

# **BADGER KENNEL CLUB, INC.**

MADISON, WISCONSIN, USA

November 4, 2014

Board of Health Madison and Dane County  
Ms. Judy Wilcox, Chair  
210 Martin Luther King Jr. Blvd, Room 507  
Madison, WI 53703

Dear Chair Wilcox and Committee Members:

[Badger Kennel Club](#) (BKC) has significant concerns that the proposed amendments to city ordinances to require mandatory spay/neuter in certain circumstances and proposed increases in dog licensing fees may result in unintended consequences that are detrimental for dogs and dog owners. We do not believe that this collection of public policies (Registrar #35826, #35827, #35833) will address the issue of dogs that pose a danger to the public or loose dogs.

BKC is an American Kennel Club (AKC) sanctioned nonprofit organization dedicated to dogs whose members reside in the City of Madison and surrounding areas. Our members are dog owners, trainers, breeders, and have many decades of experience working with and training dogs to be companions, good canine citizens, and successful participants in AKC events.

We have briefly summarized the major themes of our concerns for each proposal below.

- **Registrar #35826 Animal Cruelty**

Current state law prohibits breeders regulated under Wis. Statutes Ch. 173.41 from selling puppies less than 7 weeks old, unless they go with their mothers. Conscientious hobby breeders who sell fewer than 25 dogs a year are not required to be licensed by the state.

While BKC does not object to a standard age of sale consistent with state law being applicable to hobby breeders, we do object to the characterization of separation of a puppy from its mother as “cruel.” We do not believe that physical separation of a puppy from its mother and/or placement of a puppy into a home with human caretakers meets the standard of animal cruelty as outlined in Wis. Stats. Ch 951.

The current language of the ordinance does not specify that the term “separation” means point of sale. The ordinance could be interpreted to mean that any separation of a puppy less than 7 weeks old from its mother could be considered cruel. Mother dogs are not constantly in the whelping box with infant puppies; there is often physical separation that is necessary for the mother to rest and puppies to sleep. Veterinary needs may result in

puppies or mother being temporarily separated from each other. Post weaning, many conscientious hobby breeders socialize their puppies which may involve moving the litter into larger areas—the mother dog not occupy the same physical space as her older litter-- where they can experience routine household noise and stimulation, interaction with other dogs, and socialization with people.

We also do not believe that leaving a dog unsupervised for more than 15 minutes-- especially if a yard is fenced, has shade and water, and the temperature is not uncharacteristically frigid or hot—meets the standard of cruelty as outlined in Wis. Stats. Ch. 951.

- **Registrar #35827: Mandatory Spay/Neuter**

We believe that the City seeks to address two core issues: dogs running at large and specific individual dogs that pose a danger to members of the public. BKC finds the sub-amendment to the original draft, which removes the application of mandatory spay/neuter from home breeders, not in compliance with Ch. 28 zoning to be an improvement. However, mandating spay/neuter does not prevent dogs from running at large or prevent aggressive acts by individual dogs.

The City has existing ordinances that prohibit dogs from trespassing on public or private property or running at-large, unleashed, or unattended. We recommend that resources be devoted to enforcing these existing ordinances. Mandatory spay/neuter is unlikely to change the behavior of owners who are violating these existing ordinances. The city would incur costs implementing a mandatory spay/neuter policy and would open up the city to liability if it inappropriately applied its policy to an owner's dog.

BKC cautions that temperaments of individual animals are not necessarily correlated to intact status. Spaying/neutering does not alter a dog's underlying temperament, and aggressive behavior is not necessarily the result of hormone levels. Removing reproductive organs does not correlate with making an animal that truly exhibits aggressive behaviors to people or other dogs less aggressive, or make an individual dog's aggressive behavior more predictable.

The ordinance does not adequately define what constitutes a dog “acting aggressively” or what constitutes an “injury to a person or other animal.” BKC conducts many training classes and frequently hears the term “aggressive” misused by owners to describe a wide variety of behaviors. “Aggression” can be a dog's response to many things like anxiety, pain, fear, or resource guarding. These responses may be inadvertently provoked by human behavior or misinterpretation of a dog signals.

The term “acting aggressively” is subjective; staff or citizens who are not experts in dog behavior may incorrectly interpret an action as aggressive leading to inconsistent application of the ordinance, and application of the ordinance in cases where it is not warranted. In the current ordinance language, the term “acting aggressively” could be equally applied to a dog that bears its teeth in a warning or a dog that charges and bites a pedestrian without provocation. Similarly, “injury to a person or another animal” is not quantified by severity. Being scratched by a dog's toenail is not the same as suffering deep puncture wounds that require medical treatment.

BKC recommends a non-breed specific dangerous dog policy that clearly defines specific behaviors considered to be a threat to public safety and injuries that are considered severe enough to demonstrate an individual dog is a threat to public safety.

- **Registrar #35333: Increasing license fees**

BKC members are concerned that an increase in license fees may pose an undue financial burden on dog owners who choose to maintain multiple dogs, may over regulate the compliant, and may result in lower overall compliance with license requirements. In other communities across the United States, increased license fees and mandatory spay/neuter policies have resulted in owners choosing to not license their animals to avoid higher fees or what they perceive to be punitive measures against intact animals.

BKC has many knowledgeable breeders who are willing to work with the City Council on public policy matters related to dogs. We request a meeting to discuss the City's goals and work with the committee to refine a public policy that will address the City's concerns.

Sincerely,

Tamara Jackson  
BKC Legislative Liaison