

ORDINANCE NO. 02-2011
AN ORDINANCE TO REPEAL AND RECREATE CERTAIN PROVISIONS OF
CHAPTER 7 OF THE VILLAGE OF ARLINGTON CODE OF ORDINANCES
PERTAINING TO VICIOUS ANIMALS AND PIT BULL DOGS

The Village Board of the Village of Arlington, Columbia County, Wisconsin, does hereby ordain as follows:

1. Section 7.06(c) is repealed and recreated to read as follows:

(c) Vicious Animals.

(1) *Vicious Animal*. Vicious animal shall mean:

- a. Any animal that, when unprovoked, inflicts bites, injures, kills, damages, or attacks a human being or domestic animal on public or private property; or
- b. Any animal that has a propensity, tendency, or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury, damage, or which may otherwise endanger the safety of any human being or domestic animal; or,
- c. Any animal trained to fight or used for fighting against another animal.
- d. Exceptions:
 1. No animal may be declared vicious if death, injury, or damage is sustained by a person who, at the time such was sustained, was committing a criminal trespass upon the premises occupied by the owner of the animal, or 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 person or property; or
 2. No animal may be declared vicious if death, injury, or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing, or assaulting the animal; or

3. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault; or
4. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(2) No person shall harbor or permit to remain on his or her premises any vicious animal.

(3) *Procedure for declaring an animal vicious or dangerous.*

- a. A law enforcement officer may determine any animal to be vicious whenever, upon investigation, that officer finds that the animal meets the definition of vicious as defined above.
- b. The law enforcement officer, upon making the determination that an animal is vicious, shall issue a written notice of the determination demanding that the owner remove said vicious animal from the Village within ten days.
- c. If the owner objects to the officer's determination, he or she may file a written objection contesting the determination with the Village Clerk within five days of receiving the written notice.
- d. Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the soonest Village Board agenda practicable for review.
- e. The Village Board shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared vicious.
- f. Pending the outcome of the hearing, the animal may be confined at the Columbia County Humane Society animal shelter, at the owner's expense. The Village may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding the animal during the appeal period.

- g. After the Village Board has made a decision, the owner shall be notified of the decision in writing by certified mail. If a decision is made that the officer's determination was correct, the owner shall remove said vicious animal from the Village within ten days.
- h. Failure to comply with a valid determination may result in the seizure and destruction of the animal.

- 2. Section 7.09 is repealed.
- 3. Severability of Provisions. Should any section, sentence, phrase or other portion of this Ordinance be declared invalid, such portion shall be deemed as a separate and distinct provision and shall not affect the validity of the remaining portions of this Ordinance.
- 4. Effective date. This Ordinance shall take effect and be enforced upon its passage and publication or posting as provided by law. Except as provided herein, all of the terms and provisions of Chapter 7 of the Village of Arlington Code of Ordinances shall remain in full force and effect.

Dated and effective this 18th day of July, 2011.

VILLAGE OF ARLINGTON

By: _____
 James Laatsch
 President

Attest: _____
 Michael McKinney
 Administrator/Clerk/Treasurer

Ayes: _____

Nays: _____

Ordinance Posted: _____

Ordinance Adopted: _____