

AMENDING CHAPTER 47 OF THE DANE COUNTY CODE OF ORDINANCES,
REGULATING DANGEROUS ANIMALS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 47.18 is rescinded and recreated to read as follows:

~~47.18 KEEPING OF VICIOUS DOGS PROHIBITED. (1) No person shall keep or harbor a dog of a vicious disposition.~~

~~(2) For purposes of enforcing this ordinance, a dog shall be deemed as being of a vicious disposition if, within any 12 month period, it bites 2 or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises.~~

47.18 DANGEROUS ANIMALS REGULATED. (1) Purpose and intent. It is hereby declared that regulation of dangerous animals is a matter of public interest pertaining to the health, safety and welfare of residents of Dane County. It is further declared that owning, keeping or harboring of dangerous animals is a public nuisance.

(2) Authority. This ordinance is enacted under the authority of section 59.03 of the Wisconsin Statutes.

(3) Applicability. This ordinance shall apply in the unincorporated areas of Dane County.

(4) Definitions. For purposes of this section, the following definitions shall apply:

(a) Department means Department of Public Health for Madison and Dane County.

(b) Director means the director of the department.

(c) Impoundment means the confinement of an animal in a department-approved, supervised facility such as a veterinarian's kennel, commercially operated kennel or the county pound designated under s. 47.31.

(d) Owner means the owner, custodian or person having charge, care or custody of an animal.

(e) Permit includes the otherwise unregulated right to keep an animal not covered by a requirement for a municipal license or permit.

(5) Impoundment of biting or attacking animal. (a) The department or an officer shall have the power to summarily and immediately impound an animal whenever there are reasonable grounds pursuant to sub. (6) to believe that the animal is a dangerous animal. The animal may remain impounded during the entire determination process. If the animal is determined to be dangerous, it shall remain impounded until the owner has complied with all restrictions outlined by the department and found in sub. (7) or until such time as the department determines that the animal may be safely returned to the owner. Any law

47 enforcement officer or humane officer may enter and inspect private property to
48 enforce the provisions of this section. The owner of the animal shall be liable to
49 the County for the costs and expenses of impounding and keeping said animal,
50 unless the department fails to declare the animal dangerous or the department
51 determination is ultimately overturned by administrative review or a reviewing
52 court.

53 (b) In lieu of impoundment, if there was no tearing of flesh or multiple wounds
54 by the animal and the animal is currently immunized against rabies, or if the
55 animal species is at low risk for transmitting this or other diseases, the
56 department may permit the animal to be confined at the owner's residence
57 provided that the owner complies with conditions set forth by the department.

58 (c) The owner or custodian of an animal confined under sub. (b) above shall
59 immediately notify the department if said animal is loose, unconfined, has
60 attacked or bitten or injured another animal or has attacked, bitten or injured a
61 human being, or has died. The animal shall not be sold or given away during the
62 impoundment period.

63 (6) Determination. The department shall investigate situations in which there
64 are reasonable grounds to believe an animal is dangerous. Reasonable grounds
65 to believe an animal is dangerous are that the animal:

66 (a) has attacked, bitten or injured another domesticated animal or human
67 being engaged in a lawful activity;

68 (b) has without provocation and off the property of its owner, chased,
69 confronted or approached a person in a menacing fashion such as would put an
70 average person in fear of attack;

71 (c) has been trained for fighting or attack and is being handled, kept or
72 maintained in a manner that poses a threat to public health and safety; or

73 (d) has acted in any manner that poses a threat to public health and safety.

74 (7) Declaration of dangerous animal. The department, after considering
75 appropriate evidence, may declare any animal to be a dangerous animal. The
76 department shall make a reasonable attempt to personally notify the owner of the
77 pendency of the department's investigation and shall notify the owner in writing of
78 its determination. Mailing a copy of the determination to the owner's last known
79 address and posting in accordance with approved department policy shall satisfy
80 this notice requirement.

81 (8) Dangerous animal disposition. (a) It shall be unlawful for any person to
82 own, possess, harbor or keep any animal declared by the department to be
83 dangerous, except as allowed in (b) below.

84 (b) Any animal declared by the department to be a dangerous animal shall be
85 humanely destroyed, removed from the County or placed under restrictions as
86 set forth in this sub. (9) and in department policies. The director shall issue an
87 order authorizing the destruction, removal or restriction of the animal within two
88 (2) days after the time for appeal as provided in sub. (11) has passed without
89 notice of appeal being filed.

90 (c) Any animal declared by the department to be dangerous, if not already
91 impounded by the department, shall be immediately surrendered to the

92 department upon order of the director, and it is the duty of the department to take
93 up and impound any such animal.

94 (9) *Dangerous animal restrictions.* Any owner of an animal that has been
95 declared dangerous and placed under restrictions must comply with the
96 restrictions set forth below as well as any additional restrictions imposed by the
97 department. The owner must provide documentation to the department of
98 compliance with these restrictions. Said documentation must be provided within
99 thirty (30) days of the animal being declared dangerous.

100 (a) The owner of the animal must provide written proof from a licensed
101 veterinarian that the animal has been spayed or neutered.

102 (b) The owner must provide written proof from a licensed veterinarian that a
103 microchip has been placed in the animal so that the animal can be easily
104 identified. The microchip must contain the following information:

105 1. the name of the animal,

106 2. the name of the owner, and

107 3. the following language "Dangerous Animal, contact Madison - Dane
108 County Animal Control at (608) 267-1989.

109 (c) The owner must provide written proof from a licensed veterinarian that the
110 animal is current with rabies vaccinations.

111 (d) The animal must be in compliance with all license requirements.

112 (e) The owner must post signs no smaller than eight (8) inches by eleven (11)
113 inches, made of metal or plastic, bearing the wording "Warning Dangerous
114 Animal" or "Beware of Dog", no smaller than three (3) inches high. These signs
115 shall be posted at each entrance to the building in which the dangerous animal is
116 kept and at each entrance through a fence and at such location as to be viewable
117 from the public right-of-way to ensure adequate warning and visibility to anyone
118 approaching said building and fence.

119 (f) When outside but still on the property of the owner or caretaker, the
120 dangerous animal must be supervised by a competent adult and physically
121 restrained at all times to prevent the animal from leaving the property. If the
122 department determines that the animal may be kept in a secure kennel or pen,
123 hereinafter referred to as "structure", and not under the direct supervision of an
124 adult, the department may require that the structure be constructed under some
125 or all of the following guidelines:

126 1. the structure shall be constructed of strong metal fencing to prevent the
127 animal from exiting on its own volition;

128 2. the structure shall be secure on all sides and have a secure top attached;

129 3. the structure shall have a secure bottom or floor attached to the sides of
130 the structure or the sides of the structure shall be embedded in the ground no
131 less than two (2) feet;

132 4. the structure shall be kept locked at all times with a key or combination
133 lock;

134 5. the structure shall provide adequate light, ventilation and shelter from the
135 environment for the animal;

136 6. the structure shall be maintained in a clean and sanitary condition; and

137 7. the structure must be in compliance with all other building and zoning
138 ordinances.

139 (g) While off the owner's property, the dangerous animal shall be muzzled
140 and leashed at all times. The muzzle must be made in a manner that will not
141 cause injury to the animal but that will prevent it from biting any person or animal.
142 The leash shall be attached to a secure collar that is of sufficient strength to
143 restrain the animal. The leash shall be no longer than four (4) feet in length and
144 must be secured by and under the direct control and supervision of a competent
145 adult.

146 (h) The owner shall allow the department to take four (4) photographs
147 depicting the animal and owner as outlined below:

148 1. one (1) photograph showing a close view of the animal's entire face, so
149 that the animal is recognizable;

150 2. one (1) photograph showing the animal's entire left side of its body,
151 including its legs and tail;

152 3. one (1) photograph showing the animal's entire right side of its body,
153 including its legs and tail; and

154 4. one (1) photograph showing the owner, so that the owner is easily
155 identifiable.

156 (i) Prior to a dangerous animal being sold or given away, the current owner
157 must provide the name, address and telephone number of the proposed new
158 owner to the department. Prior to taking physical custody of the dangerous
159 animal, the new owner must comply with all requirements of this ordinance and
160 any other restriction the department determines to be appropriate to ensure the
161 public's safety.

162 (j) To ensure compliance with this ordinance, the owner or caretaker of a
163 dangerous animal shall allow the department, on an annual basis and at any
164 other reasonable time determined by the department, the opportunity to inspect
165 the property where the dangerous animal is kept.

166 (10) Subsequent determination and penalty. (a) The department may make a
167 new determination if an owner fails to comply with the terms, conditions or
168 restrictions imposed by sub. (8)(b).

169 (b) The failure of any person to comply with any term, condition or restriction
170 imposed by the department is a violation of this ordinance.

171 (11) Administrative review. (a) The owner or any person aggrieved by a
172 determination of the department declaring any animal to be a dangerous animal
173 may appeal such determination to the Board of Health for Madison and Dane
174 County by filing a notice of appeal stating the grounds therefor with the director
175 within seven (7) days of the date of mailing of the department's declaration under
176 sub. (7) above. Board review pursuant to this procedure is required prior to
177 seeking court review. Failure to so obtain board review shall be deemed a full
178 and complete waiver of the right to any additional review of the determination.

179 (b) If an appeal is timely and properly filed, the board shall schedule a hearing
180 on whether to affirm, conditionally affirm or reject the determination within thirty-
181 two (32) days, but not sooner than five (5) days, and shall make reasonable
182 efforts to notify the owner, bite or attack victims and their representatives, if any.

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witnesses and other interested parties of such hearing and the opportunity to present evidence and testimony to the board. The board shall, within a reasonable period of time after the hearing, issue its decision in writing and serve a copy of the same by first class mail upon the owner and all parties requesting the same.

(12) Appeals to circuit court. Any person aggrieved by a determination of the Board of Health under sub. (11) may appeal such determination to the circuit court by writ of certiorari within ten (10) days of notification of the board's determination.

(13) Prosecution. An investigation or determination under this section shall not prohibit the county from prosecuting the same owner for other animal control violations relating to the same animal or another animal.

(14) Violation. The failure or neglect of any person to comply with any lawful order of the department issued pursuant to this section shall constitute a violation of this ordinance.

ARTICLE 3. Section 47.51(10) is repealed and recreated to read as follows:
(10) Any person who violates sec. 47.18 shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

[EXPLANATION: This amendment authorizes the Health Department to regulate dangerous animals and creates a procedure for enforcement of such regulation.]

Submitted By:

[Handwritten signatures: Linda K. Kelly, [unclear], Elaine D. DeLuca, [unclear], Eileen Burkewitz, Patrick Walsh, [unclear], [unclear], [unclear], [unclear], [unclear], [unclear]]

Referred to:

- Executive
- Hlth/Hum Needs
- Pers/Finance
- Pub Prot/Jud
- Pub Wks/Transp
- Envir/Ag/Nat Res
- Zoning/Land Reg
- Board of Health

- Approved as Submitted
- Fiscal Note Not Required
- Policy Note Not Required
- Forward to: *Public Health - Med & DC*
- Policy Note
- Fiscal Note

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