



Legislation Text

File #: 981371, **Version:** 0

981371
ORIGINAL

THE CHAIR

An ordinance relating to prohibited dangerous animals.

78-25-2-b am

- Analysis -

This ordinance requires an animal owner to specify the reasons for an appeal whenever the owner appeals a determination by the health department that an animal is a "prohibited dangerous animal," as defined in existing regulations. (Prohibited dangerous animals may not be kept in the city.) Existing regulations authorize an appeal by an animal owner, but do not require the owner to state the reason for the appeal. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. 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 health 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 health 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 health 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. 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: _____

Health Department

LRB98467.1

CW

11/18/98