

CHAPTER 8

PUBLIC HEALTH AND WELFARE

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8.02 **MINIMUM HEAT STANDARDS.**

(1) Every person who leases any building or part thereof as living quarters or as a business establishment where one or more persons are employed shall furnish heat to the tenants or occupants thereof at a minimum temperature of 70° Fahrenheit measured at a point 3' above the floor and more than 3' from an outside wall when required hereunder. This section shall not apply:

(a) To buildings or portions thereof used and occupied for trades, businesses, and occupations where high or low temperatures are essential; or

(b) Where the obligation to provide heat is assumed by the lessee.

(2) (Amd. GO 81-93) When the heating of a building is under the control of the lessee or an agent, such lessee or agent, in the absence of a contract or agreement to the contrary, shall be deemed to have contracted to furnish heat in accordance with this section. Unless otherwise agreed, the obligation to heat shall include the time between 6:30 A.M. and 10:00 P.M. in a building or part thereof occupied as a place of residence and during the usual working hours maintained and established in a building or part thereof occupied as a business establishment, whenever the outer temperature falls below 55° Fahrenheit. The presence of heating outlets, radiators, risers or returns in any hall or apartment or part of a building shall be prima facie evidence of an agreement to provide heat.

8.03 **HEALTH NUISANCES PROHIBITED.** (Amd. GO 81-93) Section 146.14, Wis. Stats., is incorporated and made part of this section as though set out in full.

8.04 **KEEPING OF ANIMALS AND FOWL.** (Rep. & Rec. GO 5-04)

(1) DEFINITIONS.

(a) **Exotic Animal.** Those species of animal that are not domesticated by humans. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List as adopted by the Common Council.

City of Green Bay Prohibited Animal List

The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as “Exotic Animals” pursuant to Sec. 8.04, Green Bay Municipal Code. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. **Class Mammalia**

- (a) Order Chiroptera. (Any bat species)
- (b) Order Artiodactyla. (Hippopotamuses, giraffes, camels, deer) Excludes domestic cattle, swine, sheep, goats, alpaca, and llama.
- (c) Order Carnivora.
 - (i) Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.

- (ii) Family Canidae. (Wolves, coyotes, foxes, jackals) Excluding domestic dogs.
- (iii) Family Ursidae. (All bears)
- (iv) Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.
- (v) Family Procyonidae. (Raccoons, coatis)
- (vi) Family Hyaenidae. (Hyenas)
- (vii) Family Viverridae. (Civets, genets, mongooses)
- (d) Order Edentalia. (Anteaters, armadillos, sloths)
- (e) Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)
- (f) Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, donkeys and mules).
- (g) Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)
- (h) Order Proboscidae. (Elephants)
- (i) Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs) Excluding guinea pigs, rats, mice, gerbils, and hamsters.

2. Class Reptilia

- (a) Order Squamata.
 - (i) Family Helodermatidae. (Gila Monsters and Mexican beaded lizards)
 - (ii) Family Varanidae. (Any monitor which will normally grow over two feet in length)
 - (iii) Family Iguanidae. (Only green iguanas and rock iguanas)
 - (iv) Family Boidae. (All species whose adult length may exceed eight feet)
 - (v) Family Colubridae. (Boomsnangs and African twig snakes)
 - (vi) Family Elapidae. (Coral snakes, cobras, mambas)
 - (vii) Family Nactricidae. Only keelback snakes.
 - (viii) Family Viperidae. (Copperheads, cottonmouths, rattlesnakes)
- (b) Order Crocodylia. (Crocodiles, alligators, caimans, gavials)

3. Class Aves

- (a) Order Falconiformes. (Eagles, hawks, vultures)
- (b) Order Rheiformes. (Rheas)
- (c) Order Struthioniformes. (Ostriches)
- (d) Order Casuariiformes. (Cassowaries and emus)
- (e) Order Strigiformes. (Owls)

4. Class Arachnida

- (a) Order Scorpiones, Family Buthidae.
 - (i) Arabian fat-tailed scorpion - *Androctonus crassicauda*
 - (ii) Arizona centruroides scorpion - *Centruroides exilicauda*
 - (iii) Death stalker - *Leiurus quinquestriatus*
 - (iv) Egyptian yellow scorpion - *Androctonus amoreuxi*
 - (v) Israeli black scorpion - *hottentotta judaicus*

- (vi) S.A. giant fat-tailed scorpion - *Parabuthus transvaalicus*
- (vii) Sinai desert scorpion - *Androctonus bicolor*
- (viii) Yellow desert scorpion - *Androctonus australis*
- (b) Order Araneae, Family Therididae.
 - (i) Argentina red widow spider - *Latrodectus coralinus*
 - (ii) Brown widow spider - *Latrodectus geometricus*
 - (iii) Red-black widow - *Latrodectus hasselti*
 - (iv) Red widow spider - *Latrodectus bishopi*
 - (v) Southern black widow spider - *Latrodectus mactans*
 - (vi) Western widow - *Latrodectus hesperus*
- (c) Order Araneae, Family Loxoscelidae, Brown recluse spider - *Loxosceles reclusa*

5. Class Chilopoda

- (a) Order Scolopendromorpha, Family Scolopendridae.
 - (i) Amazon giant banded centipede - *Scolopendra gigantea*
 - (ii) Arizona Tiger Centipede - *Scolopendra viridis*
 - (iii) Florida keys centipede - *Scolopendra alternans*

6. Any Federal or State Endangered or Threatened Species.

(b) Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

(c) Possess. To own, possess, keep, harbor, bring into the city, act as a custodian, or have custody or control of an animal.

(2) KEEPING OF EXOTIC ANIMALS.

(a) Prohibited. No person shall possess an exotic animal.

(b) Exceptions. (Amd. GO 50-04) This subsection shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinary hospitals or clinics, licensed or accredited research or medical institutions, licensed or accredited educational institutions, including museums, an animal certified as having been specially trained to assist an individual with impaired vision, hearing, or mobility, any government owned or operated facility, volunteers working on behalf of a government owned or operated facility, or a person temporarily transporting an exotic animal through the city if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

(3) PERMIT REQUIRED FOR POSSESSION OF OTHER ANIMALS. No person shall possess an animal, other than an exotic animal or animal otherwise licensed pursuant to the Green Bay Municipal Code, without first obtaining a permit from the Humane Officer. In reviewing a permit application, the Humane Officer shall consider the number of animals to be possessed, their location, the facilities to be used for such purpose, and the likelihood of a public or private nuisance being created.

(4) CONSTRUCTION OF ANIMAL STRUCTURES. All stables, coops, yards, pens, or other structures wherein any animal is kept shall be constructed so as to be easily cleaned and kept in good repair.

The inside and outside of such structures shall be whitewashed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor.

(5) **REMOVAL OF ANIMAL WASTE.** No person who possesses an animal shall permit such animal to defecate upon any property other than that of its owner or custodian unless the custodian immediately thereafter cleans up and removes such animal excreta from such property.

(6) **ACCUMULATION OF ANIMAL WASTE.** No person possessing an animal shall permit more than 24 hours accumulation of such animal's manure to remain on property under the possessor's control.

(7) **CONTROLLING ANIMALS.** No person who possesses an animal shall walk or escort such animal off the property under the possessor's control unless the person is in possession of equipment to clean up any defecation which may be deposited by such animal.

(7m) **HARVESTING ANIMALS.** (Cr. GO 7-11) No person may slaughter any animal unless specifically allowed to slaughter animals as part of an agricultural activity pursuant to Ch. 13.

(8) **PENALTIES.** Any person who shall violate this section shall forfeit not less than \$1 nor more than \$1,000 for each offense. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

8.05 **KEEPING OF PIGEONS.** "Fowl" shall include pigeons. Homing or carrier pigeons are exempt when such birds fly for training purposes and races. The harboring of pigeons other than in an approved pen or coop is a public nuisance. The person in charge of any building or structure harboring pigeons other than under approved conditions shall remove such pigeons from the structure in a humane manner.

8.06 **ANIMALS TO BE CONFINED.**

(1) No person, owner, or custodian shall permit any animal (including fowl) to be at large within the City. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal.

(2) No person, owner, or custodian shall permit any animal (including fowl) to be left unattended within 5' of a public right-of-way.

(a) Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys, and parking lots.

(b) Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

(3) **CONFINEMENT OF HENS.** (Cr. GO 7-11) In addition to any other provisions in this chapter, hens shall be kept in the following manner:

(a) No person may keep a hen over eight weeks of age in a principal structure.

- (b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens.
- (c) No accessory structure used to keep hens shall be located within 25 feet of any principal structure which is not owned by the person licensed to possess said hens.
- (d) No accessory structure used to keep hens shall be located in a front or side yard.

8.07 **RAT PREVENTION**. (Rep. & Rec. GO 51-04)

(1) **PURPOSE.** It is the intent of these regulations to prevent, control, and limit the rat population of the City of Green Bay by modifying the environment to eliminate conditions that attract rats. The Inspection Division, in cooperation with the Brown County Health Department, shall establish an effective program of rodent prevention and control, including, but not limited to, alleviation of unsanitary conditions, control of access to food and harborage, rat-proofing of buildings, rat control, proper storage of foods and foodstuffs, maintenance of premises in a rat-free condition, rat extermination, and elimination or reduction of conditions found to be supportive of rat populations.

(2) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this section:

(a) **Building.** Any structure, whether public or private, which is devoted to or designed for occupancy or use of any kind whether or not it is actually or continually occupied or used in the manner for which it was devoted or designed.

(b) **Evidence of Rats.** The natural presence of rat runs, burrows, fecal droppings, urine, rubmarks, gnaw marks, tail drag marks, tracks, or other signs (sounds) which may be associated with the presence of rats.

(c) **Health Commissioner.** The Brown County Health Commissioner or his/her designee.

(d) **Inspector.** The Superintendent of Inspection or his/her designee.

(e) **Occupant.** The person who uses or occupies any building or part thereof.

(f) **Openings.** Any hole, entry, or cavity of a building or container through which a rat may enter.

(g) **Owner.** Includes the owner, agent, or custodian of a building. A lessee shall be considered the owner when building agreements hold the lessee responsible for maintenance and repairs.

(h) **Premise.** Land and anything built or placed upon it.

(i) **Rat.** A long-tailed rodent belonging to the genus *Rattus*, including the Norway Rat and Roof Rat.

(j) **Rat Eradication.** Measures or practices put in place to reasonably eliminate a rat infestation and rat harborage through extermination, elimination of harborage, rat-proofing, and any other rat control methods deemed necessary by the Inspector.

(k) **Rat Extermination.** The extermination of rats by any accepted measure, such as poisoning,

fumigating, trapping, and clubbing.

(l) Rat Harborage. Any condition that provides shelter or protection for rats, thus favoring their reproduction, presence, or continued existence on the premise.

(m) Rat Infestation. Any population of rats on a premise or localized community sustained by food, harborage, or other conditions hospitable to rats on the premise or within the localized community.

(n) Rat-Proofing. Methods to prevent the ingress of rats into buildings or containers or from one premise to another, including, but not limited to, use of material impervious to rat gnawing, closure of all actual or potential openings and rat harborages, and the installation or handling of material in a rat-proof manner.

(o) Rat-Proof Container. A garbage can or other container regardless of size, mobile or stationary, shall be impervious to rats.

(3) **INSPECTION ORDERS**. Upon determining the existence of a rat infestation, an Inspector shall issue one or more of the following orders. Any of the following orders may also be issued where conditions exist that are so favorable to rats that an infestation is likely to occur.

(a) All food shall be stored in rat-proof containers, compartments, rooms, or buildings.

(b) Feed for animals and fowl shall not be left on the ground, on the floor, or left in feed pans, troughs, or other feed containers any longer than necessary to feed the animals or fowl unless such feeder equipment is made inaccessible to rats. For residential and recreational feeding of wild birds, feed should be kept at all times on raised platforms which are inaccessible to rats.

(c) Foods for human consumption shall not be left on floors, counters, or otherwise exposed as a readily available food source for rats. Such food shall be cleaned up at least daily.

(d) No person shall place, leave, dump, or permit to accumulate any garbage, refuse, debris, or trash, including boxes, bottles, cans, containers, unused appliances, tires, wood piles, or similar materials, so as to afford food or harborage for rats. All garbage, refuse, debris, and trash shall be placed in rat-proof containers. All other materials shall be properly stored and elevated not less than 18" above the ground and evenly piled or stacked.

(e) All building vents, including, but not limited to, foundation, crawlspace, and attic vents, shall be covered for their entire length and width with metal grills, metal gratings, or perforated sheet metal with no opening greater than 1/2".

(f) All outside basement steps shall be constructed of solid concrete in a concrete stairwell erected without concealed or hidden spaces.

(g) Floor drains and all other drains shall have drain plates installed so that no openings are greater than 1/2".

(h) All exterior screen doors shall be provided with automatic closing devices. No opening at the top, bottom, or sides of doors shall exceed 3/8".

(i) Where openings have been made in double walls, floors, or ceilings for the passage of pipes or utility lines, they shall be closed and protected by the installation of approved metal collars securely fastened to the adjoining structure.

(j) All openings into necessary enclosed spaces in ventilation systems shall be completely rat-proofed.

(k) Where accessible to rats, refrigerators and built-in refrigerator units shall be installed free of unnecessary enclosed or partially enclosed spaces. This shall be accomplished by placing units flush against the walls, installing them in a solid concrete base, or by completely encasing with metal flashing strips. If the top does not extend to the ceiling, it shall be rat-proofed.

(l) In any permanent building or structure used or intended to be used as a stable or housing for any animal or fowl, it shall be unlawful to install or construct any double wall, double floor, or double ceiling with concealed spaces therein. Floors of all such buildings or structures shall be of concrete. Wood plank floors may be installed over the concrete if they fit tight to the concrete or are elevated not more than 1/2" from it, and are so constructed as to be easily removed. All food storage bins shall be rat-proofed.

(m) To the greatest extent possible, sewers shall be constructed in a rat-tight fashion. Upon notice or evidence of rat infestation in the sewer, eradication measures shall be taken to control the rats from the sewers.

(n) Prior to demolition or moving of any building, the owner shall use rat-eradication measures and take all reasonable efforts to abate the rat infestation prior to commencing demolition or moving of the structure.

(o) The owner and occupant of a building shall maintain the premises in a rat-proof condition and shall repair all breaks or leaks that may occur in the rat-proofing without order of the Inspector.

(p) The Inspector may order additional rat-proofing measures to eliminate rat harborage and ensure rat-proof buildings and containers. Such orders may include a requirement that the owner contract with and implement a plan prescribed by a licensed pest management professional.

(4) REMOVAL OF RAT-PROOFING. No person shall remove and fail to restore immediately the required rat-proofing from any building or container. No person shall make any new opening that is not made rat-proof.

(5) CONFORMITY TO BUILDING CODE. The construction and material used in rat-proofing shall conform to the Building Code of the City, unless a greater or more restrictive requirement is ordered in accordance with this ordinance, then the more restrictive provision shall apply.

(6) INSPECTIONS. The Inspector may make unannounced inspections of all buildings and/or premises to determine compliance with this section. When evidence is found indicating the presence of rats or openings through which rats may enter a building or premise, the Inspector shall serve the owners or occupants with orders to abate the conditions found. If consent for entry is not obtained, an administrative warrant may be obtained. If an imminent hazard exists, no warrant will be required for entry.

(7) INSPECTIONS DURING CONSTRUCTION. The Inspector may make inspections or cause inspections to be made during the course of and upon completion of construction, repairs, remodeling, or

installation to insure compliance with this section. No person shall interfere with such inspections nor refuse to permit them.

(8) **WRITTEN ORDER TO OWNER.** Upon receipt of a written order from the Inspector for failure to comply with the provisions, the owner or occupant of any premise shall take immediate measures to comply with such order. If such work is not completed in the time specified in the order, which shall not be more than 30 days, or within the time of a written extension granted by the Inspector, the owner or occupant shall be guilty of an offense under this section.

(9) **NOTICE TO OCCUPANTS; RAT ERADICATION.** Upon receipt of a written notice that there is evidence of rat infestation of a premise, the owner or occupant of the premise shall within five days institute rat-eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the Inspector to be free of rat infestation.

(10) **CLOSING BUILDINGS.** Whenever conditions inside or under any occupied building provide extensive harborage for rats, the Health Commissioner or Inspector may, after order in accordance with sub. (3), close such building until such time as the conditions are abated by such rat-proofing and harborage removal as may be ordered by the Health Commissioner or Inspector. The Health Commissioner or Inspector shall post a placard on all the principal entrances on any building closed by said Health Commissioner or Inspector which shall read: "This Building Closed to Human Habitation, Occupancy, or Use by Order of the City of Green Bay Inspection Division", and any person who shall use such building or shall tamper or remove such placard shall be guilty of a violation of this section.

(11) **RODENT CONTROL PRODUCTS.** All rodent control products (rodenticides, bait stations, glue boards and glue traps, and mechanical traps) used to actively eradicate rodent pest problems shall be done in accordance with manufacturers' instructions.

(12) **PENALTIES.** Any person in violation of any provision of this ordinance shall, upon conviction, forfeit not less than \$1 nor more than \$1,000, together with the cost of prosecution, and in default of the payment thereof, shall be imprisoned in the County jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove or otherwise abate a violation of this ordinance in accordance with Chapter 28, Green Bay Municipal Code.

8.08 DOGS, KEEPING IN RESIDENTIAL AREAS.

(1) **PURPOSE.** The keeping of a large number of dogs in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs is, therefore, declared to be a public nuisance.

(2) DEFINITIONS.

(a) Dog means any canine, regardless of age or sex.

(b) Residential Lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

(3) NUMBER OF DOGS LIMITED. (a) (Amd. GO 19-14) No family shall own, harbor, or keep in its possession more than two dogs on any residentially-zoned lot without the prior approval of the Council, except that a litter of pups or a portion of a litter may be kept for not more than eight weeks from birth if the mother of the pups is owned by one of the occupants of the residential lot and the mother of the pups resides at the residential lot. If more than one family resides on a residential lot, then only two dogs shall be allowed on the residential lot unless the prior approval is obtained from the Council. For the purpose of this section, the term "family" shall be defined as one or more persons.

(b) (Amd. GO 81-93; Amd. GO 30-10) The above requirement may be waived with the approval of the Council. Such application for waiver shall signed by the applicant and the owner of the residentially-zoned lot if the landowner is not the applicant. The application shall be made to the Humane Officer who shall forward the request with a recommendation for approval or objection to the Protection and Welfare Committee of the Council, which shall receive reports from the Inspection Division and the Police Department on such application. After deliberation, the Protection and Welfare Committee shall forward the matter to the Council for its action.

(4) MANNER OF KEEPING. Section 8.06(1), Green Bay Municipal Code, shall govern the keeping of dogs.

(5) KENNELS. Where kennels are permitted, no kennel shall be located closer than 100' to the boundary of the nearest adjacent residential lot.

(6) LOUD AND PERSISTENT BARKING PROHIBITED. No owner or person in control of any dog shall suffer, permit, or allow such animal to bark or bay in such a manner as to detrimentally affect the peaceful repose of one or more property owners or residents of the immediate area, and within earshot of the barking or baying. In determining whether the noise detrimentally affects peaceful repose, the volume of the noise, time of day, length of time the noise persists, and location of the animal shall be relevant. Where a dog is left unattended out-of-doors, it shall be presumed the owner or person in control is permitting the noise.

(7) PENALTY FOR DOG CAUSING DAMAGE OR INJURY.

(a) Without Notice. The owner of a dog shall forfeit not less than \$50 nor more than \$100 if the dog causes injury to any person, livestock, property, deer, game birds, or the nests or eggs of game birds.

(b) After Notice. The owner of a dog shall forfeit not less than \$100 nor more than \$500 if the dog injures or causes injury to any person, livestock, property, deer, game birds, or the nests or eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, livestock, property, deer, game birds, or the nests of game birds.

(8) COURT ORDER. (Rep. & Rec. GO 37-01) The City may commence an action pursuant to §173.23(3), Wis. Stats.

(9) OTHER METHODS NOT EXCLUDED. (Cr. GO 37-01) Nothing in this chapter shall be construed as prohibiting the City or its officials from taking action in accordance with State law.

8.09 CATS, KEEPING IN RESIDENTIAL AREAS.

(1) PURPOSE. The keeping of a large number of cats in a residential district for a considerable

period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of cats is, therefore, declared to be a public nuisance.

(2) DEFINITIONS.

(a) Cat means any feline, regardless of age or sex.

(b) Residential Lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

(3) NUMBER OF CATS LIMITED. (Rep. & Rec. GO 9-05; Amd. GO 30-10) No person shall own, harbor, or possess more than three cats on any lot zoned as residential without the prior approval of the Council, except that a litter of kittens, or a portion of a litter, may be kept for not more than eight weeks from birth. An application for prior approval of the Humane Officer or Council shall be signed by the applicant and the owner of the residentially-zoned lot if the landowner is not the applicant. If more than one family resides on a residential lot, then only three cats shall be allowed on the residential lot unless the prior approval is obtained from the Council. For the purpose of this section, the term “family” shall be defined as one or more persons.

(4) MANNER OF KEEPING. To the fullest extent applicable, the provisions of §8.06(1), Green Bay Municipal Code, shall govern the keeping of cats.

8.095. **BIRDS, KEEPING IN RESIDENTIAL AREAS.** (Cr. GO 36-06), (Amd. GO 7-11)

(1) PURPOSE. The keeping of a large number of birds in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of birds is, therefore, declared to be a public nuisance.

(2) DEFINITIONS.

(a) Pet bird means any finch, dove, parrot, canary, parakeet, conure, cockatiel, or cockatoo.

(b) Residential Lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

(3) LIMITED NUMBER OF PET BIRDS ALLOWED. Notwithstanding § 8.04(3), a family may own, harbor, or possess up eight pet birds on any lot zoned as residential without obtaining a permit from the City Humane Officer. No family shall own, harbor, or keep more than eight pet birds on any residentially-zoned lot without first obtaining a permit from the City Humane Officer, with right to appeal to the Protection & Welfare Committee. Chapter 68, Wis. Stats., shall not apply to any such appeal. If more than one family resides on a residential lot, then only eight pet birds shall be allowed on the residential lot unless prior approval is obtained from the Council. For the purpose of this section, the term “family” shall be defined as one or more persons living in the same residential unit.

(4) MANNER OF KEEPING. To the fullest extent applicable, the provisions of Sections 8.06(1),

Green Bay Municipal Code, shall govern the keeping of pet birds.

8.097 BEEKEEPING. (Cr. GO 31-10)

(1) DEFINITIONS. The following words, as used in this ordinance, shall have the meanings ascribed to them:

(a) “Apiary” shall mean all hives kept for the purpose of beekeeping and any area within 10 feet of such hives.

(b) “Beekeeping” means intentionally creating, fostering or maintaining a colony of honeybees.

(c) “Hive” shall mean a structure built to accommodate a colony of honeybees.

(d) “Honeybee” shall mean any life stage of the European honeybee (*Apis mellifera*)

(2) BEEKEEPING BY PERMIT ONLY. No person shall engage in beekeeping without having first obtained a permit from the Humane Officer and having paid a permit fee of \$10. In reviewing a permit application, the Humane Officer shall consider the number of honeybees to be possessed, their location, the facilities to be used for such purpose, and the likelihood of a public or private nuisance being created. Any person denied a permit may appeal to the Protection & Welfare Committee.

(3) MANNER OF KEEPING.

(a) All hives shall have combs which are kept in sound and usable condition and removable for inspection.

(b) The apiary shall be entirely located on one parcel of land.

(c) There shall be a flyway consisting of a solid wall, fence, vegetation, or combination thereof at least 6 feet in height erected along any property line located within 25 feet of an apiary.

(d) A property owner shall cause any abandoned hive to be removed from the property.

(e) No hive may house a colony of insects other than honeybees.

(f) The provisions of Sections 8.06(1), Green Bay Municipal Code, do not apply to beekeeping.

(4) ILLEGAL COLONIES OR HIVES. If the Humane Officer finds any hive kept in violation of this ordinance, he or she may order the violation corrected within 30 days. If the property owner fails to correct the violation within 30 days, the hive in violation may be destroyed and/or removed from the municipality by the Humane Officer, or his or her designee, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stat. § 66.0627.

8.10 ANIMALS SUSPECTED OF BITING PEOPLE.

(1) (Amd. GO 81-93) All incidents occurring in the City where any animal bites a person or is suspected of biting a person shall be immediately reported to the Brown County Health Department or to the Police Department by any person having knowledge of such incident.

(2) Any animal which bites a person in the City, if it can be found, shall be quarantined for 14 days from the date of the bite for the purpose of observation for the possibility of infection with the virus of rabies.

(3) (Amd. GO 81-93) Such quarantine shall be effected as directed by the Brown County Health Commissioner or his representative and may be:

(a) Confinement of the animal to a structure or enclosure which is adequate to restrain the animal on the premises of the owner or his agent, or

(b) Confinement of the animal at the City Dog Pound, or

(c) Confinement of the animal with a licensed veterinarian, or

(d) Confinement of the animal at an animal hospital or boarding facility approved by the Brown County Health Commissioner.

(4) (Amd. GO 81-93) No animal which is known or suspected to have bitten a person in the City shall be destroyed until after the 14 day quarantine period required in sub. (2) has elapsed, unless it cannot be apprehended safely, in which case destruction shall be accomplished without damage to the head of the animal if at all possible. The Brown County Health Commissioner shall be immediately notified of such destruction of an animal, and the dead animal shall not be disposed of until such specimens as the Brown County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.

(5) (Amd. GO 81-93) If an animal which has been quarantined in accordance with this section dies during the quarantine period, the person having custody of the animal shall immediately notify the Brown County Health Commissioner and shall not destroy or dispose of the dead animal until after such specimens as the Brown County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.

8.105. **DANGEROUS DOGS.** (Cr. GO 22-05)

(1) DEFINITIONS.

(a) Dangerous Dog. Any dog which:

1. Without provocation, while not under the control of its owner, chases, confronts, or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog is not merely being protective in a particular set of circumstances.

2. When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion.

3. When unprovoked and while off its owner's property, causes a non-severe, non-bite injury in a menacing fashion to any person or domestic animal.

4. (Cr. GO 22-09) Has been declared dangerous by at least one other municipality.

(b) Domestic Animal. Livestock, domesticated dogs and domesticated cats.

(c) Menacing Fashion. Demonstrating an intent or desire to cause injury by one or more of the following actions:

1. An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.

2. Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.

3. Growling or barking in an unfriendly manner while making physical contact with a person or another animal.

(d) Officer. Any peace officer or a Brown County or City of Green Bay Humane Animal Control Officer.

(e) Owner. Any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling, or having the care or custody, whether temporarily or permanently, of a dog or dogs.

(f) Provoked. Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:

1. The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or

2. The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or

3. The person who was attacked or injured was committing a crime on the property of the animal's owner.

(2) DANGEROUS DOGS PROHIBITED.

(a) Possession of a Dangerous Dog Prohibited. No person shall own, keep, possess, return to, or harbor a dangerous dog within the City.

(b) Penalty. Any person who owns, keeps, possesses, harbors, or returns any dangerous dog to the City, after it has been declared to be dangerous by owner's omission, quasi-judicial hearing, or appeal, shall be subject to a forfeiture of not less than \$500 nor more than \$1,000.

(3) PROCEDURE FOR DECLARING A DOG "DANGEROUS".

(a) A humane officer or police officer may determine a dog to be "dangerous" whenever, upon investigation, that officer finds that the dog meets the definition of dangerous as delineated in subsection (1).

(b) The humane officer or the police officer, upon making the determination that a dog is dangerous, shall issue a written order declaring the dog to be dangerous and demanding that the owner of the dangerous dog remove it from the City within five days.

(c) If the owner objects to the declaration of dangerousness, they may file a written objection contesting the declaration with the City Clerk within five days of receiving the written declaration.

(d) Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the soonest Protection & Welfare meeting agenda practicable for review.

(e) The Protection & Welfare Committee shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous dog.

(f) (Amd. GO 42-07) Pending the outcome of the hearing or any subsequent appeal, the animal may be confined subject to Sec. 173.21, Wis. Stats., or held at a location outside the City limits at the owner's expense.

(g) After the hearing, once the Protection & Welfare Committee has made a decision and its report has been approved by the Common Council, the owner shall be immediately notified of the decision in writing by certified mail. If a decision is made that the animal is a prohibited dangerous dog, the owner shall comply with order to remove the dog from the City within five days after receiving the written decision, if not already removed.

(h) If the owner further contests the decision, he or she may, within five days of receiving the written decision, seek review of the decision by the Circuit Court.

(i) If the declared dangerous dog is not removed from the City within 10 days of it being declared dangerous by owner's omission, quasi-judicial hearing, or appeal, it may be seized and ordered destroyed pursuant to Sec. 174.02(3), Wis. Stats., and in the manner prescribed in subsection (4) of this ordinance.

(4) **MANNER AND PROCEDURE FOR DESTRUCTION OF DANGEROUS DOGS.** Whenever an officer or veterinarian is required to destroy a dangerous dog, the animal shall be destroyed in a humane manner which avoids damage to the animal's head.

(5) **EXEMPTION FOR POLICE DOGS.** The provisions of this ordinance regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

8.11 NOXIOUS WEEDS AND MAINTENANCE OF VEGETATION. (Rep. & Rec. GO 13-12)

(1) **PURPOSE.** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that add diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low-

maintenance and effective in soil and water conservation. The City enacts this Section to balance these competing interests.

(2) DEFINITIONS.

(a) “Destroy” means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.

(b) “Garden” means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well defined location.

(c) “Native Plants” means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the state of Wisconsin. Native plants do not include weeds.

(d) “Noxious Weeds” means any plant listed under §§ 23.235(1)(a) or 66.0407(1)(b), Wis. Stats., and shall also include arctium spp. (burdock), cirsium and carduus spp. (thistle), ambrosia spp. (ragweed), alliaria petiolata (garlic mustard), plantage lanceolate (buckhorn), and poison ivy.

(e) “Ornamental Grasses and Groundcovers” means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.

(f) “Planned Natural Landscaping” means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties. Planned natural landscaping does not include gardens.

(g) “Rain Garden” means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.

(h) “Turf Grasses” means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

(i) “Unmanaged Plant Growth” means any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over 9” but does not include:

1. Gardens,
2. Plants located on agricultural land,
3. Plants located on shoreland within 35 feet of the ordinary high-water mark,
4. Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas, or

5. Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained.

(3) CONTROL OF NOXIOUS WEEDS

(a) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands.

(b) If a person neglects to destroy all noxious weeds as required under par. (a), the Weed Commissioner shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed in the manner provided by § 66.0517(3)(b)1, Wis. Stats.

(4) UNMANAGED PLANT GROWTH

(a) A person owning, occupying, or controlling any residential lot or property adjacent to or adjoining a residential lot shall cut and remove any unmanaged plant growth on the land.

(b) If a person neglects to cut and/or remove unmanaged plant growth as required under par. (a), the Weed Commissioner shall cut down and remove or cause to be cut down and remove the unmanaged plant growth. The cost of cutting and removing the unmanaged plant growth shall be charged and assessed in the manner provided by § 66.0627(2), Wis. Stats.

(5) PLANNED NATURAL LANDSCAPING

(a) Any person wishing to maintain a planned natural landscaping area on their property may register their property with the Department of Public Works.

(b) Planned Natural Landscaping Guidelines:

1. Turf grass is to be eliminated and the native plants, trees and shrubs are to be planted through transplanting or seed by humans or mechanical means.

2. Setbacks:

a. 3 feet from front lot line when adjacent to a public sidewalk and 0 feet from front lot line if there is no public sidewalk

b. 3 feet from rear and side lot lines

c. No setback is required on side and rear lot lines if there is a fence along the lot lines, or the native landscaping abuts a neighboring planned natural landscaping area public park/open space, or is adjacent to a natural area.

d. The setback area should be regularly cut turf grass, garden beds, trees, shrubs, mulch, wood chips or landscape stone.

e. Planned natural landscaping is to be cut to a maximum height of 9” once annually by July 15th.

(c) **Complaint Notification.** Any person who registers a parcel as natural landscaping with the Department of Public Works shall receive a notice that the Weed Commissioner intends to take action on the parcel under this section ten (10) business days before any action is taken. If the registered parcel owner objects within ten (10) business days after the notice was issued, the Improvement & Services Committee shall recommend whether the parcel is a planned natural landscaping exempt from §8.11(4) of this ordinance to the Common Council. The Common Council shall affirm or reverse the Improvement & Service Committee's recommendation and issue a final decision.

(6) **APPEAL.** Any property owner wishing to contest a charge assessed under this section may appeal to the Improvement & Services Committee. The appeal shall be in writing and submitted to the City Clerk within 30 days of the date on which the unmanaged plant growth and/or noxious weeds were cut and/or destroyed. The Committee may uphold, modify or cancel the charge. This procedure for administrative review shall not be governed by Ch. 68, Wis. Stats.

8.12 **ANTI-LITTER ORDINANCE.** (Amd. GO No. 65-85)

(1) **DEFINITIONS.** For the purposes of this section, the following terms, phrases, words, and the derivations shall have the meaning given:

(a) **Litter.** Garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(b) **Refuse.** All putrescible and nonputrescible solid wastes including ashes, street cleanings, dead animals, and all other abandoned personal property and solid market and industrial wastes.

(c) **Rubbish.** Nonputrescible and solid wastes, both combustible and non-combustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and all and any other printed or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.

(d) **Receptacles, Private and Public.** Private receptacles are as described in §9.03(5), Green Bay Municipal Code. Public receptacles are litter containers which are placed on City streets or fastened to poles and maintained by the City and marked as litter receptacles.

(e) **Garbage.** Garbage is as defined in §§9.01(1) and (2), Green Bay Municipal Code.

(2) **LITTER IN PUBLIC PLACES.** No person shall throw, deposit, or cause to be placed litter upon any street, sidewalk, alley, or other public place within the City except in public receptacles provided by the City.

(3) **PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or upon private property.

(4) **SWEEPING LITTER INTO GUTTERS PROHIBITED.** No person shall sweep into or deposit in any gutter, street, alley, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks, entrance walks, parking lots, and parking areas in front of or upon the premises free of litter.

(5) **LITTER IN PUBLIC WATERS.** No person shall throw or deposit litter in any fountain, pond, wading pool, river, bay, or other body of water in a public place or elsewhere within the City.

(6) **LITTER ON OCCUPIED PRIVATE PROPERTY.** No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or private property.

(7) **OWNER TO MAINTAIN PREMISES FREE OF LITTER.** The owner or person in control of any private property shall at all times maintain the premises free of litter, provided, however, this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(8) **LITTER ON VACANT LOTS.** No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

(9) **FIREWOOD.** Wood shall not be considered rubbish where it is stored for residential use under the terms and conditions of this section.

(a) **Front Yard Storage.** No firewood shall be permitted in a front yard as defined at 13.23(4), Green Bay Municipal Code.

(b) **Rear and Side Yard Storage.** Firewood may be stored in a side or rear yard only in the following manner:

1. **Stacking.** All firewood shall be ranked and well stowed, with due regard to stability.

2. **Height.** Firewood stacks shall not be in excess of 4' in height unless such stack is adjacent to and amply supported by a fence or structure. Where the firewood is so supported, the stack shall not be excess of 6'.

3. **Setback.** No firewood shall be permitted within 4' of an adjoining property line, unless the firewood is stored in a box or building.

4. **Nuisance.** Nothing in this section shall prohibit enforcement and abatement proceedings as provided in Ch. 8 and Ch. 28, Green Bay Municipal Code.

8.14 **FEEDING OF WILD ANIMALS PROHIBITED.** (Rep. & Rec. GO 6-13) Section NR 19.60, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted as though fully set forth herein.

8.15 **SMOKING REGULATIONS.** (Cr. GO 15-10), (Amd. GO 24-12)

(1) **STATE LAW ADOPTED.** Section 101.123, Wis. Stats., is adopted by reference and incorporated as though fully set forth herein.

(2) **CITY HALL.** No person may smoke within 25 feet or less from the City Hall building, excluding public right-of-way.

(3) **PENALTIES.** Any person who violates sub. (2) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

8.20 **PENALTY.** Any person who shall violation any provision of this chapter shall, upon conviction, forfeit not less than \$1 nor more than \$500, together with the cost of prosecution, and in default of the payment thereof, shall be imprisoned in the County jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.