

ORDINANCE NO.: _____

AN ORDINANCE to amend Section 6-1, to repeal and recreate Section 6-9, and to create Section 6-19 of the Code of Ordinances of the City of La Crosse regarding vicious animals and the regulation of Reckless Animal Owners.

WHEREAS, Section 173 of the Wisconsin Statutes allows a municipality to regulate vicious animals within its jurisdiction; and

WHEREAS, the Common Council wants to prevent the keeping of wild and vicious animals within its jurisdiction to protect the health, safety, and welfare of its citizens and animals.

NOW, THEREFORE, THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 6-1 is hereby amended to add additional definitions and amend "vicious animal" to read as follows:

Reckless Animal Owner means one of the following:

- (a) Any person convicted of two or more violations of this Chapter 6-129 or substantially similar sections in other jurisdictions in a 12-month period, or
- (b) Any person convicted of four or more violations of this Chapter or substantially similar sections in other jurisdictions in a 12-month period.

Vicious Animal means ~~any animal that constitutes a physical threat to human beings or other animals.~~ the following:

- (a) Any animal, except police animal as part of its official duties, that has done any of the following without provocation two times within a 12-month period.
 - (1) Caused to attempted to cause damage to a person or property;
 - (2) Any animal owned, harbored, or trained primarily or in part for fighting.

Without Provocation means the animal is not doing any of the following:

- (a) Defending itself, a person or another animal from attack not provoked by an animal; or
- (b) Defending itself, a person, another animal, or property from a trespasser.

All remaining definitions in Section 6-1 shall remain unchanged.

SECTION II: Section 6-9 of the La Crosse Code of Ordinances is hereby repealed and recreated to read as follows:

Sec. 6-9 Wild or vicious animals.

- (a) It shall be unlawful for any person to own, keep, possess or harbor in such person's possession in the City any vicious animal.
- (b) No person shall keep, possess or harbor on such person's premises any wild or vicious animal for display or for exhibiting purposes. This section shall not apply to:

- (1) Animals under the control of a licensed carnival, circus or menagerie per section 10-299.
 - (2) A public zoo or aquarium.
 - (3) Animals under the control of a person authorized by the Department of Natural Resources.
 - (4) Animals under the control of a veterinarian for the purpose of providing medical treatment to a prohibited animal.
- (c) Law Enforcement may determine and declare an animal vicious through the following procedure:
- (1) Law Enforcement must provide notice to the owner through first-class mail or in person of its determination of an vicious animal. The notice must include the owner's right to appeal the determination.
 - (2) The appellate procedure shall be governed by Sec 2-4.

SECTION III: Section 6-19 is hereby created to read as follows:

Sec. 6-19. - Reckless animal owner.

A reckless animal owner shall not own, keep, possess or harbor any animal of the same species as any of their applicable convictions for a period of five full years from the date of most recent conviction.

SECTION IV: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION V: This Ordinance shall take effect upon passage and publication.

Shaundel Washington-Spivey, Mayor

Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: