



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 32949

File ID: 32949

File Type: Ordinance

Status: Unfinished
Business

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

Lead Referral: BOARD OF HEALTH
FOR MADISON AND
DANE COUNTY

Cost:

File Created Date : 01/28/2014

File Name: Pit bulls

Final Action:

Title: Creating Sections 23.60 and 23.61, renumbering Section 23.60 to Section 23.90 and amending Section 1.08(3)(a) of the Madison General Ordinances to mandate the spaying and neutering of pit bulls, require registration for pit bull dog breeders and establish a bail deposit schedule for violation of such.

Notes: 5461pit.bulls

Code Sections:

CC Agenda Date: 03/18/2014

Indexes:

Agenda Number: 69.

Sponsors: John Strasser, Anita Weier and Matthew J. Phair

Effective Date:

Attachments: Body, City Attorney Memo dated 2/12/14, MAPS handout.pdf, MAPS-Guessing Breeds.pdf, Registrants-Feb.13, 2014.pdf, Racial Equity & Social Justice Toolkit

Enactment Number:

Author: Marci Paulsen

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1	01/28/2014	Michael May	Approved as to Form
1	01/28/2014	Tim Fruit	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	01/28/2014	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:	Board of Health for Madison and Dane County, Public Safety Review Committee					

1	COMMON COUNCIL	02/04/2014	Referred	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	02/13/2014	
	Action Text:	This Ordinance was Referred to the BOARD OF HEALTH FOR MADISON AND DANE COUNTY				
	Notes:	Additional Referral: Public Safety Review Committee				
1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	02/04/2014	Refer	PUBLIC SAFETY REVIEW COMMITTEE	02/11/2014	
	Action Text:	This Ordinance was Refer to the PUBLIC SAFETY REVIEW COMMITTEE				
	Notes:					
1	PUBLIC SAFETY REVIEW COMMITTEE	02/11/2014				
1	PUBLIC SAFETY REVIEW COMMITTEE	02/11/2014	Return to Lead with the Recommendation for Approval	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	02/13/2014	Pass

Action Text: Thomas Malone – Opposes the Ordinance. A volunteer for Midwest Area Pit Stop shared that the process of the ordinance is unclear with regard to animal control to name anything that looks like a pit bull if it meets a broad definition. He shared that it dismisses science which he said is the only way to accurately define a breed. He said overall the ordinance would be ineffective in enforcement as it is complaint driven where it would be easy to avoid it by hiding or removing the dog. He said it also would not solve the over breeding problem as it would just spill into the overlying areas. For solutions he shared the focus should be on a human factor looking at an ordinance that punishes irresponsible behavior, focusing on the relationship of human and dogs, enforcing the licensing requirements that are already in place, expanding the spade and neuter subsidy programs, expanding public education and dog safety, and better tracking the factor in dog bites, not just breeds. HANDOUT

Myla Burns – Opposes the ordinance. She shares that the ordinance is breed discriminatory and that the primary reason individuals do not spade and neuter their pets isn't because they don't want to but because they can't afford to or have access to affordable services. She said that mandatory spade and neuter requirements fail assuming there will be compliance when enforced. She mentioned that voluntary low cost and free and spade neuter programs typically show more success than mandatory spade and neuter adding that mandatory spade and neuter laws cause a drastic increase in animal shelter intake as people don't or can't comply with the laws and their pets are confiscated or owners surrender their pets.

David Elger – Opposes the ordinance. A member of the Dane County Humane Society Pit Bull committee he assisted organizing the first community dog day at the Boys and Girls Club. During the event dog owners were seeking medical services that they could not afford on their own stating that given the opportunity and a little education many would choose to spade or neuter on their own. He shared the law is complaint based and that it is difficult for people to decipher breeds of dogs as specifically a pit bull. He encourages spaying and neutering that does not have a ticket associated with it.

Peter Anderson – Opposes the ordinance. A member of the Midwest Area Pit Stop shared the difference between dog breeds and said that about eighty percent of the time just by looking at a dog the wrong breed is guessed. He mentioned how various stakeholders, the Dane County Humane Society and other Animal services need to come together and work on a plan to address the issue.

Sharon Funkhauser – Opposes the ordinance. A member of the Midwest Area Pit Stop shared that she has helped find homes for pit bulls over the years and that it is the owner of the dog and not the dog. She indicated that it is all about the owner of the dog and the care that the dog receives that makes the difference. She feels that there needs to be more discussion on coming up with a different solution to reduce the population.

Alder Strasser shared the background on the ordinance mentioning that in his neighborhood there is an owner of a female pit bull who is continually pregnant and that the dogs are loud. After Alder Strasser inquired with Animal Services he found out that nothing could be done. He shared that this ordinance is not intended to put a restriction on the ownership of pit bulls but it is to keep the breeding levels down to eliminate the stress that causes Dane County Humane Society, city's animal service officers, and those that abuse over breeding of dogs. Patrick Comfort who works with Animal Services for Public Health and Dane County shared that over the years there has been an increase in the overpopulation problems of pit bulls and that more than fifty percent end up in shelters usually don't make it out as more than half of dogs that are euthanized at the human society are pit bulls. He said that Animal Services deals with pit bulls almost daily with strays and abandonment.

There was further discussion amongst the committee on with regard to these items:

- overcrowding/over breeding in the shelter system
- over breeding of pit bulls (what can be done to address the actions of individual breeders)
- shelter systems being overrun by pit bulls
- those who can't afford to spade/neuter – how can they afford other services for the care of a dog

Item number 32949 was unanimously approved by the PSRC members.

Notes:

Absent: 2 Maurice S. Cheeks and Paul E. Skidmore
Ayes: 6 Merrilee Pickett; Ernest E. Horinek; Matthew S. MacWilliams; Wayne S. Strong; Bruce P. Frey and John Strasser
Non Voting: 1 Chan M. Stroman

1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	02/13/2014	RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER	Fail
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Action Text: Phair/Kay moved an amendment to add a five year sunset clause to this ordinance for the purpose of evaluating the numbers at the end of five years and possibly reauthorize.
 Ayes – Kay, Phair, Sieling, Halverson
 Nays – Wilcox, Chenoweth, Edgar
 Abstain - Lasky
 Motion on amendment passes

The Chair, Judy Wilcox, would like the message to Council to be to go back to the drawing board, that this ordinance is not the right way to begin. Consider limiting the number of dogs a household can own.

Notes:

Ayes: 4 Matthew J. Phair; Lori Kay; Renae Sieling and Jerry L. Halverson
 Noes: 4 Carl Chenoweth; Mark E. Edgar; Judith M. Wilcox and Patricia A. Lasky

1	COMMON COUNCIL	03/04/2014	Refer to a future Meeting to Place on File	COMMON COUNCIL	Pass
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Action Text: A motion was made by Schmidt, seconded by Resnick, to Refer to a future Meeting to Place on File to the COMMON COUNCIL. The motion passed by voice vote/other.

Notes: Common Council 3-18-2014

1	COMMON COUNCIL	03/18/2014
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Text of Legislative File 32949

Fiscal Note

No appropriation is required.

Title

Creating Sections 23.60 and 23.61, renumbering Section 23.60 to Section 23.90 and amending Section 1.08(3)(a) of the Madison General Ordinances to mandate the spaying and neutering of pit bulls, require registration for pit bull dog breeders and establish a bail deposit schedule for violation of such.

Body

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.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "Body" in Attachments.