

..Number  
250028  
..Version  
PROPOSED SUBSTITUTE F  
..Reference

..Sponsor  
ALD. BAUMAN, MOORE AND SPIKER

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

..Section  
60-5-1 am  
78-1-1 rp  
78-1-1 cr  
78-1-1.5 cr  
78-1-1.6 cr  
78-1-1.7 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  
78-5-5 cr  
78-7-4 cr  
78-7-5 cr  
78-7-6 cr  
78-7-7 cr  
78-7-8 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 residential breeding activity and the transfer of animals, and requires microchipping for dogs and cats. 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 applicable state law and contemporary animal care standards.

..Body

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

Part 1. Section 60-5-1 of the code is amended to read:

**60-5. Animal Impoundment Fee.**

1. The basic fee for the repossession of an impounded animal shall be ~~[[\$75.]]~~ \$25. <<

Part 2. Section 78-1-1 of the code is repealed.

Part 3. Section 78-1-1, 1.5, 1.7, 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, planned, facilitated, or allowed for the purpose of sale, distribution, or other commercial activity at the time breeding occurred, and that is not the result of repeated or negligent failure to take reasonable steps to prevent breeding, including failure to separate, contain, or sterilize animals, as described in sub. 6.5.

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.

1.6. ANIMAL CONTROL CONTRACTOR means any person, entity, or organization under contract with the city pursuant to s. 173.15, Wis. Stats., to provide animal care, holding, treatment, or disposition services.

1.7. ANIMAL FANCIER means any person in a dwelling unit who keeps, harbors, shelters, or possesses at any time any combination of dogs, cats, or rabbits numbering exactly 5, and who is not subject to residential breeder requirements under s. 78-7. Animal fancier status applies regardless of the age of any animal. The occurrence of an accidental litter, when the owner complies with the accidental litter standards of s. 78-7-4 shall not constitute animal fancier status unless the numerical threshold of 5 is met beyond the applicable compliance period established under sub. 78-7-4.

6.5. BREEDING ACTIVITY means the intentional or unintentional production of, or possession of animals from, a litter of dogs, cats, or rabbits, originating from animals owned, kept, or harbored by a person, including circumstances in which the person knew or reasonably should have known that one or more animals were intact and capable of reproduction and did not take reasonable steps to prevent breeding. Reasonable steps shall include effective sterilization or physical separation of intact animals of opposite sexes and may include other commonly accepted veterinary or animal husbandry measures to prevent reproduction. Reasonable steps do not include intermittent supervision, intent to sterilize at a future date, or reliance on confinement without physical separation.

**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.

**33.5. 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.

**34.5. REPEATED PRACTICE** means, within a 12-month period, the occurrence of more than one litter or the transfer of animals on more than one occasion, attributable to the same person, household, or animals owned, kept, or harbored by that person. Repeated practice includes placements occurring on more than one occasion, whether from the same litter or from multiple litters, and whether by sale, adoption, rehoming, or other means, regardless of whether compensation is received.

**34.7. RESIDENTIAL BREEDER** means any person who engages in breeding activity within a dwelling unit or on residential property, or who advertises for sale, sells, transfers, or otherwise distributes animals from any litter for compensation or other consideration or as part of a repeated practice, regardless of whether the numerical limits in s. 78-5-3 are exceeded, regardless of whether the animals were bred by the person or acquired from another source, and whose activity does not rise to the level of a dog breeding facility or other breeding operation regulated under ch. ATCP 16, Wis. Adm. Code.

**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, including placement outside the animal's house of origin. Transfer does not include temporary boarding, veterinary care, grooming, training, or foster placement through a recognized rescue, shelter, or animal welfare organization.

**40. 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 the date of examination that occurs on or near the date of transfer.

Part 4. 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 one time more than 4 dogs, cats, or rabbits, in any combination, unless the person holds either a valid animal fancier permit authorizing the keeping of 5 animals, or a residential breeder permit authorizing the keeping of more than 5 animals or holds a valid kennel, pet shop or grooming establishment permit, or meets the definition of a dog breeding facility or other regulated operation under ch. ATCP 16, Wis. Adm. Code.

b. An animal fancier permit authorizes the keeping of no more than 5 animals.

c. The keeping of more than 4 dogs, cats, or rabbits, in any combination, in a dwelling unit located within a multiple-family dwelling is declared to be a nuisance. No animal fancier permit, limited exemption or residential breeder permit shall be issued for a dwelling unit located within a multiple-family dwelling.

d. No more than one animal fancier permit may be issued per qualified dwelling unit that is a single-family dwelling or in a duplex.

e. Animals temporarily fostered through a recognized rescue, shelter, or animal welfare organization shall not be counted toward the numerical limit established in this section, provided that documentation of foster status is available to the department upon request.

f. Nothing in this section shall be construed to exempt any person from obtaining a residential breeder permit when breeding activity occurs, as required under s. 78-7, or from obtaining a kennel permit when the numerical threshold for kennel regulation is met.

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

**5. LIMITED EXEMPTION FROM NUMERICAL LIMITS.** a. Exemption Authorized. A limited exemption from the numerical limit established in sub. 3 may be granted to a household that maintains 6 or more dogs, cats, or rabbits, in any combination, subject to the conditions of this subsection. This exemption authorizes the keeping of animals in excess of the numerical limits otherwise permitted under this chapter and does not alter how animals are counted under sub. 3 or the definition of animal fancier under s. 78-1-1.7.

b. Permit and Authorization Requirements. b-1. A household maintaining 6 or more animals shall be required to obtain a limited exemption under this subsection and shall comply with all other applicable permitting requirements of this chapter.

b-2. A limited exemption shall not take effect until the department issues a written exemption approval letter that identifies the premises address, all animals covered by the exemption, any conditions of approval, and the effective date of the exemption.

b-3. Upon issuance, the department shall register the exemption in its records for enforcement purposes.

c. Eligibility Conditions. A limited exemption may be granted only if all of the following conditions are met:

c-1. Spaying or Neutering. All dogs, cats, and rabbits maintained in the household shall be spayed or neutered. Proof shall be provided in the form of a veterinary record, invoice, or verification from designated impound facility, animal control commission, or animal control contractor.

c-2. Nuisance Prevention. Animals kept under this exemption shall not create excessive noise, odor, sanitation concerns, or other nuisance conditions affecting adjacent properties. Verified nuisance conditions shall constitute grounds for revocation.

c-3. Capacity and Humane Care. The exemption shall be revoked if the number of animals exceeds the reasonable capacity of the premises to maintain sanitary conditions, adequate space, and humane care, even in the absence of nuisance complaints.

c-4. Multiple Dwellings Prohibited. A limited exemption shall not be available for any household located in a multi-family dwelling.

d. Duration, Renewal, and Inspection. d-1. A limited exemption shall expire 3 years from the date of issuance unless renewed.

d-2. An exemption holder shall apply for renewal no later than 30 days prior to expiration and shall submit updated documentation demonstrating continued compliance, including proof of spaying or neutering for all animals.

d-3. Prior to renewal, the department may conduct an inspection of the premises to verify sanitary conditions, adequate space, compliance with nuisance standards, and continued eligibility.

d-4. Failure to provide reasonable access for inspection after written notice shall constitute grounds for denial or revocation.

e. Revocation, Expiration, and Return to Compliance. e-1. Upon expiration or revocation of a limited exemption, the household shall return to compliance with the numerical limit

under s. 78-5-3 within 30 days, unless another applicable permit authorizing the keeping of more than five animals is obtained.

e-2. Failure to timely renew an exemption shall result in automatic expiration.

e-3. A violation of any condition of approval or applicable requirement of this chapter shall subject the owner to citation and may result in revocation.

f. No Waiver of Other Requirements. A limited exemption granted under this subsection does not waive any other requirement of this chapter or state law. All licensing, vaccination and microchipping requirements, cruelty standards, tethering limits, sanitation obligations, and leash and control provisions remain fully in effect.

Part 6. Section 78-7-3 to 8 of the code is created to read:

### **78-7. Kennels, Horse Stables, Animal Fancier and Residential Breeding Permits.**

**3. RESIDENTIAL BREEDERS.** a. Applicability and Purpose. This subsection applies to residential breeders, as defined in s. 78-1-34.7. The purpose of this subsection is to regulate residential-scale breeding and transfer activity, including accidental litters, in a manner that protects animal welfare and public health, authorizes limited increases in the number of animals consistent with residential breeder permits, provides a compliance pathway for accidental litters, and distinguishes residential breeding from a dog breeding facility or other breeding operation regulated under ch. ATCP 16, Wis. Adm. Code.

b. Residential Breeder Permit. b-1. No person shall act as a residential breeder without first obtaining a residential breeder permit issued by the department.

b-2. Any animal fancier who engages in breeding activity and fits the definition of a residential breeder shall obtain a residential breeder permit in addition to any required animal fancier permit.

b-3. A residential breeder permit authorizes residential-scale breeding and transfer activity only and does not authorize commercial breeding, kennel operations, or any activity regulated by the state under ch. ATCP 16, Wis. Adm. Code.

b-4. A residential breeder permit authorizes the keeping of more than 5 animals, subject to the numerical limits and conditions applicable to residential breeders under s. 78-5-3, and does not authorize the keeping of animals at a scale requiring a kennel permit under this chapter.

b-5. Residential breeder status is independent of animal fancier status. Possession of an animal fancier permit does not exempt a person from residential breeder requirements. A person may be subject to both:

b-5-a. Residential breeder requirements based on breeding and transfer activity.

b-5-b. Animal fancier requirements based on numerical limits and shall comply with both when applicable.

**4. ACCIDENTAL LITTER COMPLIANCE.** a. The occurrence of an accidental litter, by itself, shall not constitute a violation of a sub. 3-b.

b. Where an accidental litter occurs, the owner shall do all of the following:

b-1. Comply with all applicable requirements of this section and obtain any permit required under this chapter prior to any advertisement, sale, or transfer of an animal from the litter.

b-2. Rehome animals within 90 days of birth unless otherwise authorized by the department under an applicable permit or exemption granted pursuant to this chapter.

b-3. Comply with spay or neuter requirements for parent animals under s. 78-5-5.

c. A one-time extension of up to 30 days beyond the initial 90-day period may be granted by the department in writing when necessary to ensure safe and appropriate rehoming based on documented health or welfare considerations.

**5. SPAY OR NEUTER REQUIREMENTS FOLLOWING AN ACCIDENTAL LITTER.**

a. Upon the occurrence of an accidental litter, spaying or neutering of the parent animal or animals responsible for the litter is required as a corrective compliance measure under this section.

b. The owner shall cause the parent animal or animals responsible for the litter to be spayed or neutered within the 90-day compliance period established under sub. 4 unless a licensed veterinarian documents that alteration is medically inadvisable.

c. Nursing or pregnancy establishes parentage for purposes of this section. Both the male and female parent animals shall be altered unless medically contraindicated.

d. Proof of spaying or neutering or veterinary documentation of medical inadvisability shall be provided to the department upon request.

e. Failure to comply with this section shall constitute a violation and result in revocation of any limited exemption granted under s. 78-5-5.

f. The acquisition of additional unaltered animals during the compliance period does not excuse or delay the requirements of this section.

**6. TRANSFER AND ADVERTISING REQUIREMENTS.** a. No animal from a litter subject to this section may be transferred under any of the following circumstances:

a-1. Prior to 8 weeks of age, unless otherwise expressly permitted under state law for entities regulated under ch. ATCP 16, Wis. Adm. Code.

a-2. Without age-appropriate vaccinations consistent with generally accepted veterinary standards.

b. Any advertisement for the transfer of animals from a litter for which a residential breeder permit is required shall include the valid residential breeder permit number.

c. The residential breeder shall maintain records for a minimum of one year documenting:

c-1. The origin of each animal.

c-2. Vaccination status.

c-3. The date and manner of transfer or placement.

#### **7. ESCALATION TO KENNEL REGULATION AND ZONING REGULATION.**

A residential breeder permit authorizes only residential-scale breeding and transfer activity conducted within a dwelling unit or on residential property.

A person shall be required to obtain a kennel permit and comply with all applicable kennel regulations, zoning requirements, and ch. ATCP 16, Wis. Adm. Code, when any of the following apply:

a. Breeding or transfer activity meets or exceeds the numerical limits established for kennels under this chapter.

b. The activity constitutes a commercial operation.

c. The activity is not permitted in the applicable zoning district.

**8. ENFORCEMENT.** a. Failure to comply with this section may result in one or more of the following actions:

a-1. Denial, suspension, or revocation of a residential breeder permit.

a-2. Administrative citation.

a-3. Referral for enforcement under applicable kennel or state provisions.

b. Nothing in this section limits the department's authority to enforce other provisions of this chapter.

Part 7. Section 78-17-6 of the code is created to read:

#### **78-17. Dog and Cat Licenses.**

**6. MICROCHIPPING.** a. Every dog and every cat kept in the city shall be microchipped and registered with a nationally recognized pet recovery database.

b. Transfer of ownership of a 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 do not apply when either of the following conditions exist:

c-1. The dog or cat is temporarily visiting the city for a period not exceeding 90 consecutive days.

c-2. The dog or cat is owned by an individual who has established residency in the city within the past 90 days, provided that microchipping is completed and registered within that period.

Part 8. 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 a humane officer or law enforcement shall be restored to the owner or caretaker upon compliance with the conditions set forth in this subsection. Nothing in this subsection shall be construed to authorize any conduct prohibited under s. 173.07(6), Wis. Stats.

b. In addition to the reclamation fee required under sub. 60-5-1, 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 designated impound facility, animal control commission, or animal control contractor in accordance with its current fee schedule.

c. The designated impound facility, animal control commission, or animal control contractor 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 any applicable policy.

d. If the animal is an unlicensed dog or cat, the owner shall obtain a valid license and pay any applicable licensing fees prior to release of the animal by impound facility, animal control commission, or animal control contractor.

e. No animal shall be released from animal control contractor, or shelter, or impound facility custody until all required fees under this section have been paid in full and all applicable licensing requirements have been met.

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

**78-31. Cruelty to Animals.**

**9. TETHERING AND OUTDOOR HOUSING STANDARDS.** a. A dog shall be physically able to tolerate tethering based on age, breed, and health.

b. No dog under 6 months, or pregnant or nursing female dog, may be tethered.

c. The tether shall be no less than 15 feet in length and allow unimpeded access to shelter, potable water, and food.

d. The tether shall include a functioning swivel at both the anchor point and attachment point to prevent tangling.

e. The tether shall attach to a properly-fitted, non-tightening collar or harness.

f. Choke, pinch, prong, weighted, or restrictive collars are prohibited while tethered.

g. The tether shall not exceed one-eighth (1/8) of the dog's body weight and shall be free of materials that can injure, bind, or abrade the dog.

h. The tether may not allow the dog to cross onto neighboring property or any public walkway, sidewalk, right-of-way, or street.

i. Tethering is prohibited during any heat, cold, wind, or storm advisory issued by the national weather service or local authority.

j. No dog may be tethered more than 6 total hours within any 24-hour period.

k. No tethering shall be permitted between 10:00 p.m. and 6:00 a.m. when unattended.

L. No dog may be tethered more than 2 continuous hours without at least one hour of release.

m. The owner or caretaker shall be present on the premises and monitor the dog at reasonable intervals.

n. The dog shall have continuous access to a shelter allowing it to stand, turn, and lie down comfortably with adequate shade and weather protection.

o. The dog shall have continuous access to potable water and appropriate food while tethered.

p. Each dog shall be tethered by its own independent tether. Shared radii or overlapping lines that permit entanglement are prohibited.

q. Tethering shall not create excessive noise, aggression displays beyond property lines, or other nuisance conditions.

r. This subsection does not apply to a facility or person regulated under ch. ATCP 16, Wis. Adm. Code, when tethering is conducted in compliance with applicable state standards.

**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 10. 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	<del>[[Class G]]</del> >>Class F<<
>>78-5-4	Class F<<
<del>[[78-6 to 78-19</del>	<del>Class C]]</del>
>>78-6 to 79-17-1	Class C
<u>78-17-6</u>	Class F
<u>78-19</u>	Class C<<
78-22	Class F
78-23-1 to 78-23-7	Class F
78-23-10	Class I
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



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Legislative Reference Bureau  
Date: January 26, 2026

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..Attorney  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney  
Date: \_\_\_\_\_  
.. Requestor

..Drafter  
LRB180683-16  
Addis Zewdie  
01/28/2026