animal's vaccination history.

(Code 1971, § 7-6; Ord. No. O05-3510, § 1, 3-15-2005; Ord. No. O09-3709, § 1, 11-17-2009)

Secs. 22-9—22-30. Reserved.

ARTICLE II. DOG LICENSE²

²Cross reference(s)—Licenses, permits and business regulations, ch. 74.

Sec. 22-31. Licenses required.

Every owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license. The license year commences on January 1 and ends on the following December 31.

(Code 1971, § 7-7; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-32. Issuance of dog licenses; license tax; late fee.

Dog licenses shall be issued by the director of finance or such persons as he or she may deputize for the purpose of issuing licenses and collecting license taxes. Licenses shall be issued to dog owners who comply with section 22-33 and who pay a license tax of \$7.50 for each neutered male dog or spayed female dog or \$15.00 for each unneutered male dog or unspayed female dog. If the owner of a dog fails to obtain a license prior to April 1st of each year or fails to obtain a license within 30 days of acquiring a licensable dog, or if the owner fails to obtain a license on or before the dog reached licensable age, a late fee of fee of \$5.00 shall be assessed and collected from the owner. The late fee shall be in addition to the applicable license tax. In lieu of the above, the city treasurer shall issue kennel licenses when authorized by Wisconsin Statutes.

(Code 1971, § 7-8; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-33. Proof of rabies vaccination.

No dog license shall be issued for any dog until evidence has been presented that the dog is currently immunized against rabies.

(Code 1971, § 7-9; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-34. Dog tag.

- (a) *Issuance; shape to change yearly.* Upon the issuance of a dog license, the director of finance, or a person deputized by him or her, shall issue to the owner a license certificate and a metallic tag for each dog licensed. The shape of the tag shall be changed each year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the license certificate.
- (b) *Affixing to collar.* Each owner shall be required to provide each dog with a collar to which the license tag shall be affixed and shall see that the collar and tag are constantly worn.
- (c) *Duplicate tag.* In case a dog tag is lost or destroyed, a duplicate will be issued by the director of finance upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a \$2.00 fee for the duplicate.
- (d) *Transferability; refund.* Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee.

(Code 1971, § 7-10; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-35. Untagged dogs.

No owner of a dog shall negligently or otherwise permit his dog to be untagged. A dog is considered to be untagged if a valid dog tag issued pursuant to section 22-34 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.

(Code 1971, § 7-11; Ord. No. O09-3709, § 1, 11-17-2009)

Sec. 22-36. Exemptions.

Every dog specially trained to lead blind or deaf persons or to provide support for mobility is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the director of finance. Dogs whose owners are nonresidents temporarily within the city or dogs brought into the city for the purpose of participating in any dog show are exempt from the dog license tax.

(Code 1971, § 7-12; Ord. No. O09-3709, § 1, 11-17-2009)

Secs. 22-37—22-60. Reserved.

ARTICLE III. KEEPING OF ANIMALS

Sec. 22-61. Dog and cat limits.

No person shall keep more than three dogs and three cats in any residential lot except in areas as may be zoned suburban, or as otherwise permitted by section 22-61.1 or section 122-450 (20) of the zoning code of the city, with the exception that a litter of pups or kittens or a portion of a litter may be kept for a period of time not exceeding four months from birth. A residential lot shall mean a parcel of land accepted and occupied by a dwelling, under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership or control shall constitute one lot.

(Code 1971, § 7-13; Ord. No. O09-3709, § 1, 11-17-2009; Ord. No. O19-4148, § 1, 5-21-2019)

Sec. 22-62. Livestock; tethering and keeping.

- (a) No cow, horse or mule shall be staked out or tethered so that it can reach any shade tree or be within ten feet of any sidewalk in the city.
- (b) No person shall stake out, tether or leave, allow or permit to be unattended, any horse, mule, cow or similarly large animal upon the right-of-way of any street, alley, highway or any public ground within the city.
- (c) It shall be unlawful for any person to untie, release or otherwise free any horse, mule, cow or similarly large animal, whether restrained pursuant to this article or otherwise legally restrained.
- (d) No horse, pony, cow, mule, similarly animal, goat, pig, or sheep shall be pastured, stabled, staked out, tethered or in any manner kept in the city nearer than 300 feet from any human habitation, other than the owner's habitation or 300 feet from any public institution.
- (e) No person shall keep or maintain a horse, mule, cow or similarly animal in the city unless permitted by section 22-61.1 and provides a fenced area or other enclosure which adequately secures and restrains the

animal. The gate or other means used for ingress or egress shall be provided with a padlock or other proper security device designed to prevent unauthorized access to the fenced area or enclosure.

(Code 1971, § 7-14; Ord. No. O09-3709, § 1, 11-17-2009; Ord. No. O19-4148, § 1, 5-21-2019)

Sec. 22-63. Riding horses; prohibited riding area.

- (a) It shall be unlawful to ride a horse on any street, highway or alley in the city faster than at an ordinary trot, or to ride a horse in such a manner as to endanger or expose any person to injury.
- (b) It shall be unlawful to ride or lead any horse upon any playground, park, boulevard, school ground or other public grounds except the city municipal forest, in the city, nor upon the sidewalks of the city unless such is necessary because such sidewalk is constructed across an alley, street or highway.

(Code 1971, § 7-15; Ord. No. O09-3709, § 1, 11-17-2009; Ord. No. O19-4148, § 1, 5-21-2019)

Sec. 22-64. Exotic, large and wild animals prohibited.

It shall be unlawful for any person to keep, maintain, sell, buy or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous or carnivorous exotic animal, herbivorous wild animal, wild animal or reptile, any vicious or dangerous exotic animal or any other animal or reptile of wild, vicious or dangerous propensities including, but not limited to, all poisonous snakes, constrictor snakes six feet or more in length, nonhuman primates, bears, crocodiles, alligators, coyotes, elephants, foxes, gamecocks and other fighting birds, hippopotamus, hyenas, jaguars, leopards, lions, lynxes, pumas, cougars, mountain lions, panthers, ocelots, tigers or other wild feline species, including exotic cat crossbreeds, rhinoceros, wolves or hybrid dogs that are part wolf, poisonous insects, arachnids and any endangered species. This section shall not include captive-bred species of caged birds, rodents, turtles, fish and nonpoisonous, nonconstricting snakes.

Any humane officer or law enforcement officer shall be empowered to immediately impound any wild animal found within the city, and to seek whatever legal process is necessary to enter private property to carry out this directive. It is not a defense to allege that the animal has been tamed or born and/or raised in captivity.

Exceptions. This chapter shall not apply to animals kept for research purposes by a recognized research institution, injured animals kept temporarily by a veterinarian for recuperation and rehabilitation, or animals brought into the city for temporary exhibition in a circus or wildlife exhibit.

(Code 1971, § 7-16; Ord. No. O03-3443, § 1, 11-4-2003; Ord. No. O09-3709, § 1, 11-17-2009; Ord. No. O19-4148, § 1, 5-21-2019)

Sec. 22-64.1. Over the limit or prohibited animal application.

Any person requesting an exemption from sections 22-61—22-64 must provide the humane officer an application for over the limit or prohibited animal application which must be approved by the humane officer and the chief of police or designee.

(Ord. No. O19-4148, § 1, 5-21-2019)

Sec. 22-65. Feeding of deer prohibited.

- (a) It shall be unlawful for any person to place any feed such as salt minerals, grain, fruit, vegetable material, sunflower seeds, deer suckers or any other type of feed on any public or private property for the purpose of

enticing whitetail deer into any specific area of anyone's property in the city except as provided in subsection (c) of this section.

- (b) There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
 - (1) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds or deer suckers in an aggregate quantity of greater than one-half gallon at a height of less than six feet off the ground.
 - (2) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds or deer suckers in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the salt, minerals, grain, fruit, vegetable material, sunflower seeds or deer suckers.
- (c) This section shall not apply to the following situations:
 - (1) The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
 - (2) Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, or gardens and other vegetative materials maintained as a mulch or compost pile.
 - (3) Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Deer feeding may be authorized on a temporary basis by the common council for specific public purposes determined by the common council.
- (d) Any person who violates any provision of this section and is found guilty shall be fined not less than \$50.00 nor more than \$100.00 plus penalty assessments and costs.

(Ord. No. 002-3371, § 1, 7-2-2002; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-66. Cleanliness of places where animals are kept; keeping of ill animals.

All stables, barns, cattle sheds, cattle yards, pigpens, kennels and other places wherein cattle or other animals of any kind are kept shall be at all times maintained in a clean and inoffensive condition; and any person owning or having under his or her charge within the city any animal which he or she shall know or suspect to be affected by any communicable disease, in particular by glanders or anthrax, shall carefully isolate the animal from other animals and shall make a report of the existence or suspected existence of such disease to the county health department.

(Code 1971, § 7-17; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-67. Permission required to trap animals on private property; penalty.

- (a) The trapping of animals within the city on public or private property is prohibited unless permission is obtained from the owner of the property.
- (b) The fine for a violation of subsection (a) of this section shall be a fine of not less than \$10.00 and not more than \$100.00, and the costs of prosecution to the city, and in default of payment of the fine and costs of prosecution, the violator shall be imprisoned in the county jail for not more than 15 days or until the forfeiture and costs of prosecution are paid.

(Code 1971, § 7-18; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-68. Feeding of waterfowl prohibited.

- (a) *Purpose.* This section is to protect the health, safety, and welfare of the community and its wildlife by prohibiting the feeding of waterfowl, including ducks, geese, and gulls, on any maintained park, other recreation area, or public property in the City of Superior. It has been established that feeding waterfowl increases the potential for damage to public parks and property, may elevate the potential for the spread of disease in people, and contributes to water quality problems in public swimming areas.

In addition, it is the intent of this section to protect the welfare of the waterfowl themselves, as wildlife studies have shown that feeding waterfowl can interrupt their normal migration patterns, can make them more aggressive in demanding food, cause nutritional problems, expose them to danger by eliminating their natural fear of predators, and promote the spread of diseases.

- (b) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

Waterfowl shall include any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including, but not limited to, ducks, geese, and gulls.

- (c) *Prohibitions.* No person shall feed or provide food to any waterfowl at or within 300 feet of any maintained park, other recreation area, or public property in the City of Superior. It is prohibited to place, deposit, scatter or distribute in a location accessible to waterfowl any type of food, including, but not limited to, corn, wheat or other grains, bread, popcorn, bird seed, scraps or any substance liable to be eaten by waterfowl or other wild animals.

- (d) *Feeding of other songbirds and other backyard birds.* Feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

- (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
- (2) Does not create an accumulation of droppings on the property and surrounding properties; and
- (3) Does not become an attractant for rodents or other wild animals; and bird feeders are placed at least five feet above the ground.

- (e) *Violation and enforcement.* Animal control officers and all police officers for the City of Superior are given full power and authority to enforce this section.

Any person who violates any provision of this section shall be fined \$50.00 for the first violation, \$100.00 for the second infraction committed within one calendar year, and \$250.00 for third infraction committed within one calendar year.

(Ord. No. O17-4026, § 1, 8-15-2017)

Secs. 22-69—22-92. Reserved.

ARTICLE IV. KENNELS³

³Cross reference(s)—Licenses, permits and business regulations, ch. 74.

Sec. 22-93. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Kennel means any business enterprise which regularly engages in raising, training, buying, selling or boarding any species of animal for hire or profit, but not including an animal or veterinary hospital.

(Code 1971, § 7-19(a); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-94. License—Required.

No person shall operate a kennel without first obtaining a license pursuant to statute from the city finance department. The license year shall be from January 1 to December 31. The annual license fee commencing January 1, 1994 shall be \$75.00 per year, which will also be charged without proration for periods of less than a year. The license shall not be transferable between person and locations. A written application for such license shall be filed with the finance department, which shall contain the name and address of the applicant and the location of the proposed kennel and such other information as may be required by the finance department, humane officer or the county health department.

(Code 1971, § 7-19(b); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-95. Same—Suspension or revocation.

A license issued under this chapter may be suspended or revoked during its term for failure or refusal to comply with the provisions of this chapter or with any law, rule or regulation governing the keeping or protection of animals. Upon recommendation by the humane officer, a license may be suspended for a period of time, not exceeding seven 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. In the event that a license is suspended by the humane officer for a period of longer than seven days, the licensee shall be entitled to notice and a hearing before the common council within seven days after requesting such hearing. During any period of suspension, no sales of pets or other business or transactions involving such pets shall be performed by the licensee. In the event of license revocation, no part of the license fee shall be refunded.

(Code 1971, § 7-19(d); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-96. Sanitation; humane treatment.

Every kennel, including all places of confinement and all other facilities therein shall at all times be maintained in a clean and sanitary condition and no refuse or waste material shall be allowed to accumulate which shall be detrimental to the animals in the kennel. All animals kept therein shall be humanely treated and confined. Any animal having any disease shall be properly isolated and treated and shall not be sold.

(Code 1971, § 7-19(c); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-97. Inspection of kennels.

All kennels in the city shall be inspected on an annual basis, upon 72 hours' notice by the humane officer or his or her designee. He or she shall provide each kennel operator with a written list of violations and the method for their abatement. Refusal to follow such directives shall be basis for suspension or revocation of any kennel license.

Kennels may be inspected without notice if complaints are received regarding noise, cleanliness and/or mistreatment.

(Code 1971, § 7-19(e); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-98. Compliance with state and federal guidelines.

The holder or [of] each kennel license shall comply with the applicable Wisconsin Department of Agricultural and the United States Department of Agricultural guidelines regarding confinement, care, feeding and treatment of animals, as well as all applicable statutes.

(Code 1971, § 7-19(f); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-99. Violation; penalty.

Any person who violates any provision of this chapter shall forfeit not less than \$50.00 and no more than \$500.00 per day for each separate offense. In addition, the city attorney shall have the authority to pursue civil remedies for nuisance created by any person operating a kennel under this chapter.

(Code 1971, § 7-19(g); Ord. No. 005-3510, § 1, 3-15-2005; Ord. No. 009-3709, § 1, 11-17-2009)

Sec. 22-100. Humane officer.

- (a) The mayor shall designate, subject to the consent of the common council, a person whose duties shall include those duties delegated to a humane officer under Wis. Stats. ch. 173 provided such person shall have completed a course of training approved by the department of agriculture, trade and consumer protection or received certification by the department.
- (b) The chief of police is designated as of the official of the city authorized to withdraw abatement orders issued by the humane officer under Wis. Stats. § 173.11.

(Code 1971, § 7-20; Ord. No. 009-3709, § 1, 11-17-2009)

Cross reference(s)—Officers, § 2-82 et seq.