

Ordinance 0003-26 – Unleashed Animals and Dog Parks

An ordinance to amend Chapter 10, Article I, Section 10-1; to repeal, delete, and recreate Chapter 10, Article IV, Section 10-92; to amend Chapter 70, Article III, Division 1, Section 70-90(d)(2), and to create Chapter 70, Article III, Division 1, Section 70-90(f) of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Chapter 10, Article I, Section 10-1 is amended to add in alphabetical order the following definition:

Leash means any lead, harness, or other tether that attaches an animal to someone or something else.

Part 2: Chapter 10, Article IV, Section 10-92 is repealed, deleted, and recreated as follows:

Sec. 10-92. – Running at large.

- (a) *Prohibition.* It shall be unlawful for any animal to run at large within the City of Racine. “Run at large” shall mean the presence of an animal that is not on a secured leash of 8 feet or less on any public property or on any private property without the permission of the property owner or occupier.
- (b) *Exceptions.* Subsection (a) does not apply to the following:
- (1) An unleashed animal that is secured within a carrier that is manufactured for the purpose of transporting an animal.
 - (2) An unleashed animal that is secured within a vehicle.
 - (3) An unleashed dog present within the parameters of a designated dog park.
 - (4) An animal utilized for law enforcement purposes.
 - (5) A person with express permission from and within the parameters authorized by the health officer; the police chief; the director of parks, recreation, and cultural services; or a designee thereof to possess an unleashed animal on public property.
 - (6) Where subsection (a) conflicts with the Americans with Disabilities Act under 28 C.F.R. § 35.136 or 28 C.F.R. § 36.302(c)(4).
- (c) *Responsibility.* The owner or person in possession of the animal running at large shall be cited for a violation of this section. It shall be no defense to a violation of this section that the animal owner was not present or not in possession of the unleashed animal at the time of the violation.

(d) *Impounding*. The police chief or designee may seize any unleashed animal found running at large and may withhold the animal for 4 days to permit the owner to reclaim it; otherwise, the animal may be disposed of as provided by Wisconsin Statutes.

Part 3: Chapter 70, Article III, Division 1, Section 70-90(d)(2) is amended to include in alphabetical order “Jones,” park.

Part 4: Chapter 70, Article III, Division 1, Section 70-90 is amended to create subsection (f) as follows:

(f) *Rules and regulations*. It shall be a violation of this section for the owner or person in possession of an animal that is present within a designated dog park to violate any rule or regulation of the dog park that is adopted by the board of parks, recreation, and cultural services commissioners; approved by the common council; and posted by an official sign. It shall be no defense to a violation of this section that the animal owner was not present or not in possession of the unleashed animal at the time of the violation.

Cross reference – Powers and authority, § 70-38.

Part 5: 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: Citable offenses may result in forfeiture judgments issued in municipal court.

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 five 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.