

Ordinance 002-24 – Dangerous Animals.

An ordinance to amend Chapter 10 – ANIMALS of the Municipal Code of the City of Racine, Wisconsin.

Part 1: To modify Chapter 10, Article I, Section 10-1 of the Municipal Code by adding the word “or” at the end of subsection (1) under the definition of *Dangerous animal*.

Part 2: To modify Chapter 10, Article I, Section 10-1 of the Municipal Code by deleting the words “dangerous or prohibited” under subsection (2) under the definition of *Prohibited dangerous animal* and adding the words “prohibited dangerous”.

Part 3: To modify Chapter 10, Article I, Section 10-1 of the Municipal Code by deleting subsection (3) under the definition of *Prohibited dangerous animal* and renumbering the remaining subsections in numerical order.

Part 4: To modify Chapter 10, Article I, Section 10-1 of the Municipal Code by deleting the word “or” at the end of subsection (5) under the definition of *Prohibited dangerous animal*.

Part 5: To modify Chapter 10, Article I, Section 10-1 of the Municipal Code by changing the period at the end of subsection (6) to a semicolon, under the definition of *Prohibited dangerous animal*.

Part 6: To modify Chapter 10, Article I, Section 10-1 of the Municipal Code by changing the period at the end of subsection (7) to a semicolon and add the word “;or” after the semicolon, under the definition of *Prohibited dangerous animal*.

Part 7: To modify Chapter 10, Article IV, Section 10-104(a)(3) of the Municipal Code by deleting the word, “breed,”.

Part 8: To delete and recreate Chapter 10, Article IV, Section 10-104(b)(2) of the Municipal Code to state as follows:

- (2) Upon an animal being declared dangerous, the owner or caretaker shall:
 - a. Within 24 hours comply with the signage requirement of subsection (c)(3);
 - b. Within five days comply with the collar, leashing, muzzling, juvenile residency, and confinement requirements of subsections (c)(1), (5)-(7);
 - c. Register for training as required by subsection (c)(8) within 90 days and complete within 180 days of the order; and
 - d. Comply with all other requirements of subsection (c) within 30 days of the order.

Part 9: To delete and recreate Chapter 10, Article IV, Section 10-104(c)(1) of the Municipal Code to state as follows:

- (1) *Juveniles.* No animal declared "dangerous" as a result of aggression against a 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.

Part 10: To delete Chapter 10, Article IV, Sections 10-104(c)(2) and (3) of the Municipal Code in its entirety and renumber the remaining subsections in numerical order.

Part 11: To delete Chapter 10, Article IV, Section 10-104(c)(9) of the Municipal Code in its entirety and renumber the remaining subsection in numerical order.

Part 12: To delete and recreate Chapter 10, Article IV, Section 10-104(e) of the Municipal Code to state as follows:

(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 business days from the date of the order, deliver to the health department 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) Upon receipt of the written objection for administrative review, the appeal shall be 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) 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.
 - (5) If the owner or caretaker wishes to further contest the determination, he or she may, within ten business days of the date of the administrative reviewer's written decision file a petition for judicial review in circuit court.
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- (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.

Part 13: To modify Chapter 10, Article IV, Section 10-104(k) of the Municipal Code by deleting the second instance of the word “and” and replacing it with the words “,while”.

Part 14: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor’s signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves, the mayor’s objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective, notwithstanding the objections of the mayor.
