

Title 8 - ANIMALS

Chapter 8.10 - REGULATING VICIOUS DOGS, DANGEROUS DOGS AND PIT BULLS

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8.10.010 - Definitions.

- A. "Owner" as used in this chapter means, any person, firm, corporation, organization or department possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog or any person who "licensed" the dog through the City of Ripon with Fond du Lac County.
- B. "Vicious dog" as used in this chapter means any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals; or any dog, which without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal; or any dog owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting, or any dog which has been found to be vicious by the circuit court in a trial or hearing upon a charge of harboring a vicious animal.
- C. "Dangerous dog" as used in this chapter means: (1) any dog which, because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; and (2) any dog which, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.
- D. "Pit Bull" as used in this chapter means any Pit Bull Terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding, the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.
- E. "Untagged animals" as used in this chapter means an animal is considered to be untagged if a valid license tag is not attached to a collar which is kept on the animal.

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F. "Bite" [as used in this chapter means] a puncture or tear of the skin inflicted by the teeth of an animal consistent with the closing of the teeth upon the victim.

(Ord. 1179 (part), 2003).

(Ord. No. 1360, 3-9-2010)

8.10.020 - Vicious dogs.

No person shall harbor, keep or maintain within the city limits of the City of Ripon any vicious dog. Any dog alleged to be vicious by virtue of biting/attacking a human being or domestic animal shall be impounded by the City of Ripon Police Department, or removed from the city, until disposition of the citation issued. Moreover, the owner of any dog found to be vicious in the trial of the charge of harboring a vicious dog, or by plea to such a charge, shall be prohibited from returning that dog to the City of Ripon.

(Ord. 1179 (part), 2003).

(Ord. No. 1360, 3-9-2010)

8.10.030 - Pit Bulls.

- A. No person shall harbor, keep or maintain within the city limits of the city of Ripon any Pit Bull, which was not currently registered and licensed by the city of Ripon on or before December 31st. This prohibition shall not be applied to animals being transported through the city limits of the city of Ripon within a one-hour period of time and to dogs exempted under Wis. Stat. Sections 174.055 and 174.056.
- B. A pup born to a female Pit Bull licensed and registered pursuant to this chapter shall be removed from the City of Ripon before the date on which it is required to be licensed pursuant to Chapter 174, Wisconsin Statutes. The dog must be five months of age to be required to be licensed.
- C. Any person having knowledge, which he or she believes, constitutes probable cause to believe that another is harboring, keeping or maintaining a Pit Bull which was not registered with and licensed by the city of Ripon on or before December 31st, in the city of Ripon, shall file with the city of Ripon police department a sworn affidavit setting forth the basis on which they believe the animal to be a Pit Bull, the name and address of the owner of the dog, and a description of the dog. The police department shall, upon receipt of such affidavit, inquire of the city clerk:
 - 1. If the dog was licensed on December 31st; and
 - 2. If the dog is currently registered as a Pit Bull pursuant to the provisions of this chapter.
- D. If the dog was not registered and licensed by the city of Ripon on December 31st or is not currently registered pursuant to the provisions of this chapter, the city clerk shall notify the city of Ripon police department of this fact and the city of Ripon police department shall serve notice upon the owner of the alleged Pit Bull, including the requirement that the owner shall bring said alleged Pit Bull to the veterinarian stated in the aforementioned notice for inspection to determine whether this dog is a Pit Bull by definition as set forth in this chapter. In the event that the veterinarian determines that the dog is a Pit Bull as set forth by definition in this section, the city of Ripon police department shall cite the owner of the alleged Pit Bull in accordance with the provisions of this section.

(Ord. 1179 (part), 2003).

(Ord. No. 1360, 3-9-2010)

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8.10.040 - Dangerous dogs.

Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping or maintaining a dangerous dog which is not registered with and licensed by the City of Ripon in accordance with this chapter, shall file with the City of Ripon Police Department a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The police department shall, upon receipt of such affidavit, inquire of the city clerk if the dog is currently registered as a dangerous dog pursuant to this chapter. If the dog is not registered, the city clerk shall notify the City of Ripon Police Department of this fact and the City of Ripon Police Department shall serve notice upon the owner of the alleged dangerous dog.

(Ord. 1179 (part), 2003).

(Ord. No. 1360, 3-9-2010)

8.10.050 - Return of vicious dogs/Pit Bull prohibited.

No person shall return to or harbor within the city limits of the city of Ripon a dog previously determined by the Fond du Lac County Circuit Court to be a vicious dog or a Pit Bull. The disposition of such a dog shall be in accordance with this chapter.

(Ord. 1179 (part), 2003).

8.10.060 - Exception.

No dog shall be declared to be a vicious dog if the injury or damages was sustained by a person who, at the time, was teasing, tormenting, abusing or assaulting the dog, or which dog was protecting its owner from attack by a human being. No dog shall be declared to be a dangerous dog if the proof of dangerousness concerns an incident where a person was teasing, tormenting, abusing or assaulting the dog, or which dog was protecting its owner from attack by a human being.

(Ord. 1179 (part), 2003).

8.10.070 - Registration.

- A. All owners of dangerous dogs or Pit Bulls shall, on or before December 31, 2003 and annually thereafter on or before December 31 of each year, register their dog and shall provide a current color photograph of the dog with the city clerk's office and pay a registration fee of fifteen dollars. At the time of registration, each owner of any dangerous dog or Pit Bull kept within the city limits of the City of Ripon shall provide to the city clerk's office proof of liability insurance in the amount of at least one hundred thousand dollars for any acts of property damage or liability incurred by virtue of injury inflicted by such dog. Such insurance shall name the city as co-insured solely for the purpose of notice of cancellation of the policy. Upon payment of the fee, the city clerk shall issue a current dangerous dog collar which is pink [in] color for the purpose of identification, and which collar is to be worn by the dog at all times as proof of registration. If, when due to the length of the dog's hair, the collar is not visible, an approved colored lead or chain may be used.
- B. An owner of a dangerous dog or Pit Bull who fails to register his or her dog is subject to a forfeiture of not less than one hundred dollars nor more than two hundred fifty dollars per day.
- C. An owner of a dangerous dog or Pit Bull who registers but neglects to have the dangerous dog collar worn by the dog at all times is subject to a forfeiture of not less than twenty-five dollars nor more than two hundred fifty dollars per day.

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- D. A dangerous dog collar may be removed from a dangerous dog or Pit Bull for grooming or purposes of other care when the dog is secured indoors or in an approved pen.
- E. The owner of any Pit Bull registered and licensed by the city clerk on or before December 31, 2003 shall comply with all provisions of this chapter applicable to dangerous dogs. Any owner of a Pit Bull who fails to keep current the dog's license and registration as provided herein must remove the dog from the city of Ripon and will not be eligible to re-register the dog. The owner of any previously permitted Pit Bull who fails to keep current the dog's license is subject to the penalties applicable to any Pit Bull not registered and licensed on December 31st.

(Ord. 1179 (part), 2003).

(Ord. No. 1360, 3-9-2010)

8.10.080 - Requirements of dangerous dogs.

- A. While on the owner's property, a dangerous dog must be securely confined indoors or outside in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. The dog may be on the owner's property, out of the secure pen, if muzzled and restrained on a leash not exceeding six feet in length. The dog must be under the control of an adult, able-bodied person capable of physically controlling the dog.

Muzzle Specifications: The muzzle must prevent the dog from biting a person or animal, but shall not interfere with the dog's vision or breathing.

- B. The owner of a dangerous dog shall display a sign on the premises facing out from all sides of the premises warning that there is a dangerous dog on the property. This sign should be visible and able to read from a public highway or sidewalk, specifically any point of entry to the premises. The sign shall read, "Beware of Dog" or "Dangerous Dog on Property."
- C. A dangerous dog may be off the owner's property if it is muzzled and restrained on a leash not exceeding six feet in length. The dog must be under the control of an adult, able-bodied person capable of physically controlling the dog. See subsection (A) muzzle specifications.
- D. The provisions of this chapter regarding dangerous and vicious dogs shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

(Ord. 1179 (part), 2003).

(Ord. No. 1360, 3-9-2010)

8.10.090 - Apprehension and impoundment.

- A. It shall be the duty of such persons, as from time to time may be designated by resolution of the common council, to apprehend any unlicensed dogs. The city of Ripon police department shall, whenever possible, see that such dogs are transferred to a designated kennel at the earliest possible date where the dogs may be taken care of and reclaimed by the owner under the rules and regulations of said kennel. When the city impounds the dog before being transferred to a kennel, the owner reclaiming the dog shall be required to pay ten dollars to the city of Ripon.
- B. It shall be the duty of the city of Ripon police department and such other persons, as from time to time may be designated by resolution of the common council, to apprehend any dangerous dogs running at large. Any dangerous dog found running at large shall be impounded and returned to its owner only upon proof of registration as a dangerous dog. A police officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion so that the officer believes that the dog is about to attack him or her.

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- C. In any event, when a dog is impounded, the impounding authority shall give notice to the owners of the impoundment and advise the owners whether and under what circumstances the dog may be redeemed. The owner of any animal impounded, confined or destroyed pursuant to the terms of this chapter shall be responsible for all costs of such confinement, impoundment or destruction.

(Ord. 1179 (part), 2003).

8.10.100 - Removal of dog pending litigation.

Whenever any person is charged with harboring a vicious dog or Pit Bull as defined in this chapter, that person shall, to the satisfaction of the court, remove said dog from the city of Ripon until the trial of the citation. If the owner fails to remove the dog within forty-eight hours of the service of the citation, the city of Ripon police department shall impound the dog until the trial on the citation. If the dog is determined by plea or trial to be a vicious dog or Pit Bull provided by this chapter, it shall not be returned to the city of Ripon. Any dog returned to the city of Ripon after being determined to be a vicious dog or a Pit Bull constitutes a public nuisance as pursuant to Section 11.08 of this code.

(Ord. 1179 (part), 2003).

8.10.110 - License required.

All dogs shall be licensed as provided in Section 8.04.020 of this code.

(Ord. 1179 (part), 2003).

8.10.120 - Violations.

- A. Every day that a violation of this chapter continues, it shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this chapter.
- B. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction or by any agency of any kind or by anyone else, the remainder of this chapter shall not be affected.

(Ord. 1179 (part), 2003).