

**BODY – LEGISTAR #35827**

DRAFTER'S ANALYSIS: This ordinance permits Madison Dane County Public Health to order the spaying or neutering within thirty days of any dog that runs at large on three occasions, acts aggressively while running at large, or injures another animal or person or is kept by an individual who has violated the zoning chapter relating to home dog breeding or sales. This ordinance also establishes a bail deposit for an owner that fails to comply with the Health Department's order.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.47 entitled "Violation-Based Mandatory Spaying and Neutering of Dogs" of the Madison General Ordinances is created to read as follows:

**"23.47 VIOLATION-BASED SPAYING AND NEUTERING OF DOGS.**

- (1) Purpose. The City has experienced an overwhelming incident of unaltered dogs running at large and causing injury to other animals and citizens. These unaltered dogs running at large are at greatest risk for unwanted litters that in turn contribute to pet overpopulation and overcrowding at rescue shelters. Unaltered animals exhibit hormone induced aggression that may increase incidents of attacks. Altering a dog that has a history of running at large or acting aggressive will potentially lower the risk of further running at large incidents and further incidents of aggression. Altering these aggressive animals will also prevent the possibility of aggressive traits being based on by breeding of these animals.
- (2) Madison Dane County Public Health may order any dog to be spayed or neutered within thirty (30) days of receiving notification of any of the following incidents:
  - (a) A dog found running at large in violation of Sec. 23.31, on three (3) separate occasions;
  - (b) A dog acting aggressively and running at large in violation of Sec. 23.31;
  - (c) A dog that has caused injury to a person or another animal in violation of Sec. 23.35; or
  - (d) A dog that has caused injury to a person on the owner's property.
  - (e) A dog that is owned or kept by an individual who has violated Zoning Chapter 28, relating to home dog breeding or sales.
- (3) Any person who fails to comply with an order to spay or neuter a dog under sub (2) shall be subject to a forfeiture of up to two thousand dollars (\$2000). Each and every day of violation may be considered a separate offense."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Failure to spay/neuter dog. 1 <sup>st</sup>	23.47	\$500,
2 <sup>nd</sup> & sub."		\$1000,

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved, provided the penalty range is increased.