

## Legislation Text

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**File #:** 49432, **Version:** 1

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### Fiscal Note

The proposed ordinance establishes a bail deposit amount from \$100 to \$200 for owners and caretakers of animals who permit said animal to urinate, defecate or expel other bodily fluids on an elevated balcony, porch or platform that is above an area owned by another. The fiscal impact from this change is anticipated to be minimal.

### Title

Amending Section 7.322 of the Madison General Ordinances to permit disposal of animal waste in the owner's waste receptacle or an animal waste receptacle in a public park, to prohibit animals from making waste on an elevated balcony, porch or platform and amending Section 1.08 establishing bail deposit in violation thereof.

### Body

DRAFTER'S ANALYSIS: This ordinance permits disposal of animal waste if it is bagged and placed in the owner's waste receptacle or in a waste receptacle designated for animal waste in a public park. This ordinance prohibits owners and caretakers of animals from permitting said animal to urinate, defecate or expel other bodily fluids on an elevated balcony, porch or platform that is above an area owned by another. This ordinance further establishes a bail deposit if an owner violates this section.

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

1. Section 7.322 entitled "Animal Defecation on Public or Private Property Regulated" of the Madison General Ordinances is amended to read as follows:

#### **"7.322 ANIMAL DEFECACTION ON PUBLIC OR PRIVATE PROPERTY REGULATED.**

- (1) No owner or keeper shall suffer or permit any animal to defecate upon any property other than that of animal owner or keeper without immediately causing such defecation to be removed therefrom and properly disposed of. Proper disposal of animal waste shall be limited to burial where lawfully permitted, bagging for disposal in the owner or keeper's waste receptacle or a waste receptacle designated for animal waste in a public park or park area, and flushing in the toilet. ~~Proper disposal of dog waste shall be limited to burial where lawfully permitted, flushing in the toilet, and disposal in a waste receptacle so designated in a public park or park area, wherein dogs are permitted.~~
- (2) No owner or keeper of any animals shall appear with such animal on any sidewalk, street, park or other public area or on any private property neither owned nor occupied by said person without the means of removal of any feces left by the animal.
- (3) No owner or caretaker of an animal shall permit such animal to urinate, defecate, or expel other bodily fluids onto an elevated balcony, porch or platform, if said balcony, porch or platform is located above property owned or rented by another person.
- (4) Owners or keepers of animals that are working in their official police capacity are exempt from this ordinance in situations where safety or professional duties would be compromised.
- (35) Any person violating any provision of this ordinance may be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200)."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" 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 creating and amending therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Animal defecation on public or private property prohibited.	7.322(2) & (3)	\$100, 1st \$200, 2 <sup>nd</sup> /subsqt”

EDITOR’S NOTE: A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. This revised range has been so approved.