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VILLAGE OF WAUNAKEE

AMENDMENT TO CHAPTER 14
OF THE CODE OF ORDINANCES,
VILLAGE OF WAUNAKEE, WISCONSIN

NOW, THEREFORE, the Village Board of the Village of Waunakee, Dane County, Wisconsin, do ordain that Chapter 14, Article I of the Code of Ordinances, Village of Waunakee, Wisconsin is amended as follows:

1. Section 14-3 is repealed and recreated to read as follows:

Sec. 14-3. Dangerous animals.

(a) The Chief of Police may issue an order declaring an animal to be dangerous on any of the following grounds:

1. The animal has attacked, bitten, injured, or killed another animal or a human being.
2. The animal has, off the property of its owner, chased, confronted or approached a person in a menacing fashion that would put a reasonable person in fear of being attacked.
3. The animal, while on the property of its owner, chases, confronts or approaches a person located on an adjacent public or private property in a menacing fashion that would put a reasonable person in fear of being attacked.
4. The animal has been trained for fighting or attack.
5. The animal has acted in any manner demonstrating that the animal is a threat to public safety.

(b) If the Chief of Police issues an order declaring an animal to be dangerous, the Chief of Police shall, in his or her discretion, either require the animal to be removed from the Village, or place restrictions on the animal and its owner and allow the animal to remain in the Village subject to the restrictions, except that the order shall require the removal from the Village an animal that has been trained for fighting or attack. The restrictions imposed by the Chief of Police may include, but are not limited to, a requirement that the animal's owner pay applicable forfeitures, penalties, and/or damages as set forth in Section 14-16.

if it is on a leash and under control of a person physically able to control it, or, in the case of dogs, if the dog is at the Waunakee Dog Park.

2. Allow the animal to destroy or harm property, including, but not limited to, lawns, flower beds, plants, shrubs, trees, or gardens.

3. Allow the animal to habitually bark, howl, yelp, or cry to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. An animal is considered to be in violation of this subsection if:

a. Two written complaints are filed with the Waunakee Police Department in a four-week period regarding the animal's conduct; or

b. A Waunakee Police Office or Waunakee municipal official witnesses an animal acting in violation of this subsection and reports the conduct to the police department.

4. Allow the animal to deposit solid fecal matter on any street, alley or other public or private property, unless such matter is immediately removed there from by the owner or person in possession of the animal. This subsection shall not apply to a person who is visually or physically handicapped.

5. Allow the animal upon any public cemetery, except for a dog that is specially trained to lead or guide a person who is visually or physically handicapped.

6. Have an unlicensed dog.

(b) Any person having the possession or ownership of an animal that is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies shall contact or notify the Waunakee Police Department within twenty-four (24) hours and have the animal quarantined pursuant to Section 14-2.

(c) Animals in violation of this Section 14-3.5 are declared to be a public nuisance.

3. Section 14-4(b) is amended to read as follows:

(b) *Grounds for impoundment.* In addition to any penalty, forfeiture, or damages imposed for a violation of this chapter, and in addition to any other grounds for impoundment stated in the Wisconsin Statutes, a police officer, humane officer or animal control officer may impound an animal that violates Sections 14-3 or 14-3.5. For an animal to be impounded, the impounding officer must see or hear the violation or conduct

of the animal that results in the impoundment or have possession of a signed statement of a complaining witness alleging facts that support the impoundment. It shall be a violation of this ordinance provision for a complaining witness to provide false or inaccurate information in the signed statement.

4. Section 14-16 is amended to read as follows:

Sec. 14-16. Penalties; State Statutes.

(a) The owner of a dog shall forfeit not less than \$50 nor more than \$500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds. The owner of a dog shall forfeit not less than \$200 nor more than \$1,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) Except to the extent the conduct is governed by subsection (a), any person whose animal engages in conduct identified in Section 14-3(a)1., 2., 3., 4., or 5. shall, upon conviction, be subject to forfeiture as follows:

1. The owner of an animal shall forfeit not less than \$50 nor more than \$500 if the animal engages in conduct identified in Section 14-3(a)1., 2., 3., 4., or 5.

2. The owner of an animal shall forfeit not less than \$200 nor more than \$1,000 if the animal engages in conduct identified in Section 14-3(a)1., 2., 3., 4., or 5., if the owner was notified or knew that the animal previously animal engaged in conduct identified in Section 14-3(a)1., 2., 3., 4., or 5.

(c) Any person whose animal violates any provision of this chapter not covered by subsections (a) or (b) shall be subject to punishment as provided under section 1-15.

(d) In addition to all other forfeitures or liability imposed under this chapter, the provisions of Wis. Stat. § 174.02(1) relating to the owner's liability for damage caused by a dog, together with the penalties therein set forth, are adopted and incorporated by reference in this chapter.

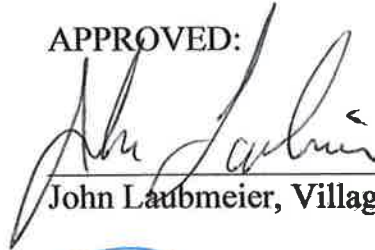
(e) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from

maintaining any appropriate action to prevent or remove a violation of any section of this Code.

5. Sections 14-5, 14-7, 14-8, and 14-9 are repealed.

The foregoing ordinance was duly adopted by the Village Board of the Village of Waunakee at a meeting held on November 4, 2013.

APPROVED:



John Laubmeier, Village President



Julie Helt, Village Clerk