



Legislation Text

File #: 030887, Version: 1

030887
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to regulations for pit bull and rottweiler dogs and prohibited dangerous animals.

78-22 rc

78-25-2-b am

This ordinance makes the following changes to the city's regulations for pit bull and rottweiler dogs:

1. The required fence around the yard or kennel area shall be of a height approved by the commissioner of neighborhood services as sufficient to contain the dog. Previously, the commissioner's approval was not required, but the fence had to be set back at least 3 feet from any public street, sidewalk or alley.
2. The required dog behavior or training class must only be taken once, not once per year. Also, the Cudahy Kennel Club will no longer be mentioned as a source of recommendations for dog trainers, since it does not provide this service.
3. A dog owner will no longer be able to present proof of a dog's breeding as a defense for failure to comply with the pit bull/rottweiler regulations, since absolute proof of breed is impossible (short of DNA testing).

This ordinance also changes the composition of the 3-person dangerous animal panel to consist of an environmental health professional, a humane officer and a veterinarian. Previously, the panel included a representative of the city clerk's office who worked in community services. Panel members shall be appointed by the commissioner of neighborhood services.

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

Part 1. Section 78-22 of the code is repealed and recreated to read:

78-22. Pit-Bull and Rottweiler Dogs. 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:

1. 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.
2. Have a yard or kennel area with a fence which the commissioner determines to

be of sufficient height to contain the dog. The kennel area shall have a concrete floor.

3. Attend a minimum of one dog behavior or training class offered by a trainer recommended by the Wisconsin Humane Society or the Milwaukee Dog Training Club.

Part 2. Section 78-25-2-b of the code is amended to read:

78-25. Prohibited Dangerous Animals.

2. DETERMINATION OF A PROHIBITED DANGEROUS ANIMAL.

b. Upon investigation, a department or humane officer may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the department a written objection to the order. The written objection shall include the specific reasons for objecting to or contesting the order. If an owner or caretaker makes such an objection to the order, the department shall convene a hearing. The hearing shall be conducted before a 3-person dangerous animal panel composed of ~~[[a representative of the city clerk's office who works in community services, to be designated by the city clerk, a humane officer or his or her designee and a veterinarian selected by the Milwaukee County veterinary society]]~~ >>an environmental health professional, a humane officer and a veterinarian, as designated by the commissioner of neighborhood services<<. Each panel member serves as an officer of the city exercising a quasi-judicial function within the scope of s. 893.80, Wis. Stats. At the hearing, the owner or caretaker shall have the opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal. The hearing shall be held promptly and within no less than 5 days nor more than 10 days after service of a notice of hearing upon the owner or caretaker of the animal.

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:_____

Department of Neighborhood Services

LRB03094-2

JDO

10/20/03