

..Number
250028
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PROPOSED SUBSTITUTE D
..Reference

..Sponsor
ALD. BAUMAN AND MOORE

..Title
A substitute ordinance relating to the ethical treatment and ownership of animals.

..Section
78-1-1 ra
78-1-1 cr
78-1-1.5 cr
78-1-9.5 cr
78-1-15.5 cr
78-1-28.5 cr
78-1-29.5 cr
78-1-32.5 cr
78-1-33.2 cr
78-1-34.2 cr
78-1-38 cr
78-1-39 cr
78-1-41 cr
78-5-3 rc
78-7-3 cr
78-17-6 cr
78-21-2 rc
78-31-9 cr
78-31-10 cr
78-55-6-a am

..Analysis
This ordinance revises code provisions relating to the care, control, and ownership of animals. The ordinance updates definitions, adjusts limits on the number of animals permitted per household, establishes requirements for the breeding and transfer of dogs and cats, and requires microchipping for pets. It revises procedures for reclaiming impounded animals, sets standards for tethering and outdoor housing, and updates penalty and enforcement provisions. The ordinance aligns local regulations with current state law and animal care standards.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 78-1-1 of the code is renumbered 78-1-1.7 and amended to read:

78-1. Definitions.

1.7. ANIMAL FANCIER means any person in a residential dwelling unit who keeps, harbors, raises or possesses any combination of rabbits, dogs or cats numbering not

less than, nor more than, ~~[[5]]~~ >>4<< animals over the age of 5 months>>, or who engages in the transfer or sale of any animal intentionally bred or from an accidental litter. An animal fancier permit shall authorize ownership or harboring of animals only within the numerical limits established under s. 78-5-3.<<

Part 2. Section 78-1-1, 1.5, 9.5, 15.5, 28.5, 29.5, 32.5, 33.2, 34.2, 38, 39, and 41 of the code is created to read:

78-1. Definitions.

1. ACCIDENTAL LITTER means a litter that was not intentionally bred, marketed, planned, or undertaken for commercial sale or profit.

1.5. ANCHOR SWIVEL means a device that connects the tether to the anchor and prevents twisting or tangling by allowing the tether to rotate freely.

9.5. CHOKE COLLAR means any collar that tightens around a dog's neck when pressure is applied, designed to restrict or choke the animal.

15.5. DOG SHELTER means an enclosed structure that provides a dog with adequate protection from the elements, including protection from rain, snow, sun, and extreme temperatures, and allows the dog to stand, turn around, and lie down comfortably.

28.5. MICROCHIP means a registered electronic identifier implanted under an animal's skin, linked to a registry containing the current owner's contact information.

29.5. NON-TIGHTENING COLLAR means a collar designed to maintain a consistent fit around the dog's neck without tightening when tension is applied to the leash or tether.

32.5. PINCH COLLAR means a collar composed of interlocking links with inward-facing prongs, which applies even pressure around a dog's neck when pulled.

33.2. POTABLE WATER means water that is safe and suitable for a dog or other animal to drink, free from contamination and readily accessible.

34.2. PRONG COLLAR means a collar fitted with inward-facing metal prongs that press into a dog's neck when tension is applied.

38. TETHER means a rope, chain, cable, or similar device used to secure a dog outdoors to a stationary object or anchoring device to restrict the dog's movement.

39. TRANSFER means any change in ownership or custody of an animal, whether by sale, gift, adoption, barter, or other means.

41. VETERINARY INSPECTION CERTIFICATE means a document issued and signed by a licensed veterinarian indicating that an animal has been examined and found to be free of signs of contagious or infectious disease on or near the date of transfer.

Part 3. Section 78-5-3 of the code is repealed and recreated to read:

78-5. Keeping of Animals Within City.

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

b. Animals that are temporarily fostered through a recognized rescue, shelter, or animal welfare organization shall not count toward the numerical limit established in this subsection, provided that documentation of foster status is available upon request.

c. Any individual who possesses more than 3 animals on the effective date of this ordinance [city clerk to insert date] shall have 180 days to rehome animals or obtain a permit if eligible. During this 6-month period, no citation or penalty shall be issued for exceeding the numerical limit, provided that the individual is acting in good faith to comply with this subsection.

Part 4. Section 78-7-3 of the code is created to read:

78-7. Kennels, Horse Stables and Animal Fancier Permits.

3. INTENTIONALLY BRED AND ACCIDENTAL LITTER ANIMAL TRANSFER REQUIREMENTS. a. Any individual who breeds or allows the breeding of any dog or cat within the city, whether intentionally or through an accidental litter, shall obtain an animal fancier permit prior to any sale, transfer, or advertisement of any animal from that litter.

b. No animal fancier permit shall be required for an accidental litter unless the owner intends to commercially sell the animals for profit. If an accidental litter causes the owner to temporarily exceed the numerical limit of animals permitted in the household, the owner shall not be in violation of s. 78-5-3 provided that the excess animals are rehomed within the grace period established in subd. 3. Any puppy or kitten from any accidental litter shall be:

b-1. Not transferred prior to 8 weeks of age.

b-2. Provided with age-appropriate vaccinations as reasonably available, or provided with a voucher redeemable for vaccination through the Milwaukee area domestic animal control commission or an affiliated veterinary provider.

b-3. Rehomed or otherwise no longer residing in the household within 90 days of birth, unless an extension is granted for reasonable cause.

c. No citation, fine, or penalty shall be imposed for exceeding the permitted animal limit due to an accidental litter when the owner is acting in good faith to rehome the animals and is not using the animals for commercial sale or profit.

d. An extension of up to 30 additional days beyond the 90-day period specified in par. b-3 may be granted by the department of neighborhood services when reasonably necessary to ensure safe and appropriate rehoming, with consideration given to factors including animal health, vaccination timing, seasonal conditions, or hardship of the owner.

e. No citation, fine, or penalty shall be imposed on an individual with an accidental litter when financial hardship prevents compliance with vaccination, microchipping, or related requirements, provided the individual is acting in good faith to safely rehome the animals and is not engaging in commercial breeding activity.

f. All advertisements for the sale or transfer of animals from intentionally bred litters shall include the valid fancier permit number.

g. A permit holder shall maintain records for a minimum of one year documenting the origin, identification, and final disposition of each animal sold or transferred from intentionally bred litters. Such records shall be made available to department of neighborhood services upon request.

h. An individual holding a fancier permit under this section shall comply with requirements expressly established in this chapter or in ch. ATCP 16, Wis. Adm. Code. Milwaukee area domestic animal control commission procedural policies may guide implementation but shall not create additional enforceable obligations unless enacted by ordinance.

Part 5. Section 78-17-6 of the code is created to read:

78-17. Dog and Cat Licenses.

6. MANDATORY MICROCHIPPING. a. Every dog or cat over the age of 4 months shall be microchipped and registered with a nationally recognized pet recovery database.

b. Transfer of ownership of any microchipped animal shall be reported to a national pet microchip registry within 30 days of the transfer date. The new owner shall ensure that the microchip registration is updated to reflect current contact information.

c. The requirements of this subsection shall not apply to:

c-1. A dog or cat temporarily visiting the city for a period not exceeding 30 consecutive days.

c-2. A dog or cat owned by an individual who has established residency in the city within the past 30 days, provided that microchipping is completed and registered within that time.

Part 6. Section 78-21-2 of the code is repealed and recreated to read:

78-21. Impounding of Animals.

2. REPOSSESSION OF IMPOUNDED ANIMALS. a. The possession of any animal seized or impounded by the Milwaukee area domestic animal control commission shall be obtained by the owner or caretaker upon compliance with the conditions set forth in this section.

b. The fee to reclaim a stray or impounded animal shall be \$25 per impoundment.

c. In addition to the reclaim fee required under par. b, a daily fee for boarding shall be assessed for each calendar day, or portion thereof, during which the animal is held in impoundment. The amount of the daily fee shall be determined by the Milwaukee area domestic animal control commission in accordance with its current fee schedule.

d. The Milwaukee area domestic animal control commission may assess additional fees for veterinary care, administrative processing, or other services provided during the period of impoundment, as authorized under s.173.23(1), Wis. Stats., and applicable Milwaukee area domestic animal control commission policy.

e. If the animal is an unlicensed dog or cat, the owner shall obtain a valid license and pay any applicable licensing fees prior to the animal's release.

f. No animal shall be released from Milwaukee area domestic animal control commission custody until all required fees under this section have been paid in full and all applicable licensing requirements have been met.

Part 7. Section 78-31-9 and 10 of the code is created to read:

78-31. Cruelty to Animals.

9. TETHERING AND OUTDOOR HOUSING STANDARDS. No person shall tether a dog outdoors unless all of the following conditions are met:

a. The dog is of a breed or type that can reasonably tolerate tethering based on general veterinary and animal welfare standards.

b. The dog can readily tolerate tethering based on its age, health, and physical condition.

c. The dog is 6 months or older.

- d. The dog is not a pregnant or nursing female.
- e. The tethered dog shall be able to easily enter, stand, turn around, and lie down within a dog shelter that complies with the standard set forth in s. 78-31-8.
- f. The tether is configured so that it cannot become entangled with any object, obstacle, or another tethered animal.
- g. The tether shall include an anchor swivel or similar device to prevent tangling.
- h. The tether shall be at least 6 feet in length and sufficiently long to allow the dog freedom of movement based on its size.
- i. The tether is attached to the dog by means of a properly fitted, non-tightening collar or a harness appropriate for the size and strength of the dog.
- j. The tether does not exceed 10% of the dog's body weight and shall be of sufficient strength and material to prevent breakage or injury.
- k. The dog is not tethered outdoors during any period when the national weather service or local authority has issued a weather-related advisory.
- L. The dog is not tethered outdoors for more than 3 hours within any 24-hour period, and not more than 2 consecutive hours at a time without a one-hour break.
- m. The dog is monitored at reasonable intervals by the owner or caretaker, who shall be physically present on the premises at all times while the dog is tethered.
- n. The dog is not tethered with a choke collar, pinch collar, prong collar, or similarly restrictive or injurious device.
- o. The dog has continuous access to clean, potable water, appropriate food, and shelter adequate to protect it from the elements at all times.
- p. The dog is not causing a disturbance or nuisance.

10. ATTENDED TETHERING. The tethering restrictions in sub. 9 apply only to unattended dogs. These restrictions shall not apply when the dog is tethered outdoors and the owner or caretaker remains outside with the dog, maintains direct visual contact, and is able to immediately assist or intervene if needed.

Part 8. Section 78-55-6-a of the code is amended to read:

78-55. Penalties and Enforcement.

6. VIOLATIONS OF CERTAIN REGULATIONS.

a. Any person violating any of the following provisions of this chapter listed in Column A for which specific penalties are not provided elsewhere in this subsection shall be liable on conviction to the penalties listed in column B and described in ch. 61:

A	B
78-3-1	Class I
78-5-1	Class F
78-5-2-a	Class C
78-5-2-b	Class L
78-5-2-c	Class F
78-5-3	Class C
>>78-5-4	Class F<<
[[78-6 to 78-19	Class C]]
>>78-6 to 79-17-1	Class C
78-17-6	Class F
78-19	Class C<<
78-23-1 to 78-23-7	Class F
78-23-10	Class I
>>78-24	Class F<<
78-25-1	Class K
78-27 to 31	Class F
78-35 to 47	Class C
78-49	Class F
78-53	Class F

..LRB
APPROVED AS TO FORM



Legislative Reference Bureau

Date: 12/3/2025

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

.. Requestor

..Drafter

LRB180683-7

Addis Zewdie

12/03/2025