

Ordinance 12-14 - Dangerous Animals

To repeal and recreate Sections of Chapter 10 - Animals of the Municipal Code of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin do ordain as follows:

Part 1: Repeal Sec. 10-104. - Vicious Animals of the Municipal Code of Racine, Wisconsin and recreate it as follows:

“Sec. 10-104. - Dangerous Animals.

(a) Definitions.

Amend Sec. 10.1.- Definitions of the Municipal Code of the City of Racine, Wisconsin, by inserting the following definitions in the proper alphabetical order.

Animal means any living vertebrate, domestic or wild, except a human being.

Bodily Harm as used in this chapter means physical pain or injury, illness, or any impairment of physical condition.

Confinement means either indoor or outdoor containment of an animal which is declared Dangerous / Prohibited so as not to be a threat to the public.

Cruel means causing unnecessary and excessive pain/suffering or unjustifiable injury or death to an animal.

Dangerous Animal as used in this chapter means:

1. Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack while at large or which attempts to bite a human being or domestic animal without provocation, on public or private property;
2. Any animal which bites, inflicts bodily harm, or attacks a human being or domestic animal, without provocation, on public or private property.

Dog means any member of the species *Canis familiaris* (the domestic dog), but not its wild progenitors.

Dog Exercise Park means a park for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners.

Domesticated Animal means various animals domesticated so as to live and breed in a tame condition.

Great Bodily Harm as used in this chapter means bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, or that causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Impoundment means secure confinement of a dangerous or prohibited animal in a humane manner.

Juvenile is defined as a person under the age of 18 years.

Pet means an animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

Prohibited Dangerous Animal means:

1. Any animal that has killed or caused great bodily harm to a human being or a domestic animal without provocation;
2. Any animal brought from another city, village, town or county that has been declared dangerous or prohibited or its equivalent by that jurisdiction;
3. Any dangerous animal that is not in compliance with any of the provisions of subsection 10-104 (c);
4. Any animal declared dangerous under this section that subsequently has a second or more reported incident in which the animal has bitten, inflicted great bodily harm or attacked a human being or domestic animal, without provocation, on public or private property;
5. Any dog that is subject to being destroyed under Section 174.02(3), Wisconsin Statutes; or
6. Any animal, owned, harbored or trained primarily or in part for the purpose of fighting.
7. The animal is utilized as a weapon in the commission of a crime.
8. An animal owned, harbored for any period of time, kept or maintained by a person who is prohibited from keeping a dangerous animal under subsection 10-104 (j)(4) below.

Provoked means the behavior by an animal (the “attacking animal”) toward a person or animal (the “attacked” person or animal) was precipitated under circumstances reasonably expected to evoke a vicious response from the attacking animal, including, but not limited to, the following:

1. The attacking animal was protecting or defending its owner or a member of its owner’s household from an attack or assault;
2. The attacked person was committing a crime or offense while on the property of the owner of the attacking animal;
3. The attacked person was teasing, tormenting, abusing or assaulting the animal or at any time in the past had teased, tormented, abused or assaulted the animal;

4. The attacking animal was attacked or menaced by the attacked animal or the attacked animal was on the property of the owner of the attacking animal. This does not include walking past the property in a casual manner;
5. The attacking animal was responding to pain or injury inflicted by the attacked person or animal;
6. The attacking animal was protecting itself, its kennels, or its offspring from the attacked person or animal while the attacking animal was on its owner's property;
7. The attacked person or animal was disturbing the attacking animal's natural functions, such as sleeping or eating, while the attacking animal was on its owner's property; or
8. The attacking animal was responding to a command or encouragement to attack the attacked person or animal.

Seizure means securing a Dangerous or Prohibited animal by local law enforcement.

Surrender means the voluntary relinquishment of rights and claims to an animal.

Unprovoked Bite means a bite that was not provoked.

Wild Animal means an animal that is untamed or undomesticated when in a natural state.”

Part 2. The following definitions in Section 10-1 are repealed, recreated, and placed in the proper alphabetical order as follows:

“*Bite* means to wound, injure, cut, tear, puncture, grip/clamp or sever with the teeth, fangs and/or jaws.

Owner, *Caretaker*, and *Person*, or any of them, mean any individual, partnership, corporation, or other entity that has the right of property in an animal, or who keeps, harbors for any period of time, cares for, acts as its custodian, or knowingly permits an animal to remain on or about its premises or property for any period of time. The Wisconsin Humane Society is not an owner, caretaker, or person within the meaning of this ordinance.”

Part 3: Section 10-104 is repealed and recreated as follows:

“Sec. 10-104. - Dangerous Animals.

(a) Prohibitions.

(1) No person shall own, harbor for any period of time, keep or maintain within the city limits an animal that has been declared to be a “dangerous animal,” except as provided in subsection (c) below.

(2) No person may bring into, own, harbor for any period of time, keep or maintain within the city limits, any animal that is determined to be a “prohibited dangerous animal”.

(3) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy an animal that has been declared to be a dangerous animal within the City except as

permitted under this section.

(4) No person shall own, harbor for any period of time, keep or maintain within the city limits, any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.

(5) No person convicted of any violation under Chapter 951, Wisconsin Statutes, or any similar offense under the laws of any State or local government, at any time, is allowed to own any dangerous animal or function as the caretaker.

(6) The issuance of a citation under subsections (a)(4) or (a)(5) of this section need not be predicated on a determination that an animal is a dangerous or prohibited dangerous animal.

(b) Procedure for Declaring a Dangerous Animal.

(1) The Chief of Police, the Public Health Administrator, or the designee of either, upon conducting an investigation, may issue an order declaring an animal to be a dangerous animal whenever he/she finds that an animal meets the definition of a dangerous animal. An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (e).

(2) Upon an animal being declared dangerous, the owner or caretaker shall:

- a. Within 24 hours comply with the signage, collar, leashing, muzzling, juvenile residency, and confinement requirements of subsections (c)(1)(4)(6) – (8);
- b. Register for training as required by subsection (c)(10) within 90 days and complete within 180 days of the order;
- c. Comply with all other requirements of subsection (c) within 30 days of the order.

(3) Upon written request by the owner or caretaker, the Chief of Police, the Public Health Administrator, or the designee of either may waive any requirement specified in subsection (c) that he/she finds to be inappropriate for a particular dangerous animal.

(4) Dangerous Animal status will not be based on the breed of a given animal, but rather the dangerous and/or threatening “behavior” exhibited by the animal.

(c) Restrictions.

The owner or caretaker of any animal determined by the Chief of Police, the Public Health Administrator, or the designee of either to be a dangerous animal shall comply with all of the following conditions:

(1) Juveniles: No animal declared “dangerous” as a result of aggression against a human being is to be kept on a property or within a household where a juvenile resides.

(2) Registration: The owner or caretaker of any dangerous animal shall register it with the City of Racine Police Department within 30 days of the order, and thereafter before January 1 of each year, by providing a current color photograph of the animal and payment of a one hundred dollar (\$100.00) registration fee. Upon payment of the fee and satisfactory proof of compliance with the provisions and conditions of this ordinance, the owner shall be issued a dangerous animal certificate of registration. A fifty dollar (\$50.00) fee shall be charged for the costs incurred by the City for the inspection or reinspection of the property. The owner or caretaker shall post the certificate of registration on the front door of the residence where the dangerous animal is being kept.

The owner or caretaker of any dangerous animal shall also provide proof of current license and rabies certificate as required under sections 10-36, 10-38, and 10-39 respectively at the time of registration and each year thereafter.

(3) Liability Insurance: At the time of registration, the owner or caretaker of any dangerous animal shall obtain and provide proof of liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) for any acts of property damage or liability incurred by virtue of personal injury inflicted by such animal. Such insurance shall name the City as additional insured. Such insurance coverage shall be maintained so long as the animal remains in the possession of the owner or caretaker.

(4) Display of Sign: The owner or caretaker of any dangerous animal shall display signs on his or her premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement and be at least 8.5 inches by 11 inches in rectangular dimensions with lettering not less than 2 inches in height. In addition, the sign shall include a pictorial symbol warning the public of the presence of a dangerous animal and state "WARNING DANGEROUS ANIMAL."

(5) Identification: The owner or caretaker of the dangerous animal shall provide written proof from a licensed veterinarian or humane society of a device/microchip/tattoo which can be later detected to aid in the proper identification of the animal. The device/microchip/tattoo must be numbered and the number must be provided to the City of Racine Police Department.

(6) Collar: A bright fluorescent yellow collar visible at 50 feet in normal daylight shall be worn by dangerous animals at all times, except when being groomed.

(7) Animal Restraint On Property: While on the owner's or caretaker's property, a dangerous animal must be securely and humanely confined indoors or when outdoors, kept in a secure, enclosed and locked pen or structure, suitable to prevent the entry of the public, or other persons who have the lawful right to enter the property (including any mail carrier, sanitation worker, meter person or other persons) and designed to prevent the animal from escaping or as set forth in subsection (c)(7)(a) or (b). No more than 1 dangerous animal may be kept per City parcel.

a. Indoor Confinement: No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the premises of its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

b. Outdoor Confinement: Owners or caretakers who choose outdoor confinement of a dangerous animal must maintain on the property a pen or kennel as provided in this subsection. The pen or kennel shall be child proof from the outside and animal proof from the inside. A strong metal double fence with adequate space between fences (at least 2 feet) shall be provided so that a child cannot reach into the animal enclosure. Such pen or structure must have secure sides and a secure top attached to all sides. The pen or structure shall be locked with a key or combination lock when the animal is within the structure. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than 2 feet. The enclosure must also

provide protection from the elements for the animal. All structures erected to house dangerous animals shall comply with all City health, building, and zoning regulations and be adequately lighted and ventilated and kept in a clean and sanitary condition.

(8) Animal Restraint Off Property: No owner or caretaker may permit a dangerous animal to go outside its dwelling, kennel, pen or premises where it is being harbored unless the animal is muzzled and restrained by a bright fluorescent yellow collar with harness and sturdy, nonretractable lead of unfrayed material not exceeding 4 feet in length. The animal must be under the control of an adult, able-bodied person competent to govern the animal and physically capable of controlling and restraining the animal. The animal may not be leashed to inanimate objects such as trees, posts and buildings. The animal shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. Dangerous animals are not permitted in Dog Exercise Parks and shall not be transported in a vehicle that might allow the animal to escape or gain access to any person or animal outside the vehicle.

(9) Spay and Neuter Requirement: The owner or caretaker shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

(10) Training: The owner or caretaker, at his/ or her expense, must provide documentation from an accredited dog training specialist of attending and passing either:

- a. An animal socialization program offered by a trainer certified by the Certification Council for Professional Pet Dog Trainers; or
- b. The American Kennel Club Canine Good Citizen Program.

(d) Procedure for Declaring a Prohibited Dangerous Animal.

(1) The Chief of Police, the Public Health Administrator, or the designee of either, upon conducting an investigation, may issue an order declaring an animal to be a prohibited dangerous animal whenever he/she finds that an animal meets the definition of prohibited dangerous animal. An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (e).

(2) Upon issuance of an order declaring an animal to be a prohibited dangerous animal, the owner or caretaker shall remove the animal from the city or surrender the animal to the local humane society within 5 business days after the date of the order.

(3) No owner or caretaker of a prohibited dangerous animal may sell or transfer possession of the animal to any other person within the City.

(4) Any animal declared to be a prohibited dangerous animal that is not removed from the City within 5 business days of it being declared a prohibited dangerous animal may be seized by the City pursuant to Section 173.13(1), of the Wisconsin Statutes.

(5) The owner or caretaker shall provide the City of Racine Police Department, within 5 business days of the animal being declared a prohibited dangerous animal, the name, address, and telephone number of the person that will be in possession of the prohibited dangerous animal or a certification from a licensed veterinarian that the prohibited dangerous animal was humanely euthanized. The owner or caretaker shall also present evidence to the Racine Police Department showing that he or she has notified the law enforcement or animal control agency of the animal's new residence, including the name, address and telephone number of the new owner and advised that the animal is a prohibited dangerous animal.

(e) Appeal Process for Dangerous and Prohibited Dangerous Animal.

(1) Whenever an owner or caretaker wishes to contest an order declaring an animal dangerous under subsection (b) or prohibited dangerous under subsection (d), he or she shall, within 5 business days after receipt of the order, deliver to the department that issued the order a written objection to the order, addressed to the Administrative Reviewer, stating specific reasons for contesting the order. A fifty dollar (\$50.00) fee must accompany the request. The Administrative Reviewer will be appointed by the Mayor of the City of Racine. Upon receipt of the written objection for Administrative Review, the appeal will be reviewed within 5 business days. The Administrative Reviewer acts as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous or prohibited dangerous. The City elects not to be bound by Chapter 68, Wisconsin Statutes with respect to administrative procedure in this regard.

(2) After the Administrative Review, the owner or caretaker shall be notified in writing within 5 business days of the determination.

(3) If the owner or caretaker wishes to further contest the determination, he or she may, within 5 business days of receiving the Administrative Review decision seek review by filing a petition in Circuit Court.

(f) Notification.

(1) The owner or caretaker of an animal that has been declared to be a dangerous or prohibited dangerous animal shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the animal is at large.

(2) The owner or caretaker of an animal that has been declared to be a dangerous or prohibited dangerous animal shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the animal has bitten or inflicted injury upon another animal or human being, or has died.

(3) No owner or caretaker may sell or transfer possession of an animal that has been declared to be a dangerous or prohibited dangerous animal without first notifying, in writing, the person or other entity to whom the animal is being sold or transferred of the fact that such animal has been declared to be a dangerous or prohibited dangerous animal. The owner or caretaker shall also provide the City of Racine Police Department and City of Racine Department of Public Health with the name, address and telephone number of the new owner of the animal within 5 business days.

(4) The owner or caretaker shall update the City of Racine Police Department and City of Racine Department of Public Health within 5 business days upon moving the dangerous or prohibited dangerous animal to another location and/or surrendering the animal to the local humane society.

(g) Impoundment and Seizure.

(1) During the pendency of any investigation as to whether an animal is a dangerous or prohibited dangerous animal or pending a hearing on an appeal under subsection (e) of either determination, the animal must be securely confined in a humane manner on the premises of the owner or caretaker, with a licensed veterinarian, or in another appropriate facility. The owner or caretaker of any animal confined on the premises of

the owner or caretaker must comply with the restrictions set forth in subsection (c). The Chief of Police, the Public Health Administrator, or the designee of either may order impoundment / seizure of the animal pending his/her investigation and through any appeal hearing under subsection (e), pursuant to Section 173.13(1) of the Wisconsin Statutes.

(2) The owner or caretaker of the animal shall be liable to the City for the costs and expenses of impounding an animal unless the Chief of Police, the Public Health Administrator, or the designee of either fails to declare the animal dangerous or prohibited dangerous or the determination is ultimately overturned by Administrative Review.

(3) The owner or caretaker of an animal confined on the premises under subsection (g)(1) shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the animal is loose or unconfined, has attacked, bitten, or injured another animal, has attacked, bitten or injured a human being, has died, or was surrendered. The animal shall not be sold or given away during the confinement or impoundment period.

(4) The Chief of Police, the Public Health Administrator, or the designee of either shall make a reasonable attempt to promptly notify the owner or caretaker in writing of any impoundment under this subsection if he or she can be identified and located with reasonable effort. Mailing written notice to the owner's or caretakers last known address shall satisfy this requirement.

(h) Destruction.

Any animal that has caused bodily harm to a person or a domestic animal on 2 separate occasions off the owner's premises, without reasonable cause may be destroyed as a result of a judgment rendered by a court of competent jurisdiction as specified under Section 174.02(3) of the Wisconsin Statutes. The City Attorney may petition an appropriate court to obtain a court order to destroy such an animal. At any time the owner may surrender the animal to the local humane society.

(i) Duration of Dangerous Animal Status.

(1) The Chief of Police, the Public Health Administrator, or the designee of either may remove the declaration of dangerous animal upon petition by the owner or caretaker of an animal upon a finding of all of the following:

- a. The owner or caretaker demonstrates that changes in circumstances or measures taken by the owner or caretaker have mitigated the risk to public safety;
- b. The owner or caretaker demonstrates there have been no additional reported instances of the behavior set forth in the *Dangerous Animal* or *Prohibited Dangerous Animal* definitions in Part 1 and/or subsection (a) within a 3 year period from the date of the order declaring the animal dangerous;
- c. Training: The owner or caretaker, at his/her expense, provides documentation from an accredited dog training specialist of attending and passing either a) an animal socialization program offered by a trainer certified by the Certification Council for Professional Pet Dog Trainers or b) the American Kennel Club Canine Good Citizen Program; and

d. The Chief of Police, the Public Health Administrator, or the designee of either concludes from all of the evidence presented the animal no longer presents a risk to public safety.

(j) Penalties for Violations.

(1) Any person who violates any of the prohibitions under subsection (a) or the restrictions under subsection (c) of this Section is subject to penalties under this Section.

(2) Any person, as described in subsection (j)(1), who violates any provision of this Ordinance is subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) plus statutory court costs for each separate violation.

(3) Every day that a violation of this ordinance continues shall be a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.

(4) Any person who has owned, cared for, kept, harbored for any period of time or maintained an animal in violation of this Section shall be prohibited from owning, harboring for any period of time, keeping or maintaining any dangerous animal for a period of up to 3 years from the date of final determination made under the procedures in this Chapter.

(k) Exemptions.

The provisions of this ordinance regarding dangerous and prohibited animals shall not apply to animals owned by law enforcement or military agencies and acting in performance of its duties.

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Editor's note— Ord. No. 2-05, pt. 1, adopted March 15, 2005, repealed the former Ch. 10, §§ 10-1—10-6, 10-36—10-41, 10-62—10-75, 10-96—10-102, and enacted a new Ch. 10 as set out herein. The former Ch. 10 pertained to similar subject matter and was derived from Code 1973 Code of Ordinances as subsequently amended. See the comparative tables at the back of this volume for a complete derivation. [\(Back\)](#)

Cross reference— Board of health, § 2-176 et seq.; injury to animals in parks and recreation areas, § 70-77; animals restricted in parks and recreation areas, § 70-90; regulations regarding the Zoological Park and animals, § 70-102; Colonial Park is a bird sanctuary, § 70-103. [\(Back\)](#)

State Law reference— Animal health, Wis. Stats. § 95.01 et seq.; animal control, Wis. Stats. § 172.01 et seq.; strays, Wis. Stats. § 170.01 et seq.; animals doing damage, Wis. Stats. § 173.01 et seq.; rabies vaccination required, Wis. Stats. § 174.052; impoundment, Wis. Stats. § 174.046. [\(Back\).](#)”

Part 4: Amend subsection (b) of Sec. 10-4. - Payment of forfeiture in lieu of court appearance of the Municipal Code of the City of Racine by adding the following section:

Section number	Violation	Forfeiture
10-104	Dangerous Animals	\$100.00 - \$1,000.00
10-104	Keeping Prohibited Dangerous Animal	\$1,000.00
10-104	Selling / giving away / breeding / buying a Dangerous Animal	\$1,000.00
10-104	Failure to comply with any Dangerous Animal Restrictions	\$1,000.00
10-104	Failure to provide notification of a Dangerous or Prohibited Dangerous Animal	\$1,000.00
10-104	Failure to comply with the Dangerous or Prohibited Dangerous Animal impoundment restrictions	\$1,000.00
10-104	Violation of restrictions with owning, harboring, keeping, or maintaining any Dangerous Animal for a period of up to three years from the date of final determination	\$1,000.00

Part 5: Recreate Sec. 10-3. - Penalty for violation of chapter by repealing \$400.00 and recreating it to be \$1,000.00.

Part 6: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A