

**This page contains the CURRENT City Ordinance**

**Sec. 10-104. - Vicious animals.**

- (a) It shall be unlawful for any person to harbor or keep a vicious animal within the city. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of such animal, it may be killed by a police officer or humane officer;
- (1) A licensable animal shall be deemed a "vicious animal" if:
- a. When unprovoked, it bites or injures a human being or domestic pet or animal on public or private property twice within a 12-month period;
  - b. When unprovoked, it attacks a human being or a pet three times within a 12-month period. Attack shall mean to confront in an aggressive and hostile manner such that a reasonable person would believe that there is an imminent threat of bite or injury to the human being or pet so confronted;
  - c. When unprovoked, it bites a human being or pet once and attacks a human being or pet twice within a 12-month period;
  - d. It has been trained or used for fighting against other animals.
- (2) A licensable animal shall be deemed to have been provoked if:
- a. It is teased, tormented, abused, or assaulted by a human being or another animal;
  - b. It is acting in defense of persons or property. Defense of persons and property includes incidents in which the human being attacked, bitten, or injured was, at the time of the incident, committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property; and incidents in which the licensable animal is protecting or defending a person from attack or assault by another human being or animal; an attack on a mail carrier or delivery person in performance of their duties is not a defense of persons or property. A licensable animal kept for the protection of property must be restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.
  - c. It is under the control of a law enforcement officer or a military service member, and acting in performance of its duties.

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- (b) Vicious animals may not be kept within the City of Racine. Upon finding that an animal is vicious, its owner shall be required to remove the animal from the city, or have it humanely destroyed. The owner must provide written documentation of the vicious animal's location address, owner's name and phone number or documentation from a licensed veterinarian verifying that the animal was humanely destroyed.

(Ord. No. 2-05, pt. 1, 3-15-05)

**These pages contain the PROPOSED / REVISED City Ordinance FINAL**

**The purpose of this subchapter is to establish a procedure for animals that pose a reasonably significant threat of causing serious injury to humans, other animals or property.**

**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 any “dangerous animal,” except as provided in subsection (d) 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 any 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 animal cruelty or animal fighting at any time, is allowed to own a dangerous animal or function as the caretaker.

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

(7) 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.

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(b) Definitions

*Animal* means any living vertebrate, domestic or wild, except a human being, which may be affected by rabies.

*Bodily Harm* means physical pain or injury, illness, or any impairment of physical condition.

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

*Dangerous Animal* as used in this ordinance means:

- a. Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property;
- b. Any animal which bites, inflicts bodily harm, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation, on public or private property; or

*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.

*Juvenile* is defined as a person under the age of eighteen (18) years old.

*Owner / Caretaker* means any individual, partnership or corporation 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 who knowingly permits an animal to remain on or about his premises/property for any period of time. This definition does not apply to the Wisconsin Humane Society.

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

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*Prohibited Dangerous Animal as used in this ordinance means:*

- a. Any animal that, while off the owner's or caretaker's property, has killed an animal without provocation;
- b. Any animal that, without provocation, inflicts bodily harm on a person on public or private property;
- c. Any animal brought from another city, village, town or county that has been declared dangerous or prohibited or its equivalent by that jurisdiction;
- d. Any dangerous animal that is not in compliance with any of the provisions of subsection (d);
- e. Any animal declared dangerous under this section that subsequently has a second or more reported unprovoked incident in which the animal has bitten, inflicted bodily harm ~~injury~~, attacked, or otherwise unreasonably endangered with aggressive or threatening behavior, the safety of a human being or pet animal on public or private property;
- f. Any dog that is subject to being destroyed under Section 174.02(3), Wisconsin Statutes; or
- g. Any animal, owned, harbored or trained primarily or in part for the purpose of fighting.
- h. The animal is utilized as a weapon in the commission of a crime.
- i. 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 (k)(4) below.

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*Provoked Bite* means the attack by an animal upon a person or animal was precipitated under circumstances reasonably expected to evoke a vicious response from the animal, including, but not limited to, the following:

- a. The animal was protecting or defending its owner or a member of its owner's household from an attack or assault;
- b. The person attacked was committing a crime or offense while on the property of the owner of the animal;
- c. The person attacked was teasing, tormenting, abusing or assaulting the animal or at any time in the past had teased, tormented, abused or assaulted the animal;
- d. The animal was attacked or menaced by the animal or the animal was on the property of the owner of the animal. This does not include walking past the property in a casual manner;
- e. The animal was responding to pain or injury inflicted by the attacked person or animal;
- f. The animal was protecting itself, its kennels or its offspring from the attacked person or animal while the animal was on its owner's property;
- g. The person or animal attacked was disturbing the animal's natural functions, such as sleeping or eating, while the animal was on its owner's property; or
- h. The animal was responding to a command or encouragement to attack the person or animal.

*Unprovoked Bite* means not stimulated to produce an angry or irritated reaction.

(c) 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 in subsection (b). An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).

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(2) Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with the signage, leashing, muzzling and confinement requirements of subsection (d)(3) and (d)(5)-(7). The owner or caretaker shall comply with the requirements of subsection (d)(6)(B) within five (5) business days of the order and with all other requirements in subsection (d) being satisfied within thirty (30) business 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 (d) that he/she deems to be inappropriate for a particular dangerous animal.

(d) 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) Registration: The owner or caretaker of any dangerous animal shall register it with the City of Racine Police Department within 30 (thirty) business 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 \$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 \$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.

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(2) Liability Insurance: At the time of registration, the owner or caretaker of any dangerous animal shall provide proof of liability insurance in the amount of at least \$500,000 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 solely for the purpose of notice of cancellation of the policy.

(3) 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 (twenty) feet of its placement and be at least eight and a half (8 1/2) inches by eleven (11) inches in rectangular dimensions with lettering not less than 2 (two) 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".

(4) Identification: The owner or caretaker of the dangerous animal shall provide written proof from a licensed veterinarian or humane society 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.

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

(6) 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 and designed to prevent the animal from escaping or as set forth in subsection (d)(7). This would include any mail carrier, sanitation worker, meter person or other persons who have lawful right to enter the property. No more than one 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.



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b. Outdoor Confinement: All owners or caretakers 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 two 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 imbedded into the ground no less than 2 (two) 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.

(7) 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 leather lead not exceeding 4 (four) feet in length and is under 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.

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

(9) Training: The owner or caretaker, at his/her expense, must provide documentation from an accredited dog training specialist of attending and passing either an animal socialization program offered through the Association of Pet Dog Trainers or the American Kennel Club Canine Good Citizen Program.

(10) Juveniles: No animal declared "dangerous" as a result of aggression against the public is to be kept on a property or within a household where a juvenile resides.

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(e) 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 in subsection (b). An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (f).

(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 with five (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 five (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 Racine Police Department, within five (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.

(f) 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 (c) or prohibited dangerous under subsection (e), he or she shall, within five (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 five (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

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Statutes with respect to administrative procedure in this regard.

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

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

(g) Notification:

(1) The owner or caretaker of 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 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 a dangerous or prohibited dangerous animal to another person without first notifying the person to whom the animal is being sold or transferred of the fact that such animal is 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 (five) business days.

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

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(h) Impoundment:

(1) Pending any investigation as to whether an animal is a dangerous or prohibited dangerous animal or pending a hearing on an appeal under subsection (f) of either determination, the animal must be securely confined in a humane manner either on the premises of the owner or caretaker, with a licensed veterinarian or other appropriate facility such as the local humane society. The owner or caretaker of any animal impounded on the premises of the owner or caretaker must comply with the restrictions set forth in subsection (d)(3) and (d)(5)-(d)(7). The Chief of Police, the Public Health Administrator, or the designee of either may order impoundment of the animal pending his/her investigation and through any appeal hearing under subsection (f), pursuant to Section 173.13(1) of the Wisconsin Statutes.

If an animal is determined to be dangerous, it may remain impounded until the owner or caretaker has complied with all restrictions set forth in subsection (d) or until such time as the Chief of Police, the Public Health Administrator, or the designee of either determines the animal may be safely returned to its owner or caretaker and upon payment of all costs and expenses under subsection (h)(2). If an animal is determined to be a prohibited dangerous animal, it may remain impounded until the owner or caretaker provides the City of Racine Police Department or the Department of Public Health adequate assurances that the animal will be removed from the city as provided in subsection (e)(2) and upon payment of all cost and expenses under subsection (h)(2).

Any impounded animal may be euthanized if it remains unclaimed by its owner or caretaker for more than five (5) business days after written notice by mail has been sent to the owner or caretaker to his/her last known address advising that a determination has been made that the animal may be returned to the owner or caretaker upon compliance with the requirements of this subsection. Any owner or caretaker aggrieved by an impoundment issued by the Chief of Police, the Public Health Administrator, or the designee of either may appeal such decision in the same manner and under the same procedures as set forth in subsection (f).

(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. In addition, the owner or caretaker must provide the impoundment agency with a \$250.00 non-refundable deposit to be utilized for all impoundment activities and services at the time the animal is impounded.

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(3) The owner or caretaker of an animal confined on the premises under subsection (h)(1) shall immediately notify the City of Racine Police Department and City of Racine Department of Public Health if the 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 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.

(i) Destruction:

Any animal that has caused bodily harm to a person or a domestic animal on two 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.

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(j) 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 subsection (b) within a three (3) year period from the date of the order declaring the animal dangerous;

(c) The owner or caretaker, at their expense, provides documentation from an accredited animal training specialist of attending and passing an animal socialization program offered through the Association of Pet Dog Trainers or 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.

(k) Penalties for Violations:

(1) Any person who owns, cares for, keeps, harbors for any period of time or maintains an animal in violation of this Section is subject to penalties under this Section.

(2) Any person, as described in subsection (k)(1) above, who violates any provision of this Ordinance is subject to a forfeiture of not less than \$100.00 nor more than \$1000.00 for each separate violation.

(3) Every day that a violation of this ordinance continues shall be deemed 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.

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(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 three (3) years from the date of final determination made under the procedures in this Chapter.

(l) Exemptions:

The provisions of this ordinance regarding dangerous 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).