

ORDINANCE NO. 2019-05

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO RENAME IN PART, AMEND IN PART, AND CREATE IN PART,
CHAPTER 6, ARTICLE V, RELATED TO DANGEROUS PROHIBITED ANIMALS IN
THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN.**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:**

1. That Chapter 6, Article V, of the Code of Ordinances, title shall be amended to read as "Prohibited Dangerous Animals".

2. That Section 6-171 is amended to read as follows:

"Sec. 6-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means any live, domestic, livestock, or wild vertebrate creature, or any reptile.

Bodily harm means bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

Caretaker means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.

Domestic animal means any animal which normally can be considered tame and converted to a pet.

Enforcement officer includes any law enforcement office, the Code Enforcement Officer, and any other person(s) designated by the Village Board.

Livestock means an animal kept for use or profit on a farm or agricultural setting, including cows, pigs, goats, chickens, and horses.

Owner means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his or her premises or property.

Prohibited dangerous animal means any of the following:

- (a) Any animal that, while off the owner or caretaker's property, has killed a domestic animal or livestock without provocation.
- (b) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
- (c) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
- (d) Any dog that is subject to being destroyed under Wis. Stats. §174.02(3).
- (e) Any animal trained, owned, or harbored for the purpose of animal fighting.
- (f) Any animal that, without provocation, causes bodily harm to any domestic animal, livestock, or person twice.

Serious bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Wild animal means any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.”

3. That Section 6-172 is amended to read as follows:

“Sec. 6-172. Procedure for declaring a prohibited dangerous animal.

- (a) Upon conducting an investigation of an incident involving an animal, an enforcement officer may issue an order declaring an animal to be a prohibited dangerous animal.
- (b) The declaration shall include the following:
 - (1) Name and address of the owner or caretaker of the dog
 - (2) A description of the dog
 - (3) A police report of the incident
 - (4) A history of the animal

- (5) An evaluation of the animal from a licensed animal behavior specialist
 - (c) The evaluation report of the animal shall be the responsibility of the owner or caretaker and they shall be responsible for any fee incurred for the report.
 - (d) If the owner or caretaker fails to have the animal evaluated within 10 days from an incident then the animal shall be declared a prohibited dangerous animal.
 - (e) After determining the animal is a prohibited dangerous animal the owner or caretaker shall have 15 days to remove the animal from the Village.”
4. That Section 6-173 is amended to read as follows:

“Sec. 6-173. Notice of determination of prohibited dangerous animal.

The enforcement officer shall send by regular mail to the owner or caretaker a copy of the declaration of a prohibited dangerous animal at the owner or caretaker’s last known address.”

5. That Section 6-174 is amended to read as follows:

“Sec. 6-174. Administrative review of a determination of prohibited dangerous animal.

Whenever an owner or caretaker wishes to contest a determination of a prohibited dangerous animal, he or she may follow the administrative appeal process under Village Code of Ordinances Section 2-396 through Section 2-403.”

6. That Section 6-175 is amended to read as follows:

“Sec. 6-175. Harboring prohibited dangerous animals.

- (a) *Prohibited dangerous animals regulated.*
 - (1) No person may harbor or keep a prohibited dangerous animal within the Village.
 - (2) The issuance of a citation for a violation of this section need not be predicated on a prior determination that an animal is a prohibited dangerous animal.
- (b) *Euthanasia.* If the owner or caretaker of an animal that has been designated a prohibited dangerous animal and is unwilling or unable to

comply with the regulations in accordance with this section, he or she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian. The costs and fees of euthanizing the animal shall be borne by and be the responsibility of the owner or caretaker.”

7. That Section 6-176 is created to read as follows:

“Sec. 6-176. Certain animals not to be declared dangerous.

Notwithstanding the definition of a prohibited dangerous animal above:

- (a) No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.
- (b) No animal may be declared dangerous if death, injury or damage was sustained by a domestic animal or livestock which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.
- (c) No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
- (d) No animal may be declared dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.”

8. That Section 6-177 is created to read as follows:

“Sec. 6-177. Display or exhibition prohibited; exceptions; keeping wild animal as pet prohibited.

No person shall keep or permit to be kept on his premises any wild or prohibited dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. No person shall keep or permit to be kept any wild animal as a pet.”

9. That Section 6-178 is created to read as follows:

“Sec. 6-178. Temporary permit for care of infant native animal.

The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area, which has been deemed to be homeless.”

10. That Section 6-179 is created to read as follows:

“Sec. 6-179. Penalty.

- (a) Any person not complying with any part of Article V above, shall be subject to penalties under Village Code of Ordinances Section 1-14.
- (b) Whenever the Village commences and pursues an action for involuntary euthanization under the state statutes or any other authority, the Village Attorney shall seek and request all applicable statutory court costs, the costs and expenses of euthanization, and any extraordinary investigative expenses incurred during the pendency of the action if the owner or caretaker absconds with the animal or hinders or deters the location of the animal during the pendency of the action or during enforcement of any judgment.”

11. This ordinance shall take effect upon passage and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 12th day of August, 2019.

Ayes: 5

Nays: 0

Abstentions: 0

VILLAGE OF YORKVILLE

By:



Douglas Nelson, President

Attest:



Michael McKinney, Clerk-Treasurer

Village of Yorkville
Notice of Newly Enacted Ordinance

Please take notice that, on Monday, August 12, 2019, the Village Board of the Village of Yorkville enacted Ordinance 2019-05, entitled "An Ordinance to rename in part, amend in part, and create in part, Chapter 6, Article V, related to Dangerous Prohibited Animals in the Village of Yorkville, Racine County, Wisconsin".

This ordinance defines prohibited dangerous animals, establishes a procedure for declaring a prohibited dangerous animal, establishes a process for issuing a notice of determination of a prohibited dangerous animal and establishes a process for the administrative review of a determination of a prohibited dangerous animal. This ordinance also establishes procedures for harboring prohibited dangerous animals and for certain animals not to be declared dangerous, as well as penalties for violations of this ordinance.

The full text of this ordinance may be obtained from the Village of Yorkville Clerk-Treasurer's Office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Clerk-Treasurer is (262) 878-2123.

Michael McKinney
Clerk-Treasurer