

ORDINANCE NO. 2010-13

AN ORDINANCE REPEALING SECTION 12.30 OF THE MUNICIPAL CODE (REGULATION OF VICIOUS DOGS) AND SECTION 12.16(4) OF THE MUNICIPAL CODE (ANIMAL BITES) AND CREATING SECTION 9.32 OF THE MUNICIPAL CODE (REGULATION OF VICIOUS ANIMALS) OF THE CITY OF PRAIRIE DU CHIEN CRAWFORD COUNTY, WISCONSIN

The Common Council of the City of Prairie du Chien, Crawford County, Wisconsin, do ordain as follows:

Section 1: That Section 12.30, Regulation of Vicious Dogs, and Section 12.16(4), Animal Bites, of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, are hereby repealed.

Section 2: That Section 9.32 of the Municipal Code of the City of Prairie du Chien, Wisconsin, is created to read as follows:

9.32 REGULATION OF VICIOUS ANIMALS.

(1) DEFINITIONS. For this Section, the following definitions shall apply:

(a) Owner. Any person, firm, corporation, organization, or department possessing, harboring, or having the care, custody, or control of an animal as that word is defined in section 9.31(1)(b) below.

(b) Animal. "Animal" includes every living warm and cold blooded creature, except a human being.

(c) Vicious Animal. Any animal that constitutes a physical threat to a human being or other animal.

(d) Bitten. Means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced. Further, "bitten" shall also include contact of saliva with any break or abrasion of the skin.

(2) STATE LAW ADOPTED. The provisions of Chapter 951, Crimes Against Animals, of the Wisconsin Statutes, with the exception of any penalty provisions therein set forth, are adopted by reference and made a part hereof.

(3) ANIMAL BITES.

(a) The owner of any animal which has bitten any person shall immediately, upon demand of the City of Prairie du Chien Police Department or Health Department, produce and surrender up such animal to such department to be held in quarantine for a minimum of ten (10) days. During quarantine, the animal shall be securely confined at the expense of the owner and kept from contact with any other animal.

(b) The owner of any animal which has contracted rabies or which has been subjected to same, or which is suspected of having rabies, shall immediately notify the City of Prairie du Chien Police Department or Health Department. Further, the owner shall produce and surrender up such animal to said department, to be held in quarantine at a veterinary hospital for a period needed by the veterinary to determine if it is rabid or not. The owner shall assume the charge for boarding such animal during the quarantine period. Failure to so surrender shall be deemed a violation under this Ordinance.

(c) Any animal which does not have a current anti-rabies vaccination must be quarantined at the veterinary hospital for a period of ten (10) days. Charges for boarding of such animal during the quarantine period shall be assumed by the owner of such animal.

(d) Any animal which has a current anti-rabies vaccination may, at the discretion of the City of Prairie du Chien Police Department or Health Department, be held in quarantine on the premises of the owner for a period of ten (10) days. Failure on the part of the owner to obey all conditions and directions of the City of Prairie du Chien Police Department or Health Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in a veterinary hospital for the remainder of the quarantine period. Charges for boarding such animal shall be paid by the owner prior to release.

(e) Any animal which bites a person on two (2) separate occasions shall by its action(s) be deemed as being a vicious animal. Further, any animal which bites a person on one (1) occasion shall by its action be deemed as being a vicious animal if in the opinion of the Chief of Police and the veterinary clinic which the City contracts with determines the bite is of such a severity that the animal is vicious. If an animal is determined vicious under the terms of this subsection, the City shall have the right to apply to the Circuit Court for Crawford County, Wisconsin, to have the animal permanently removed from the City of Prairie du Chien or destroyed.

(f) No person shall fail to produce and surrender up any animal pursuant to this section.

(g) No person, firm, corporation, organization, or department if determined to have possessed a vicious animal in the corporate boundaries of the City of Prairie du Chien shall thereafter be permitted to possess, harbor, own, or have the care, custody, or control of any animal within the corporate boundaries of the City of Prairie du Chien.

(h) It shall be unlawful for any person to own or have in his possession in the City of Prairie du Chien any animal of a vicious disposition.

4. **ANIMAL FIGHTING.** No person, firm, corporation, organization, or department shall possess, harbor or maintain, care for, or have custody of any animal for the purpose of animal fighting or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging the animal to attack human beings or other animals.

5. **PENALTIES.** Whoever violates any provision of this Ordinance shall be subject to a fine of not less than Ten and 00/100 (\$10.00) Dollars and not more than Five Hundred and 00/100 (\$500.00) Dollars for each such offense, together with the costs of prosecution and in default of

payment of such forfeiture and costs, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

6. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3: Any Ordinance or parts thereof inconsistent herewith are hereby repealed.

Section 4: This Ordinance shall be effective from and after its passage and publication as required by law.

Passed and approved this 7th day of September, 2010.

David Hemmer, Mayor

ATTEST:

Aaron Kramer, City Administrator