

2019 OA-002

AMENDING CHAPTER 47 THE DANE COUNTY CODE OF ORDINANCES,
REGARDING REGULATION OF DANGEROUS ANIMALS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 47.18(4)(e) is rescinded:

~~(e) Permit includes the otherwise unregulated right to keep an animal not covered by a requirement for a municipal license or permit.~~

ARTICLE 3. Section 47.18(5) is amended to read as follows:

(5) Impoundment of biting or attacking animal. (a) The department or an officer shall have the power to summarily and immediately impound an animal whenever there are reasonable grounds pursuant to sub. (6) to believe that the animal is a dangerous animal. The animal may remain impounded during the entire determination process. If the animal is determined to be dangerous, it shall remain impounded until the owner has complied with all restrictions outlined by the department and found in sub. (7) or until such time as the department determines that the animal may be safely returned to the owner. Any law enforcement officer or humane officer may enter and inspect private property to enforce the provisions of this section. The owner of the animal shall be liable to the County for the costs and expenses of impounding and keeping said animal, unless the department fails to declare the animal dangerous, ~~or~~ the department determination is ultimately overturned by administrative review or a reviewing court, or the department waives the costs and expenses.

(b) In lieu of impoundment, if there was no tearing of flesh or multiple wounds by the animal and the animal is currently immunized against rabies, or if the animal species is at low risk for transmitting this or other diseases, the department may permit the animal to be confined at the owner's residence provided that the owner complies with conditions set forth by the department.

(c) The owner or custodian of an animal confined under sub. (b) above shall immediately notify the department if said 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 impoundment period without approval of the department.

ARTICLE 4. Section 47.18(7) is amended to read as follows:

(7) Declaration of dangerous animal. The department, after considering appropriate evidence, may declare any animal to be a dangerous animal. The director of the department shall issue an order authorizing the destruction of the animal or the placement of restrictions on the animal. The department shall make a reasonable attempt to personally notify the owner of the pendency of the

47 department's investigation and shall notify the owner in writing of its
48 determination and order. ~~Mailing a copy of the determination to the owner's last~~
49 ~~known address and posting in accordance with approved department policy shall~~
50 ~~satisfy this notice requirement. Notice may be provided to the owner as follows:~~

51 (a) Mailing a copy to the owner's last known address;

52 (b) Email to an email address provided by the owner;

53 (c) Personally delivering a copy to the owner;

54 (d) Posting a copy at the owner's last known address in accordance with
55 department policy; or

56 (e) Any method agreed upon by owner and the department.

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58 ARTICLE 5. Section 47.18(8) is amended to read as follows:

59 **(8) *Dangerous animal disposition.*** **(a)** It shall be unlawful for any person to
60 own, possess, harbor or keep any animal declared by the department to be
61 dangerous, except as allowed in (b) below.

62 **(b)** Any animal declared by the department to be a dangerous animal shall be
63 humanely destroyed, ~~removed from the County~~ or placed under restrictions as
64 set forth in this sub. (9) and in department policies. ~~The director shall issue an~~
65 ~~order authorizing the destruction, removal or restriction of the animal within two~~
66 ~~(2) days after the time for appeal as provided in sub. (11) has passed without~~
67 ~~notice of appeal being filed.~~

68 **(c)** Any animal declared by the department to be dangerous, if not already
69 impounded by the department, shall if determined by the department to be
70 necessary, be immediately surrendered to the department upon order of the
71 director, and it is the duty of the department to take up and impound any such
72 animal.

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74 ARTICLE 6. Section 47.18(9)(b)3. is amended to read as follows:

75 **3.** the following language "Dangerous Animal, contact Public Health Madison &--
76 Dane County Animal ~~Control~~Services at (608) 267-1989255-2345."

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79 ARTICLE 7. Section 47.18(9)(h) is amended to read as follows:

80 **(h)** The owner shall allow the department to take ~~four~~ three (43) photographs
81 depicting the animal ~~and owner~~ as outlined below:

82 **1.** one (1) photograph showing a close view of the animal's entire face, so
83 that the animal is recognizable;

84 **2.** one (1) photograph showing the animal's entire left side of its body,
85 including its legs and tail;

86 **3.** one (1) photograph showing the animal's entire right side of its body,
87 including its legs and tail; and

88 ~~4. one (1) photograph showing the owner, so that the owner is easily~~
89 ~~identifiable.~~

93 ARTICLE 8. Sections 47.18(9)(j) through (m) are renumbered or created to read
94 as follows:

95 (j) The new owner must comply with all requirements of this subsection and any
96 other restriction the department determines to be appropriate to protect public
97 safety.

98 ~~(j)~~ **(k)** To ensure compliance with this ordinance, the owner or caretaker of a
99 dangerous animal shall allow the department, on an annual basis and at any
100 other reasonable time determined by the department, the opportunity to inspect
101 the property where the dangerous animal is kept.

102 (l) Any other restriction determined by the department to be necessary to protect
103 public safety.

104 (m) The owner must notify the department before moving the animal to a new
105 location and allow the department to inspect the property. The department may
106 modify or add restrictions based upon the conditions of the property.

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108 ARTICLE 9. Section 47.18(10)(a) is amended to read as follows:

109 **(a)** The department may make a new determination if an owner fails to comply
110 with the terms, conditions or restrictions imposed ~~by sub. (8)(b).~~

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112 ARTICLE 10. Section 47.18(11) is amended to read as follows:

113 **(11) Administrative review. (a)** The owner or any person aggrieved by a
114 determination of the department declaring any animal to be a dangerous animal
115 may appeal such determination to a subcommittee of the Board of Health for
116 Madison and Dane County by filing a notice of appeal stating the grounds
117 therefor with the director within seven (7) days of the date of mailing of the
118 department's declaration under sub. (7) above. ~~Subcommittee~~**Board** review
119 pursuant to this procedure is required prior to seeking court review. Failure to so
120 obtain ~~subcommittee board~~ review shall be deemed a full and complete waiver of
121 the right to any additional review of the determination.

122 **(b)** If an appeal is timely and properly filed, the ~~subcommittee board~~ shall
123 schedule a hearing on whether to affirm, conditionally affirm or reject the
124 determination within thirty-two (32) days, but not sooner than five (5) days, and
125 shall make reasonable efforts to notify the owner, bite or attack victims and their
126 representatives, if any, witnesses and other interested parties of such hearing
127 and the opportunity to present evidence and testimony to the board. The
128 ~~subcommittee board~~ shall, within a reasonable period of time after the hearing,
129 issue its decision in writing and serve a copy of the same by first class mail or
130 other means of delivery mutually agreed upon by the owner and subcommittee,
131 upon the owner and all parties requesting the same.

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133 ARTICLE 11. Section 47.44 is amended to read as follows:

134 **47.44 ABATEMENT ORDERS. (1)** A subcommittee of ~~the~~ Board of Health for
135 Madison and Dane County is hereby designated and authorized, pursuant to sec.
136 173.03(2) of the Wisconsin Statutes, to affirm, modify, or withdraw abatement
137 orders issued under sec. 173.11 of the Wisconsin Statutes by any humane officer
138 or law enforcement officer.

139 (2) Any person named in an abatement order may appeal such order to the
140 | subcommittee of the Board of Health for Madison and Dane County within 10
141 | days of service of the order. The notice of appeal must state the grounds for the
142 | appeal with specificity. The subcommittee Board shall schedule a hearing to be
143 | held within ten days of the receipt of the notice of appeal, unless the appellant
144 | agrees to a later date. The subcommittee Board shall make reasonable efforts to
145 | notify the appellant, the officer issuing the abatement order, and any other
146 | interested party of the hearing and the opportunity to present evidence and
147 | testimony at the hearing. The hearing shall be informal in nature. Within ten
148 | days after the hearing, the subcommittee Board shall determine whether to
149 | affirm, modify and affirm, or withdraw the abatement order and shall issue its
150 | decision in writing and serve it upon the appellant and other interested parties.
151 (3) Any person adversely affected by a decision under sub. (2) may seek judicial
152 review by commencing an action in circuit court within 30 days after the date of
153 the decision.

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155 *[EXPLANATION: This amendment modifies the procedures for regulation and*
156 *disposition of dangerous animals and for abatement of animal cruelty.]*

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