

DRAFTER'S ANALYSIS: This ordinance requires all pit bulls over the age of five months be spayed or neutered. This ordinance also creates several exceptions to possessing an unaltered pit bull and establishes an appeal process for an owner who does not believe that the dog is a pit bull. This ordinance requires any owner of an unaltered pit bull register the dog and comply with several requirements. This ordinance also establishes bail deposits for individuals who keep unregistered unaltered pit bulls within the City and creates enforcement authority for the Director of Public Health or her/his designee. This ordinance has a sunset date of March 31, 2020, unless extended by the Common Council.

The Common Council of the City of Madison do hereby ordain as follows:

1. New Section 23.60 entitled "Mandatory Spaying and Neutering of Pit Bulls" of the Madison General Ordinances is created to read as follows:

"23.60 MANDATORY SPAYING AND NEUTERING OF PIT BULLS.

(1) Purpose. The City is experiencing an overpopulation problem involving dogs most commonly known as Pit Bulls, Pit Bull mixes or Bully Breeds. This overpopulation is having a negative impact on the health and well-being of the dogs themselves, as well as the health and safety of Madison residents.

This over-population has resulted in Public Health Madison and Dane County and the Dane County Humane Society being inundated with this dog breed. Every year from 2010 to 2012 more than fifty percent (50%) of dogs euthanized at the Dane County Humane Society were from the pit bull breed. In the City of Madison in 2013, seventeen percent (17%) of all cases of dogs running at large involved a pit bull breed and forty-four percent (44%) of cases of abandoned dogs involved the pit bull breed. These numbers are astronomical when taking into consideration the fact that there are over a hundred different types of dog breeds.

Studies show that spayed and neutered dogs are much less likely to be aggressive and run at large. Therefore, the most effective, humane and ethical solution to the over - population of unwanted pit bulls is to substantially reduce their birth numbers.

(2) Definitions.

"AKC" shall mean the American Kennel Club.

"Department" shall mean Public Health Madison and Dane County.

"Pit bull" shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or any mix breed dog displaying the physical traits of any one or more of the these breeds, or any mix breed dog exhibiting those distinguished characteristics that conform to the standards established by the AKC for any of these breeds.

(3) No person may own, keep or harbor any pit bull within the City if that pit bull has not been spayed or neutered.

(4) The Department is authorized to inspect any pit bull within the City to determine whether the dog meets the definition of a pit bull.

(5) Exceptions. Pit bulls located within the City do not have to be spayed or neutered, if any of the following apply:

(a) The pit bull is under five (5) months of age;

(b) The pit bull cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to a physical abnormality. The owner must provide the Department with documentation of such physical condition from a licensed veterinarian. This documentation shall include a statement that the veterinarian certifies such a condition exists and provides the time frame after which the pit bull can be safely spayed or neutered;

(c) The owner has obtained, or has submitted an application for a breeding registration in accordance with Sec. 23.61, MGO;

(d) Determination of breed is under appeal pursuant to sub. (6);

(e) The pit bull is a show dog. Within thirty (30) days of taking possession or ownership of an unspayed or unneutered pit bull, the owner or keeper must submit a copy of the

documentation from the AKC demonstrating the pedigree information and show dog registration and that the keeping of the pit bull conforms with the guidelines established under Sec. 23.61, MGO;

- (f) The pit bull is a working or retired police dog;
 - (g) The pit bull is a nationally certified search and rescue dog;
 - (h) The pit bull is currently unclaimed or abandoned and in the possession of the City or the Dane County Humane Society; or
 - (i) The pit bull is currently surrendered or abandoned and in the possession of a rescue organization. Rescue organizations must spay or neuter all pit bulls that they have had in their possession or custody for more than thirty (30) days.
- (6) Department Review. Any owner aggrieved with the Department breed determination may appeal said determination to the Department. The appeal must be made in writing and provided to the department within seven (7) days of the determination. The Department shall schedule a time for the dog to be viewed by an Animal Services representative. Said appointment shall occur within thirty (30) days of the notice of appeal. The Department shall mail written results of the breed determination to the owner within ten (10) days of the appointment.
- (7) Committee Review. The owner may appeal the Department's determination to a subcommittee of the Board of Public Health. Said appeal must be filed in writing with the Department within seven (7) days of the date of mailing of the Department determination under sub. (6). The Committee shall schedule a hearing on whether to affirm or reject the breed determination within forty-five (45) days, but not sooner than five (5) days, and shall make reasonable efforts to notify the owner and the Department of said hearing and the opportunity to present evidence and testimony to the Committee. The Committee shall within a reasonable period of time after the hearing, issue its decision in writing and serve a copy by first class mail upon the owner and the Department.
- (8) Appeals to Circuit Court. The owner or the Department may appeal the breed determination under sub. (6) by filing an appeal in Circuit Court by writ of certiorari within thirty (30) days of the notification of such final action by mailing of the decision under sub. (6).
- (9) Penalty. Any person violating this Section shall be subject to a forfeiture of up to two thousand dollars (\$2000). Each and every day of violation may be considered a separate offense.
- (10) Sunset. This section shall expire and be of no legal effect on March 31, 2020, unless extended by the Common Council prior to the expiration date."

2. Section 23.61 entitled "Pit Bull Breeder Registration" of the Madison General Ordinances is created to read as follows:

"23.61 PIT BULL BREEDER REGISTRATION.

- (1) Definitions.
"AKC" shall mean the American Kennel Club.
"Breeder" shall mean the individual(s) who keep or own a pit bull in the City that is not spayed or neutered as required by Sec. 23.60, MGO.
"Department" shall mean the Public Health Madison and Dane County.
"Pit bull" as defined under Sec. 23.60(1), MGO.
- (2) Any owner keeping an unaltered pit bull in the City shall register the dog with the Department.
- (3) To register a pit bull under this Section, a breeder must meet all of the following criteria:
- (a) The pit bull must be registered with the AKC;
 - (b) The pit bull must meet the pit bull breed standard for physical conformation as well as temperament, as defined by the AKC;
 - (c) The pit bull must participate in at least one conformation dog show sanctioned in writing by the , AKC , every three hundred sixty-five (365) day period;
 - (d) The breeder shall allow the Department to observe their breeding facility, to insure that all pit bulls are kept in the standard of care as required by Wis. Stats. § 173.41(10); and
 - (e) The breeder shall not allow female pit bulls to have more than one (1) litter per calendar year.
- (4) Exception. No breeder registration may be issued if the pit bull has been warned or declared a dangerous animal under Sec. 25.22, MGO.

- (5) Penalty. Any person violating this Section shall be subject to a forfeiture of up to two thousand dollars (\$2000). Each and every day of violation may be considered a separate offense.
- (6) Sunset. This section shall expire and be of no legal effect on March 31, 2020, unless extended by the Common Council prior to the expiration date.”

3. Current Section 23.60 entitled “Penalties” of the Madison General Ordinances is hereby renumbered to Section 23.90.

4. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Failure to spay/neuter pit bull.	23.60	\$500, 1 st \$1000, 2 nd \$1500, 3 rd & sub.
Failure to comply with pit bull breeder registration.	23.61	\$500, 1 st offense \$1000, 2 nd \$1500, 3 rd & sub.”

EDITOR’S NOTE: A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. This revised range has been so approved.

5. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>“Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
Director of Public Health or her/his designee and Police Department.	Chapter 7, Public Health; Section 9.05, Adult Entertainment Establishments; Section 23.05, Smoking Prohibited in Certain Public Areas; Section 23.12, Transient Hotels and Motels Regulated; Section 23.38, Possession of Tobacco Products by Children; Section 23.385, Sale of Tobacco Products to Children Forbidden; Section 23.44, Consumers to Be Offered Selection of Containers; <u>Section 23.60, Spay/Neuter Pit Bull; Section 23.61; Pit Bull Breeder Registration.</u> ”