

Legislation Details (With Text)

File #: 05367 **Version:** 1 **Name:** Permitting injury by animal
Type: Ordinance **Status:** Passed
File created: 1/9/2007 **In control:** BOARD OF HEALTH FOR MADISON AND DANE COUNTY
On agenda: 2/27/2007 **Final action:** 2/27/2007
Enactment date: 3/15/2007 **Enactment #:** ORD-07-00027
Title: Repealing and recreating Section 23.35 of the Madison General Ordinances to clarify that a violation occurs when an individual (not an animal) is engaged in a lawful activity.
Sponsors: Judy K. Olson
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
2/27/2007	1	COMMON COUNCIL	Adopt	Pass
2/15/2007	1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/16/2007	1	COMMON COUNCIL	Refer	
1/10/2007	1	Attorney's Office	Referred for Introduction	
1/9/2007	1	Attorney's Office/Approval Group	Approved As To Form	
1/9/2007	1	Attorney's Office	Fiscal Note Required / Approval	
1/9/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	

Fiscal Note

No appropriation required.

Title

Repealing and recreating Section 23.35 of the Madison General Ordinances to clarify that a violation occurs when an individual (not an animal) is engaged in a lawful activity.

Body

DRAFTER'S ANALYSIS: This amendment clarifies that a violation of Madison General Ordinance Section 23.35 occurs when an individual (not an animal) is engaged in a lawful activity. This amendment also takes out language to insure that an owner may be held responsible for any attack that occurs off property.

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

Section 23.35 entitled "Permitting Animal To Cause Injury By Bite" of the Madison General Ordinances is repealed and recreated to read as follows:

"23.35 PERMITTING ANIMAL TO CAUSE INJURY BY BITE.

- (1) An animal who is off the property of its owner or custodian may not attack, bite or otherwise injure:
 - (a) Any other animal or
 - (b) Any person who is engaged in a lawful activity.
- (2) Any person who owns or is the custodian of an animal that violates Section (1) shall be deemed to have permitted said violation and shall upon conviction be subject to a forfeiture of not more than five hundred dollars (\$500)."

EDITOR'S NOTE:

Section 23.35 currently reads as follows:

"23.35 PERMITTING ANIMAL TO CAUSE INJURY BY BITE.

- (1) No person shall suffer or permit any animal which he/she owns or of which he/she is the custodian, to attack, bite or otherwise injure any other animal or person engaged in a lawful activity off of the property of the owner or custodian.
- (2) Any person violating this section shall upon conviction thereof be subject to a forfeiture of not more than \$200."