

Legislation Details (With Text)

File #:	07913	Version:	1	Name:	Humane officers authority and various fee changes
Type:	Ordinance	Status:	Passed		
File created:	11/1/2007	In control:	BOARD OF HEALTH FOR MADISON AND DANE COUNTY		
On agenda:	1/8/2008	Final action:	1/8/2008		
Enactment date:	1/24/2008	Enactment #:	ORD-08-00008		
Title:	Amending Sec. 1.08(4) to include citation authority for Humane Officers, repealing Sec. 7.15(6)(d)3. which created a practitioner fee, creating Sec. 7.54 to distinguish City fees from State fees, amending Sec. 23.33 of the Madison General Ordinances to establish similarity between the County and City Humane Officer Ordinances.				
Sponsors:	Lauren Cnare				
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Date	Ver.	Action By	Action	Result
1/8/2008	1	COMMON COUNCIL	Adopt	Pass
12/20/2007	1	BOARD OF HEALTH FOR MADISON AND DANE COUNTY	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/6/2007	1	COMMON COUNCIL	Refer	
11/1/2007	1	Attorney's Office	Referred for Introduction	

Fiscal Note

Currently, the City of Madison collects license fees and reimburses the State of Wisconsin from these collections. With the adoption of this resolution, state fees would be collected separately from city license fees. A surcharge would be charged to cover the state fees. This system will eliminate the need for the City to amend its ordinances every time the state changes its fee structure. Health agency staff anticipate a net reduction in costs of approximately \$20,000.

Title

Amending Sec. 1.08(4) to include citation authority for Humane Officers, repealing Sec. 7.15(6)(d)3. which created a practitioner fee, creating Sec. 7.54 to distinguish City fees from State fees, amending Sec. 23.33 of the Madison General Ordinances to establish similarity between the County and City Humane Officer Ordinances.

Body

DRAFTER'S ANALYSIS: This ordinance permits all Humane Officers employed by the Department of Public Health for Madison and Dane County to write citations for ordinance violations that occur within the City. This ordinance removes the City's tattoo and body-piercing practitioner fee schedule as it is now established under State statute. This ordinance also creates Section 7.54 which establishes that all fees under Chapter 7 are City fees and do not include any State fees that the City is required to collect on behalf of the State. This ordinance amends Section 23.33 to reflect that animal control officers are now humane officers and to insure that the section covers all animals. It also amends Section 23.33 to remove the yearly appointment requirement of humane officers and removes the requirement that any animal that scratches a person or animal is placed under quarantine.

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

1. 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:

"Enforcement Official Ordinance Chapter or Section and Title

Director of Public Health or her/his
designee_ and City Health Inspectors

~~Animal Control~~ Humane Officers.

Chapter 7, Public Health; Section 9.05, Adult
Entertainment Establishments; Section 23.05,
Smoking Prohibited in Certain Public Areas; 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.
Section 7.29, Keeping Fowl in Unacceptable
Area or Manner; Section 7.30, Animal Slaughtering without Permit
or in Unacceptable Area or Manner; Section 7.32, Deposit of
rubbish and refuse on streets, public grounds and lakes or on
exterior property area; Section 7.322, Animal Defecation on Public
or Private Property Prohibited; Section 7.37(8), Accumulation of
Animal Waste Prohibited; Section 7.38, Keeping Horse or Cattle
Manure in Unacceptable Container; Section 8.19(1), ~~Dogs~~Animals
in Prohibited Areas; ~~Section 8.19(2), Horses in Prohibited Areas;~~
~~Section 8.19(3), Allowing Animals on State Street Mall;~~ Section
8.25, Animal Trapping on Public Lands Without a Permit; Section
8.42, Feeding Birds on Public Property Prohibited; Section 9.31,
Cat License and Tags Required; ~~Section 10.27, Animals Standing
on Sidewalks;~~ Section 23.07, Unlawful Trespass; Section 23.18,
Abusing Animals; Section 23.185, Harassment of Police Animals;
Section 23.19, Injuring or Attempting to Injure or Destroy Wild
Birds; Section 23.31(1), Permitting Animals Other than Dogs and
Cats to Run at Large; Section 23.31(2), Harboring Swine; Section
23.32, Dogs or Cats Running at Large; Section 23.33, Tags
Required for Animals, Failure to Quarantine; Tags Required on
Dogs; ~~Section 23.33(4), Failing to Quarantine Biter Animal;~~
~~Section 23.39(3), Rabies Tag Required on Dogs and Cats;~~
Section 23.35, Permitting Animal to Cause Injury; Section 23.39,
Vaccination of Dogs and Cats Required; Section 23.49,
Possession of Exotic or Wild Animals; Section 23.495, Exhibition
of Certain Animals; Section 23.50, Selling, Dispensing, Giving
Away or Dealing with Certain Turtles; Section 24.04(4), Dogs
Habitually Barking; Section 24.04(5), Leaving Animal in Parked
Vehicle for More Than 15 Minutes; Section 25.22, ~~Harboring
Vicious Dog~~ Dangerous Animals Regulated; Section 25.225
Failure to License Dangerous Animals."

2. Paragraph 3. of Subdivision (d) entitled "Fees" of Subsection (6) entitled "Licensing and Fees" of Section 7.15 entitled "Regulation of Tattooing and Body-Piercing" of the Madison General Ordinances is hereby repealed.

3. Section 7.54 entitled "Relationship of City Fees to State Fees" of the Madison General Ordinances is created to read as follows:

"7.54 RELATIONSHIP OF CITY FEES TO STATE FEES.

The fees set forth in this chapter are city fees and are in addition to any state fees which may be imposed for the same activity or subject matter. No part of any state fee which is refunded by the city or which is retained by the city shall be included in calculating the city fee under this chapter."

4. Section 23.33 entitled "Animal Control Officer to be Appointed to Seize and Impound Animals" of the Madison General Ordinances is amended to read as follows:

"23.33 ANIMAL CONTROL OFFICER TO BE APPOINTED TO SEIZE AND IMPOUND ANIMALS.

- (1) ~~The Chief of Police or t~~ The Director of Public Health shall, on or before the first day of May in each year appoint animal control and humane officers whose duties it shall be to seize any and all animals ~~dogs and cats~~ found running at large in the City of Madison.
- (2) ~~Animal control officers shall serve for the term appointed when it is deemed necessary by the Director of Public Health, and at such times in any year as the Director of Public Health or Chief of Police shall designate, and shall be paid by such compensation therefore as the Common Council of the City of Madison shall designate.~~
- (32) It shall be the duty of an animal control humane officer to ascertain, if possible, the owners of all ~~dogs and cats~~animals seized by the officers and to notify such owners of the fact that their ~~dogs and cats~~animals have been seized and where they may be found, and that the owners may retrieve their ~~dogs and cats~~animals upon payment of an animal impoundment fee of thirty-five dollars (\$35) to the City of Madison and any and all fees for the board of the animals during the time they are impounded.
- (43) ~~An animal control~~ A humane officer shall order the impoundment of any animal reasonably believed to be infected with rabies, or to have been in contact with a rabid animal or to have bitten, ~~scratched~~ or otherwise injured a person in such a way as to break the skin and allow the possible contact of an open wound with the animal's saliva. If the animal is running at large, the animal shall be immediately seized and restrained by ~~an animal control~~ a humane officer. The ~~officer shall report the incident at once to the Director of Public Health.~~
- (a) An officer who orders the animal impounded shall deliver the animal or shall order the animal delivered to a veterinary ~~hospital~~ clinic in the County of Dane as soon as possible but no later than twenty-four (24) hours after the original order is issued. Alternatively, the officer may order the animal to be impounded on the premises of the owner upon the determination that the animal is currently immunized against rabies vaccination or other evidence.
- (b) If an animal is ordered to be impounded, the custodian of the veterinary ~~hospital~~ clinic or the owner, in cases of home impoundment, shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days. The impoundment shall be at the animal owner's expense. In this paragraph, "supervision of a veterinarian" includes examination of the animal on the first day of impoundment, on the fourth, fifth, or sixth day of impoundment and on the last day of impoundment. The ten-day period may be extended pursuant to Sec. 95.21(5)(c) of the Wisconsin Statutes or by order of a veterinarian. Reports at the end of such observation shall be made without delay to the Health Department by telephone ~~and confirmed in writing~~.
- (c) In cases of home impoundment, "strict isolation" shall be defined by the Director of Public Health with additional special conditions as necessary in order to protect the public safety and welfare.
- (d) Any person who refuses or fails to deliver the animal in question shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day such violation continues shall be considered as a separate offense.
- (54) ~~An animal control~~ humane officer shall, upon seizing any ~~dog or cat~~animal, turn the animal over to ~~some veterinary surgeon or pound keeper in the County of Dane~~ a facility approved by the Department, who shall hold the animal until claimed by the owner or until directed to ~~kill~~ euthanize the animal by the animal control humane officer. ~~Such veterinary surgeon or pound keeper shall be entitled to a fee of one dollar (\$1) a day for each day he keeps any dog, and a fee of two dollars fifty cents (\$2.50) for killing any such dog in case it is ordered killed, or a fee of not to exceed one dollar (\$1) for keeping or disposing of any cat.~~
- (65) After any ~~dog~~ animal has been kept for seven (7) days and the animal's owner cannot be ascertained by the exercise of reasonable diligence, the animal is deemed to be unclaimed and may be disposed of in accordance with Sec. 173.23(1m) of the Wisconsin Statutes. ~~the animal control officer is authorized and empowered to order the dog killed.~~
- (76) (a) The owners of all dogs over five (5) months of age are hereby required to place a collar on their dogs. The name and address of the owner of the dog must be plainly

stamped on the collar. Any person who removes a dog collar containing name of owner or license number, from a dog, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50).

- (b) It is unlawful to keep any dog over five (5) months of age without having obtained a license for the dog pursuant to Sec. 9.50 of the Madison General Ordinances.
- (c) The owner or keeper of a dog shall securely attach the tag issued pursuant to Sec. 9.50 (4)(b) of the Madison General Ordinances to a collar and a collar with the tag attached shall be kept on the dog for which the license is issued at all times.

(87) Nothing contained in this section shall be construed as in any way changing or modifying the provisions of any other section of these ordinances relating to the keeping of dogs.”

EDITOR’S NOTE:

Section 7.15(6)(d)3. entitled “Regulation of Tattooing and Body-Piercing” of the Madison General Ordinances currently reads as follows:

- “3. Practitioner fees shall be:
- a. Tattooist or body piercer, \$80.
 - b. Tattooist and body piercer, 160.”