

ENROLLED ORDINANCE 170-11

AMEND THE WAUKESHA COUNTY CODE OF ORDINANCES BY REPEALING AND RECREATING SECTIONS 14-452 and 14-454 REGARDING DANGEROUS ANIMALS

WHEREAS, Waukesha County has an approved Humane Animal Program as specified in Sec. 14-450 of the Waukesha County Code, and

WHEREAS, Waukesha County employs certified Humane Officers pursuant to Chapter 173 of the Wisconsin State Statutes, and

WHEREAS, Waukesha County Code Sec. 14-454 Vicious Animals is in need of updating in response to post care management experiences, and

WHEREAS, to be consistent with surrounding communities, the ordinance shall change names from “vicious” to “dangerous” animals, and

WHEREAS, the proposed tiered approach for declaring animals “dangerous” will allow for better consideration in a broad array of circumstances when domestic animals cause harm.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Code shall be changed as follows:

Section 1. Section 14-452 is repealed and recreated to read as follows:

- (a) “Bodily Harm” means physical pain or injury or any impairment of physical condition.
- (b) “Dangerous Animal” means any animal that bites, scratches or attacks in a menacing fashion, or otherwise injures humans, domesticated or other animals without provocation, causing bodily harm; and has a history of attacking, biting or injuring humans or any domesticated or other animals.
- (c) “Direct Control” means immediate and continuous physical control of an animal at all times; such as by means of a fence, leash, cord, or chain of sufficient strength to restrain said animal (excluding herding dogs, dogs in process of hunting, police dogs, dogs participating in a registered field trial, obedience training or trial, or on its owner’s property)
- (d) “Humane Manner” means a manner consistent with the physical and behavioral needs of a species; including but not limited to adequate heat, ventilation, and sanitary shelter, wholesome food and water consistent with the normal requirements and feeding habits of the particular animal according to its size, species, and breed; including necessary veterinary care.
- (e) “Owner” means any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. Any implied owner will also be construed as being the owner of an animal. An animal owner is responsible for keeping their animals under direct control at all times and will be held accountable for any violation of this ordinance.

- (f) “Prohibited Dangerous Animal” means any animal that has been declared dangerous or vicious or equivalent by another municipality, county, or state or any animal trained for fighting, or any dog subject to be destroyed under sec. 174.02(3), Wis. Stats. or any animal which inflicts severe bodily harm or death to a domestic animal or person or a declared dangerous animal that the owner does not maintain under sec. 14-454(c) and (d).
- (g) “Secure Enclosure” means confinement of an animal in a building or other enclosure that renders such animal inaccessible to any other animal or people and escape.
- (h) “Warning Notice” means a form used by a law enforcement officer or Humane Officer served on an owner’s agent advising them of an existing violation of this ordinance.

Section 2. Section 14-454 is repealed and recreated to read as follows:

Dangerous and Prohibited Dangerous Animals.

- (a) A Humane Officer or law enforcement officer may declare that an animal is a Dangerous Animal if it is determined the animal meets the definition of a Dangerous animal as stated in this ordinance.
- (b) Upon a Dangerous Animal determination by a Humane Officer or law enforcement officer pursuant to the definition in Sec. 14-452(b), an order declaring the animal to be dangerous will be issued. The Humane Officer will mail the declaration to the Owner’s last known address by certified mail. If the Owner wishes to dispute the declaration, he / she must submit a written objection within thirty (30) days to Waukesha County for administrative review under Sec. 18-154.
- (c) Any animal declared to be a Dangerous Animal shall be either euthanized with documentation provided to the Humane Officer or confined in a secure enclosure on the premises of the Owner of such animal. No Dangerous Animal shall be allowed off the premises of the Owner unless such animal remains:
 - 1. Inside a secure animal carrier; or
 - 2. Under the Direct Control of such Owner and securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds.
- (d) The following requirements must be met in order to keep an animal that has been declared a Dangerous Animal:
 - 1. Proof of liability insurance specifying coverage for personal injuries inflicted by the Dangerous Animal provided within ten (10) days of the dangerous declaration to the Humane Officer.
 - 2. The animal must have a microchip implanted and the chip number provided within ten (10) days of the dangerous declaration to the Humane Officer.
 - 3. A current color photograph of the animal provided within ten (10) days of the dangerous declaration to the Humane Officer.
 - 4. Further conditions established by the Humane Officer or law enforcement officer on a case-by-case basis.
- (e) It is a violation of this ordinance for the Owner of a Dangerous Animal to refuse or fail to confine or restrain such animal as required by this Section. Failure to comply with the requirements to keep a Dangerous Animal will result in a Prohibited Dangerous

declaration of the animal and the associated consequences set forth in Sec. 14-454 (j) through (o).

- (f) No Dangerous Animal impounded pursuant to this ordinance shall be released until the Owner of such Dangerous Animal presents proof to the Humane Officer or law enforcement officer that the conditions to keep a Dangerous Animal have been met; as required by this Section. The animal will not be impounded longer than ten (10) days. If the animal is not reclaimed or arrangements made within the ten-day time period, it will be considered an abandoned animal, and euthanized under Wisconsin State Statute section 173.23(1m)(c).
- (g) A Dangerous Animal that is found off premises of its Owner or is involved in another qualifying incident will be declared Prohibited Dangerous and may be seized by any law enforcement officer or Humane Officer. A request for a judgment to euthanize the animal shall be brought before the court.
- (h) The Owner of a Dangerous Animal shall report in writing the name and address of the new Owner to the Humane Officer or law enforcement officer a minimum of twenty-four (24) hours prior to transfer of ownership or custody of such animal. It is a violation of this ordinance not to report the name and address of the new Owner.
- (i) The Owner of a Dangerous Animal shall report in writing or by telephone the death of such animal within 24 hours to the Humane Officer or law enforcement officer, and it is a violation of this ordinance not to do so. The death of such animal shall be verified by a licensed veterinarian, Humane Officer, law enforcement officer, or a representative of a humane society.
- (j) Upon Prohibited Dangerous Animal determination by a Humane Officer or law enforcement officer, an order declaring the animal to be Prohibited Dangerous will be issued pursuant to the definition in Sec. 14-452(f). The officer will mail the declaration to the animal Owner's last known address by certified mail. If the Owner wishes to dispute the declaration, he/she must submit a written objection within ten (10) days to Waukesha County for administrative review under Sec. 18-154. The animal shall be held under the conditions required of a Dangerous Animal pursuant to Sec. 14-454(c) until the case is completed.
- (k) Declared Prohibited Dangerous Animals are not allowed in Waukesha County. For an animal declared Prohibited Dangerous, the animal Owner must provide proof of euthanasia or the microchip information along with the name and address of the new Owner outside of Waukesha County.
- (l) Failure to remove a Prohibited Dangerous Animal from Waukesha County within ten (10) days of declaration or administrative review or court determination, or if animal is found off premises of its Owner, may result in animal being seized by any law enforcement officer or Humane Officer. A judgment to euthanize the animal may be requested of a court if a legal order is not already established. The animal will not be impounded longer than ten (10) days. If the animal is not reclaimed or arrangements made within the ten-day time period, it will be considered an abandoned animal, and euthanized under Wisconsin State Statute sec. 173.23(1m)(c).

- (m) No animal shall be classified as a Dangerous Animal or Prohibited Dangerous Animal if the injury was sustained by a person who, at the time, was committing or attempting to commit a crime upon the Owner of the animal or who was committing a willful trespass upon premises occupied by the Owner of the animal, or who was teasing, tormenting, provoking, abusing or assaulting the animal or its Owner.
- (n) Law enforcement canine officers are exempt from this ordinance while on duty.
- (o) Under Wisconsin State Statute section 173.21, animals can be held for cause if they pose a significant threat to public health, safety, and welfare.

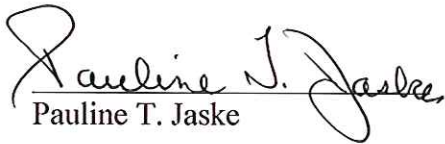
BE IT FURTHER ORDAINED THAT the provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.


AMEND THE WAUKESHA COUNTY CODE OF ORDINANCES BY REPEALING AND RECREATING SECTIONS 14-452 and 14-454 REGARDING DANGEROUS ANIMALS

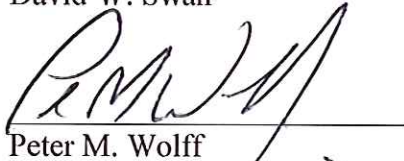
Presented by:
Executive Committee

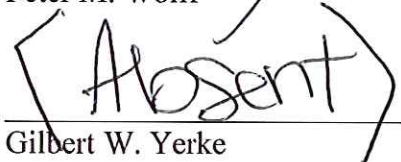

Paul L. Deeker, Chair

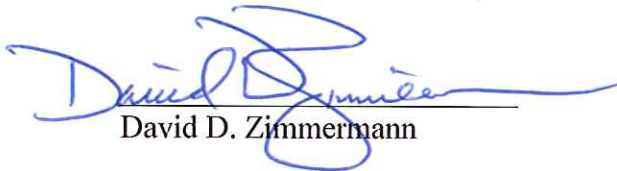

James A. Heinrich


Pauline T. Jaske

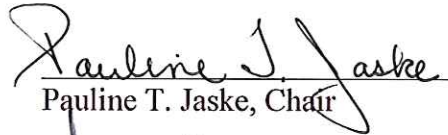

David W. Swan


Peter M. Wolff


Gilbert W. Yerke



David D. Zimmermann

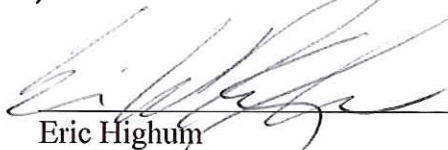
Approved by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair

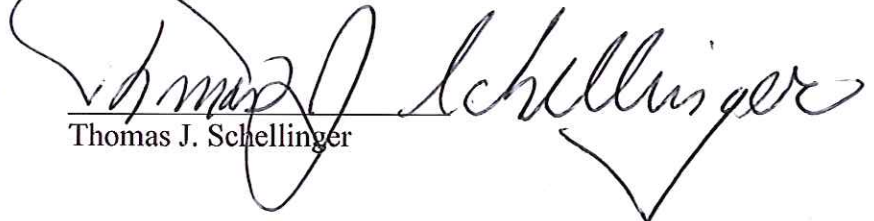

Jim Batzko


Jennifer Grant



Keith Hammitt


Eric Highum


William Mitchell


Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4/28/2015, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 5-1-15, 
Paul Farrow, County Executive

Summary of the Proposed Amendments to the Waukesha County Vicious Animals Ordinance

This is a summary of the substantive changes in the proposed amendments. There is no reference to sections that have no substantive change or only correct typographical or grammatical errors. "Section refers to the code section.

SECTION 14-452 Definitions:

Line 25 - Added definition of "Bodily Harm"

Line 27 - Added definition of "Dangerous Animal"

Line 50 - Added definition of "Prohibited Dangerous Animal"

Removed definition of "Adequate Shelter"

Removed definition of "Exotic Species"

Removed definition of "Feral Animal"

Removed definition of "Humane Trap"

Removed definition of "Sanitary"

Removed definition of "Vicious Animal"

SECTION 14-454 Vicious Animals:

Changed the name of the ordinance from *Vicious Animals* to *Dangerous Animals*

Dangerous and Prohibited Dangerous Animals

Line 66 - (a) No change

Line 70 - (b) This is a new paragraph describing the process by which a Dangerous Animal Order is issued and how it can be disputed. This process is not spelled out in the current Code.

Line 77 - (c) This replaces 14-454 (b) with the addition of the option to euthanize an animal that has been declared to be Dangerous. It also deletes *3. Subject to conditions established by the Humane Officer or law enforcement officer.*

Line 85 - (d) This is all new. It provides additional requirements to maintain an animal that has been declared dangerous; liability insurance, microchip, and photograph. The number 3 from above was moved to this section; *Subject to conditions established by the Humane Officer or law enforcement officer.*

Line 97 - (e) This replaces 14-454(c) with the addition of the following sentence: *Failure to comply with the requirements to keep a Dangerous Animal will result in a Prohibited Dangerous declaration of the animal and the associated consequences set for the in Sec. 14-454 (j) through (o).*

Line 103 - (f) This paragraph replaces 14-454 (d) which states:

No vicious animal impounded pursuant to this ordinance shall be released until:

1. The owner or keeper of such vicious animal presents proof to the Humane Officer or law enforcement officer that the conditions to keep a vicious animal have been met; as required by this section;

2. The owner or keeper executes an affidavit acknowledging that the animal has been declared vicious, agreeing to confine and restrain the animal, and recognizes that any vicious animal found off premises of its owner may be seized by any law enforcement officer or Humane Officer, and upon establishing to the satisfaction of the court of the vicious character of such dog by testimony under oath, reduced to writing, be killed by police authorities or humanely euthanized.

The second condition has been removed and a time frame for which the animal will remain impounded has been added.

Line 111 - (g) This paragraph modifies 14-454(g) through the addition of the consequences of running at large or involvement in another biting incident after having been declared Dangerous.

Line 116 - (h) This replaces 14-454(e), the only change is the addition of the 24 hour time frame.

Line 121 - (i) This replaces 14-454(f), the only change is the addition of the 24 hour time frame

Line 127 - (j) This is all new.

Line 136 - (k) This is all new.

Line 141 - (l) This is all new.

Line 150 - (m) This replaces 14-454(i).

Line 156 - (n) This is all new.

Line 158 - (o) This is all new.

14-454 (h) in the existing code was removed. It states:

It is a violation of this ordinance for any person convicted under this subsection to own, keep, possess, control or be in charge of any animal of the breed, and any other animals as determined by the Waukesha County Circuit Court, which caused the bite, attack or injury for which a conviction was rendered for a period of three (3) years from the date of conviction, or such other period of time as determined by the Waukesha County Circuit Court. No license certificate, license tag or other permit shall be issued for such type of animal to such person within three (3) years of such conviction, or such other period of time as determined by the Waukesha County Circuit Court.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/28/15

NUMBER-1700069

- | | | | |
|-----------------------|-----|------------------------|----------------|
| 1 R. KOLB..... | AYE | 2 D. Zimmermann..... | AYE |
| 3 R. MORRIS..... | AYE | 4 J. BATZKO..... | |
| 5 J. BRANDTJEN..... | AYE | 6 J. WALZ..... | AYE |
| 7 J. GRANT..... | AYE | 8 E. HIGHUM..... | AYE |
| 9 J. HEINRICH..... | AYE | 10 D. SWAN..... | AYE |
| 11 C. HOWARD..... | AYE | 12 P. WOLFF..... | AYE |
| 13 P. DECKER..... | AYE | 14 C. PETTIS..... | AYE |
| 15 B. MITCHELL..... | AYE | 16 M. CROWLEY..... | AYE |
| 17 D. PAULSON..... | AYE | 18 L. NELSON..... | AYE |
| 19 K. CUMMINGS..... | AYE | 20 T. SCHELLINGER..... | AYE |
| 21 W. ZABOROWSKI..... | AYE | 22 P. JASKE..... | AYE |
| 23 K. HAMMITT..... | AYE | 24 S. WHITTOW..... | AYE |
| 25 G. YERKE..... | AYE | | |

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24