



## Legislation Details (With Text)

|                        |                                 |                      |   |              |   |
|------------------------|---------------------------------|----------------------|---|--------------|---|
| <b>File #:</b>         | 56058                           | <b>Version:</b>      | 1 | <b>Name:</b> | Amending Chap 47 of DCO Regarding Regulation of Dangerous Animals |
| <b>Type:</b>           | Dane County Ordinance Amendment | <b>Status:</b>       |   |              | In Committee  |
| <b>File created:</b>   | 5/28/2019                       | <b>In control:</b>   |   |              | Health Department   |
| <b>On agenda:</b>      |                                 | <b>Final action:</b> |   |              | 3/31/2022   |
| <b>Enactment date:</b> |                                 | <b>Enactment #:</b>  |   |              |   |

**Title:** AMENDING CHAPTER 47 THE DANE COUNTY CODE OF ORDINANCES, REGARDING REGULATION OF DANGEROUS ANIMAL

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By   | Action  | Result |
|-----------|------|---|---|--------|
| 6/12/2019 | 1    | EXECUTIVE COMMITTEE - BOARD OF HEALTH FOR MADISON AND DANE COUNTY | Forward to the County Board of Supervisors with the Recommendation for Approval | Pass   |

### Title

AMENDING CHAPTER 47 THE DANE COUNTY CODE OF ORDINANCES, REGARDING REGULATION OF DANGEROUS ANIMAL

### Body

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 Section 47.18(4)(e) is rescinded:

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

ARTICLE 3. Section 47.18(5) is amended to read as follows:

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

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

(c) The owner or custodian of an animal confined under sub. (b) above shall immediately notify the department if said animal is loose, unconfined, has attacked or bitten or injured another animal or has attacked, bitten or injured a human being, or has died. The animal shall not be sold or given away during the impoundment period without approval of the department.

ARTICLE 4. Section 47.18(7) is amended to read as follows:

**(7) Declaration of dangerous animal.** The department, after considering appropriate evidence, may declare any animal to be a dangerous animal. The director of the department shall issue an order authorizing the destruction of the animal or the placement of restrictions on the animal. The department shall make a reasonable attempt to personally notify the owner of the pendency of the department's investigation and shall notify the owner in writing of its determination and order. Mailing a copy of the determination to the owner's last known address and posting in accordance with approved department policy shall satisfy this notice requirement. Notice may be provided to the owner as follows:

- (a) Mailing a copy to the owner's last known address;
- (b) Email to an email address provided by the owner;
- (c) Personally delivering a copy to the owner;
- (d) Posting a copy at the owner's last known address in accordance with department policy; or
- (e) Any method agreed upon by owner and the department.

ARTICLE 5. Section 47.18(8) is amended to read as follows:

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

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

(c) Any animal declared by the department to be dangerous, if not already impounded by the department, shall if determined by the department to be necessary, be immediately surrendered to the department upon order of the director, and it is the duty of the department to take up and impound any such animal.

ARTICLE 6. Section 47.18(9)(b)3. is amended to read as follows:

3. the following language "Dangerous Animal, contact Public Health Madison ~~&--~~ Dane County Animal Control Services at (608) 267-1989255-2345."

ARTICLE 7. Section 47.18(9)(h) is amended to read as follows:

**(h)** The owner shall allow the department to take ~~four~~ three (43) photographs depicting the animal and owner as outlined below:

- 1. one (1) photograph showing a close view of the animal's entire face, so that the animal is recognizable;
- 2. one (1) photograph showing the animal's entire left side of its body, including its legs and tail;
- 3. one (1) photograph showing the animal's entire right side of its body, including its legs and tail; and
- 4. one (1) photograph showing the owner, so that the owner is easily identifiable.

ARTICLE 8. Sections 47.18(9)(j) through (m) are renumbered or created to read as follows:

(j) The new owner must comply with all requirements of this subsection and any other restriction the department determines to be appropriate to protect public safety.

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

(l) Any other restriction determined by the department to be necessary to protect public safety.

(m) The owner must notify the department before moving the animal to a new location and allow the

department to inspect the property. The department may modify or add restrictions based upon the conditions of the property.

ARTICLE 9. Section 47.18(10)(a) is amended to read as follows:

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

ARTICLE 10. Section 47.18(11) is amended to read as follows:

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

(b) If an appeal is timely and properly filed, the subcommittee board shall schedule a hearing on whether to affirm, conditionally affirm or reject the determination within thirty-two (32) days, but not sooner than five (5) days, and shall make reasonable efforts to notify the owner, bite or attack victims and their representatives, if any, witnesses and other interested parties of such hearing and the opportunity to present evidence and testimony to the board. The subcommittee 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 or other means of delivery mutually agreed upon by the owner and subcommittee, upon the owner and all parties requesting the same.

ARTICLE 11. Section 47.44 is amended to read as follows:

**47.44 ABATEMENT ORDERS.** (1) A subcommittee of the Board of Health for Madison and Dane County is hereby designated and authorized, pursuant to sec. 173.03(2) of the Wisconsin Statutes, to affirm, modify, or withdraw abatement orders issued under sec. 173.11 of the Wisconsin Statutes by any humane officer or law enforcement officer.

(2) Any person named in an abatement order may appeal such order to the subcommittee of the Board of Health for Madison and Dane County within 10 days of service of the order. The notice of appeal must state the grounds for the appeal with specificity. The subcommittee Board shall schedule a hearing to be held within ten days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The subcommittee Board shall make reasonable efforts to notify the appellant, the officer issuing the abatement order, and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing. The hearing shall be informal in nature. Within ten days after the hearing, the subcommittee Board shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue its decision in writing and serve it upon the appellant and other interested parties.

(3) Any person adversely affected by a decision under sub. (2) may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision.

*[EXPLANATION: This amendment modifies the procedures for regulation and disposition of dangerous animals and for abatement of animal cruelty.]*