



Legislation Text

File #: 010558, Version: 4

010558
SUBSTITUTE 4

ALD. HERRON, CAMERON AND RICHARDS

A substitute ordinance relating to control of pit bull and rottweiler dogs.

60-5-1 am

78-1-21 rn

78-1-21 cr

78-1-22 rn

78-1-23 cr

78-22 cr

78-23-2 am

78-31-5 cr

78-55-6-a am

This ordinance:

1. Increases the repossession fee for an impounded animal from \$15 to \$20.
2. Creates leash, fencing and training standards for owners of pit bull and rottweiler dogs.
3. Imposes a penalty for owners or caretakers of "at large" pit bulls and rottweilers ranging from \$50 to \$500, compared to a penalty ranging from \$25 to \$250 for all other "at large" animals.
4. Requires that individuals holding the leashes of dangerous dogs be at least 16 years of age.
5. Prohibits animal fighting, with a penalty ranging from \$50 to \$500.

Whereas, Pit-bull type and rottweiler breeds of dogs, as reported in the September 15, 2000 issue of JAVMA: Journal of the American Veterinary Medical Association, accounted for 67% of human deaths due to dog bites in the United States between 1997 and 1998; and

Whereas, This article also notes that male dogs are 6.2 times more likely to bite than female dogs, sexually intact dogs are 2.6 times more likely to bite than neutered dogs, and chained dogs are 2.8 times more likely to bite than unchained dogs; and

Whereas, This article further notes that from 1979 through 1998, 24% of human deaths from dog bites were caused by dogs roaming off the owners' property; and

Whereas, An article in the January 7, 1998, issue of JAMA: Journal of the American Medical Association estimates that about 800,000 dog bites occur annually that require medical attention, with 333,687 of those treated in an emergency room at an average payment to the hospital of \$274 and a national total of \$102.4 million; and

Whereas, Children and adolescents younger than 20 years of age accounted for over half of these emergency-room payments, with over 50% of the documented bites having been to the heads, faces or necks of the children; and

Whereas, This article notes that incidence rates of dog bites were significantly higher among children 0 to 9 years of age, with the estimated 57,580 dog bite-related visits to emergency rooms for boys aged 5 to 9 accounting for 3.6% of all injury-related visits to the emergency room in this age and sex group; and

Whereas, In 1998, the American Veterinary Medical Association noted that dog bites are the number one health problem of children, outnumbering reported cases of measles and mumps combined; and

Whereas, The American Veterinary Medical Association reported that rottweilers were responsible for 33 fatal attacks on humans between 1991 and 1998, while pit bulls were involved in 21 fatal attacks during that period; and

Whereas, From 1979 to 1998, pit bulls and pit bull mix breeds were responsible for 77 fatalities and rottweilers for 45 fatalities during that time; and

Whereas, The Humane Society of the United States notes in its web site that, "The American pit bull terriers used in these [dog] fights have been specifically bred and trained for fighting and are unrelenting in their attempts to overcome their opponents. These dogs have extremely powerful jaw muscles and are able to take hold with their front teeth while chewing away with their rear teeth. This produces severe bruising, deep puncture wounds, and broken bones."; and

Whereas, The Humane Society of the United States also notes in its web site that "nearly half of 20 pit bull-related fatalities investigated by the HSUS in recent years involved dogs associated with dogfighting"; and

Whereas, The Milwaukee Journal Sentinel has reported a number of incidents of pit bull and rottweiler attacks within the city, including:

An 8-year-old girl was bit in the face and head by 2 rottweilers in the 2200-block of S. 11th St. in February 2001.

A pit bull bit a child and adult in the area of the 2700-block of N. Booth St. in October 2000.

A police officer killed a pit bull in the 2800-block of N. Fratney St. after a man ordered the dog to attack the officer in July 2000.

A pit bull bit a 7-year-old girl and tried to bite other people in the 1500 block of S. 37th St. in April 2000.

A police sergeant was bitten by a rottweiler in the 2600-block of N. 2nd St. as she was running through the backyard of a house in April 2000.

A 55-year-old Milwaukee man was seriously injured by his 2 pit bulls after he attempted to break up a fight between the dogs in January 1999.

Two pit bulls mauled an 8-year-old boy at a playground at N. 30th and W. Galena streets.

A 6-year-old girl had an ear bitten off by a pit bull in the 3300-block of N. 5th St. in June 1996. The dog had escaped from a residence and was at large.

In 1995, the newspaper reported that malnourished, mistreated dogs have become a standard presence in the city's drug houses and officers are increasingly on the lookout for violent animals that pose a risk to their safety

; and

Whereas, Owners of dog breeds which have a higher reported incidence of dog bites than other breeds have a greater responsibility to ensure that they and their dogs receive proper training in preventing dog bites; and,

Whereas, The city of Milwaukee needs to operate in the most cost-effective manner, so enforcement of this ordinance will be concentrated with respect to problem dog owners who permit their dogs to run at large, be a nuisance to neighbors or who have bitten people; and

Whereas, Owners of legally licensed pit bulls and rottweilers which do not have a negative impact upon public safety or health will not be targeted for enforcement of this ordinance; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-5-1 of the code is amended to read:

60-5. Animal Impoundment Fee.

1. The basic fee for the repossession of an impounded animal shall be ~~[[\$15]]~~ >> \$20<<.

Part 2. Section 78-1-21 and 22 of the code is renumbered 78-1-22 and 24.

Part 3. Section 78-1-21 and 23 of the code is created to read:

78-1. Definitions.

21. PIT BULL means any dog which is one-half or more American staffordshire terrier, staffordshire terrier, American pit bull terrier, bull terrier, miniature bull terrier or staffordshire bull terrier.

23. ROTTWEILER means any dog which is one-half or more rottweiler.

Part 4. Section 78-22 of the code is created to read:

78-22. Pit-Bull and Rottweiler Dogs.

1. OWNER RESPONSIBILITIES. The owner of any pit bull dog, as defined in s. 78-1-21 or any rottweiler dog, as defined in s. 78-1-23 shall comply with all of the following:

a. While leashed, the leash shall be held by a person 16 years of age or older, who is competent to

govern the animal. The leash may be held by a person younger than 16 years of age upon prior written approval of the department of neighborhood services or when shown in a sanctioned American Kennel Club show or other organized competition among trained owners and dogs. The written approval shall be carried by the person younger than age 16.

b. Have a fenced yard or kennel area which is of a height sufficient to contain the dog and is a minimum of 3 feet from any public street, sidewalk or alley. The fencing material shall be of a material which cannot be climbed by a dog and be set a minimum of 12 inches into the ground. The kennel area shall have a concrete floor.

c. Attend a minimum of one dog behavior or training class per year offered by a trainer recommended by the Wisconsin Humane Society, the Milwaukee Dog Training Club or the Cudahy Kennel Club.

2. AT LARGE. No pit bull or rottweiler dog shall be at large, in violation of s. 78-19-1 or 2.

3. DEFENSE. The owner shall be responsible for presenting proof of a dog's breeding as a defense for failure to comply with the section.

Part 5. Section 78-23-2 of the code is amended to read:

78-23. Harboring Dangerous Animals.

2. LEASH AND MUZZLE. No person owning, harboring or having the care of a dangerous animal may permit such animal to go outside its kennel or pen unless the animal is securely leashed with a leash no longer than 4 feet in length. No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person who is >>16 years of age or older,<< competent to govern the animal and capable of physically controlling and restraining the animal is in physical control of the leash. The animal may not be leashed to inanimate objects such as trees, posts and buildings. A dangerous animal on a leash outside the animal's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. A dangerous animal shall not be required to be muzzled upon prior written approval of the department of neighborhood services or when shown in a sanctioned American Kennel Club show or other organized competition among trained owners and dogs. ~~[[Such]]~~ >>The<< written approval shall be carried by the owner or caretaker.

Part 6. Section 78-31-5 of the code is created to read:

78-31. Cruelty to Animals.

5. ANIMAL FIGHTING.

a. Instigation. No owner or caretaker of any animal shall cause or allow any animal to lunge at, attack or fight any other animal or person.

b. Veterinary care. No owner or caretaker of any animal which has attacked or fought with another animal or person shall fail to get prompt veterinary care for the animal if the animal is bleeding or injured, and shall provide a copy of a current dog license upon request.

Part 7. Section 78-55-6-a of the code is amended to read:

6. VIOLATIONS OF CERTAIN REGULATIONS.

a. Any person violating any of the following provisions of this chapter listed in column A for which specific penalties are not provided elsewhere in this subsection shall be liable on conviction to the penalties listed in column B and described in ch. 61:

A	B
78-3-1	Class I
78-5-1	Class F
78-5-2-a	Class C
78-5-2-b	Class L
78-5-2-c	Class F
78-5-3	Class C
78-7 to 78-19	Class C
>>78-22<<	>>Class F<<
78-23-1 to 78-23-7	Class F
78-23-10	Class I
78-25-1	Class K
78-27 to 31	Class F
78-35 to 47	Class C
78-49	Class F
78-53	Class F

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB01098-3

lme

1/14/02