
Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings given, except where the context clearly indicates otherwise.

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

Back yard means a portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and that extends to the side lot lines.

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

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

Cat means any member of the species *Felis catus* (the domestic cat), but not its wild progenitors.

Chicken means the common domestic fowl (*Gallus domesticus*) or its young. There are no restrictions on chicken species.

Chicken pen means a wire enclosure attached to a hen house for the purpose of allowing female chickens to leave the hen house while remaining in an enclosed, predator-safe environment.

Chicken tractor means a moveable hen house/chicken pen lacking a floor.

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; **or**
- (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.

Ferret means any member of the species *Mustela putorius* (the domestic ferret), but not its wild progenitors.

Great bodily harm 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.

Hen means the female of the domestic fowl.

Hen house means a structure for the sheltering of hens. An existing shed or garage can be used for this purpose if it meets the standards contained in this section, including the required distance from property lines and all applicable City of Racine Building Codes.

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

Isolation facility means a humane society shelter, veterinary hospital, or other place specified by the health department that is equipped with a pen or cage, which isolates the animal from contact with other animals.

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

Licensable means a dog, cat, ferret or pot-bellied pig as defined in this section.

Livestock means horses, donkeys, mules, cattle, swine (except chickens and potbellied pigs as defined in this section), bison, alpacas, llamas, goats, sheep, chickens, ducks, turkey, peacocks, ratites, or geese.

Nest box means a box in a hen house in which domestic chickens lay eggs.

Neutered means a licensable animal that has been spayed or castrated by surgical means.

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 chapter.

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

Potbellied pig means any member of the dwarf breed of pig known as Vietnamese potbellied pigs, but not members of any other breed of pig (*Sus scrofa*), nor their wild progenitors.

Principal residence means the primary location that a person inhabits.

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 dangerous 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);~~
- ~~(34)~~ 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;
- ~~(45)~~ Any dog that is subject to being destroyed under Wis. Stats. § 174.02(3); ~~or~~
- ~~(56)~~ Any animal, owned, harbored or trained primarily or in part for the purpose of fighting;
- ~~(67)~~ The animal is utilized as a weapon in the commission of a crime; ~~or~~
- ~~(78)~~ 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;

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- (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.

Restricted animal means any member of the order Carnivora other than the dog, cat or ferret as defined above; any member of the order Artiodactyla (even toed hoofed mammals) other than the potbellied pig as defined above; any member of the order Perissodactyla (odd toed hoofed mammals); any member of the order Proboscidea (elephants); any member of the order Crocodylia; any nonhuman member of the order Primates; any venomous species of the class Reptilia; snakes over ten feet in total length; and any hybrid with a composition of 50 percent or greater of one or more such animals.

Rooster means the male of the domestic fowl.

Sanitary manner means favorable to health and cleanliness with precautions against disease.

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.

Veterinarian means a practitioner of veterinary medicine who is duly licensed by a state veterinary examining board.

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

(Ord. No. 2-05, pt. 1, 3-15-05; Ord. No. 12-14, pts. 1, 2, 4-20-15; Ord. No. 04-15, pts. 1, 2, 4-20-15)

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.

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- (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 Wis. Stats. ch. 951 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 subsection (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 ~~(e)(1), (4), (6) — (8);~~ (c)(3).
 - b. Within five days comply with the collar, leashing, muzzling, juvenile residency, and confinement requirements of subsections (c)(1), and (5)-(7).
 - ~~c~~b. Register for training as required by ~~subsection (c)(8) to (10)~~ subsection (c)(~~8~~10) within 90 days and complete within 180 days of the order;
 - ~~d~~e. 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~~ juvenile who lives in the same household, or is related to the owner or caretaker, is to be kept on a property or within a household where any 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 registration fee as set forth in the fee schedule as established by the common council. Upon payment of the fee and satisfactory proof of compliance with the provisions and conditions of this chapter, the owner shall be issued a dangerous animal certificate of registration. A fee as set forth in the fee schedule as established by the common council 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.~~

- ~~(23) *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 \$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.~~
- (34) *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 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."
- (45) *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.
- (56) *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.
- (67) *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 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.

- 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 childproof 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 embedded into the ground no less than 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.

(78) *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 four 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.~~

(840) *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).

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- (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 five 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 business days of it being declared a prohibited dangerous animal may be seized by the city pursuant to Wis. Stats. § 173.13(1).
 - (5) The owner or caretaker shall provide the City of Racine Police Department, within five 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 ~~ten~~five business days ~~after receipt from the date~~ of the order, deliver to the ~~health department~~ department that issued the order a written objection to the order, addressed to the administrative reviewer, stating specific reasons for contesting the order. A fee as set forth in the fee schedule as established by the common council must accompany the request.
 - ~~(2) 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 ~~shall~~will be ~~reviewed~~heard within five business days. Notwithstanding this requirement, the administrative reviewer may upon a finding of good cause and with notice to the parties postpone the proceedings for an additional five business days. The city elects not to be bound by Wis. Stats. ch. 68 with respect to administrative procedure in this regard.
 - ~~(3) 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.~~ Upon hearing the appeal, the administrative reviewer has the authority to affirm or reverse the designation, or to modify the prohibited dangerous designation to a dangerous animal designation.
 - ~~(4) After the administrative review, the administrative reviewer shall render a written decision within a reasonable amount of time not to exceed seven business days after having heard the appeal and shall mail a first class copy to the owner or caretaker, shall be notified in writing within five business days of the determination.~~

(5) If the owner or caretaker wishes to further contest the determination, he or she may, within ~~ten~~five business days of ~~receiving the date of~~ the administrative reviewer's decision ~~seek review by filing~~file a petition for judicial review in circuit court.

(6) The administrative reviewer will be appointed by the mayor of the City of Racine.

(7) The initiation of an appeal under this section tolls the dangerous animal designation for purposes of declaring it a prohibited dangerous animal based on the subsequent second or more reported incident.

(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 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 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 Wis. Stats. § 173.13(1).

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- (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 caretaker's last known address shall satisfy this requirement.
- (h) *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 Wis. Stats. § 174.02(3). 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 section 10-4 and/or subsection (a) of this section within a three-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 section is subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 plus statutory court costs for each separate violation.
- (3) Every day that a violation of this section continues shall be a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this section.
- (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 years from the date of final determination made under the procedures in this chapter.

(k) *Exemptions.* The provisions of this section regarding dangerous and prohibited animals shall not apply to animals owned by law enforcement or military agencies, while ~~and~~ acting in performance of its duties.

(Ord. No. 2-05, pt. 1, 3-15-05; Ord. No. 12-14, pt. 3, 4-20-15; Ord. No. 0028-19, pts. 15, 16, 11-12-19)

Editor's note(s)—Ord. No. 12-14, pt. 3, adopted April 20, 2015, repealed § 10-104 in its entirety and enacted a new § 10-104 to read as set out herein. Former § 10-104 pertained to vicious animals and derived from Ord. No. 2-05, pt. 1, adopted March 15, 2005.