

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Section 23.35 entitled "Permitting Animal To Cause Injury By Bite" of the Madison General Ordinances is repealed and recreated to read as follows: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