



## Legislation Text

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File #: 141680, Version: 1

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141680  
SUBSTITUTE 1  
091403  
THE CHAIR

A substitute ordinance relating to a trap-neuter-release pilot program for feral cats.

78-1-17 rp  
78-1-19 rp  
78-1-20 rp  
78-1-21 rp  
78-1-22 rp  
78-1-36 rp  
78-1-38 rp  
78-1-39 rp  
78-3-2 am  
78-5-3 am  
78-17-1 am  
78-17-4 am  
78-17-5 am  
78-19-5 rp  
78-20 rp

Common council file number 091403, passed March 2, 2010, established a pilot trap-neuter release program for feral cats. It further provided that authorization of this program shall expire 5 years from the effective date of the ordinance (March 19, 2010) unless reauthorized by the common council.

This ordinance removes the code provisions relating to the trap-neuter-release program.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 78-1-17, 19, 20, 21, 22, 36, 38 and 39 of the code is repealed.

Part 2. Section 78-3-2 of the code is amended to read:

### **78-3. Owner or Caretaker's Duty; Presumption.**

2. The occupant of any premises on which a dog, ~~[[domesticated]]~~ cat or any other domesticated bird or animal remains or to which it customarily returns daily for a period of at least 10 days shall be presumed, for purposes of enforcement of this chapter, to be harboring, sheltering or keeping the animal.

Part 3. Section 78-5-3 of the code is amended to read:

### **78-5. Keeping of Animals Within City.**

**3. NUMBER PERMITTED.** No person may keep, harbor, shelter or possess at any time more than 3 dogs or ~~domesticated~~ cats of 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 dogs or ~~domesticated~~ 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.

Part 4. Section 78-17-1, 4 and 5 of the code is amended to read:

**78-17. Dog and Cat Licenses. 1. REQUIRED.** Any person owning, keeping, harboring or having custody of any dog or ~~domesticated~~ cat over 5 months of age within the city of Milwaukee ~~must~~ ~~shall~~ obtain a license as provided in this section and in accordance with ch. 174, Wis. Stats., relating to dogs, and ch. 26, Milwaukee County Code of Ordinances, relating to cats. Any person obtaining a dog or ~~domesticated~~ cat that is older than 5 months of age shall have 30 days to apply for an original license, except this requirement will not apply to a nonresident keeping a dog or ~~domesticated~~ cat within the city for less than 30 days.

**4. PAYMENT RESPONSIBILITY.** The owner, harborer, shelterer or head of the family shall be liable for payment of the license fee of any dog or ~~domesticated~~ cat owned, harbored or kept by any member of the family.

**5. ISSUANCE.** Upon acceptance of the license application and fee, the Milwaukee area domestic animal control commission shall issue a tag and a license. The tag shall be securely attached by the licensee to a collar or harness and the collar or harness with the tag attached shall be kept on the dog or ~~domesticated~~ cat for which the license is issued at all times. The requirement does not apply to a dog or ~~domesticated~~ cat securely confined indoors or in a fenced area.

Part 5. Section 78-19-5 of the code is repealed.

Part 6. Section 78-20 of the code is repealed.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Department of Neighborhood Services

LRB157241-2

Jeff Osterman

03/16/2015

