

42.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
O-2008-0052	Ordinance	In Committee
	An Ordinance to Create Section 7.125 of the West Allis Revised Municipal Code Relating to Pit Bulls.	
	Introduced: 12/2/2008	Controlling Body: License & Health Committee
		Sponsor(s): Vincent Vitale

### COMMITTEE RECOMMENDATION

*Approved*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>12/2/08</i>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
	<input checked="" type="checkbox"/>		Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>	<u>0</u>		

### SIGNATURE OF COMMITTEE MEMBER

*[Signature]*  
Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

*PASS*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>12/2/08</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock				<input checked="" type="checkbox"/>
			Reinke	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>	<u>-</u>		<u>1</u>



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Ordinance

**File Number: O-2008-0052**

**Final Action:**  
DEC 02 2008

**Sponsor(s):** Vincent Vitale

An Ordinance to Create Section 7.125 of the West Allis Revised Municipal Code Relating to Pit Bulls.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 7.125 of the Revised Municipal Code of the City of West Allis is hereby created to read:

### 7.125 PIT BULLS.

#### (1) Definitions.

(a) "Owner" means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports, or sells within the city any pit bull.

(b) Pit Bull means any dog which is one-half or more American Staffordshire terrier, Staffordshire terrier, American pit bull terrier, miniature bull terrier, or Staffordshire bull terrier or any dog exhibiting the distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(2) It is unlawful to own any pit bull in the City of West Allis. This prohibition shall not be applied to pit bulls being transported through the city limits of the City of West Allis within a one-hour period of time and to dogs owned by law enforcement agencies and used for law enforcement purposes. Dogs exempt under Wis. Stat. 174.054 and 174.055 are not prohibited, but must follow the leash and muzzle, sign, insurance, proof of rabies vaccination, and registry provisions of Subsection (3).

(3) Exceptions. Owners of pit bulls on the date of the passing of this ordinance whose dogs are legally and currently licensed with the City of West Allis may keep pit bulls subject to the following conditions.

(a) Leash and Muzzle. No person shall permit a pit bull to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull to be kept on a chain, rope or other type of leash outside its kennel or pen unless an adult is in

physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bulls on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(b) Confinement. All pit bulls shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is suitable to prevent the entry of young children and to prevent the animal from escaping except when leashed and muzzled as provided in Subsection (3)(a) of this section. All pens or kennels shall comply with all zoning and building regulations of the city and shall be kept in a clean and sanitary condition.

(c) Confinement Indoors. No pit bull may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(d) Signs. All owners of pit bulls within the city shall within ten days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." Such sign shall be at least 12 inches by 18 inches with lettering at least 2 inches in size. In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) Insurance. All owners of pit bulls must within thirty (30) days of the effective date of this ordinance provide proof to the city clerk-treasurer of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is first given to the city clerk-treasurer.

(f) Proof of Rabies Vaccination. The owner of a pit bull shall provide proof of rabies vaccination within 30 days of the effective date of this ordinance.

(g) Registration. All owners of pit bulls shall within thirty (30) days after the effective date of this ordinance, register such dog with the city by filing a completed registration form provided by the clerk-treasurer and providing two color photographs of the dog clearly showing the color and approximate size of the dog. One photo should depict the front of the dog, and one photo should depict the side of the dog.

(h) Reporting Requirements. All owners of pit bulls must within ten days of the incident, report the following information in writing to the city clerk-treasurer:

1. The removal from the city or death of a pit bull;
2. The birth of offspring of a pit bull;
3. The new address of a pit bull should the dog be moved within the city of West Allis;
4. If the pit bull is sold, the name and address of the new owner;
5. If a pit bull has been lost or stolen.

(i) Animals Born of Registered Dogs. All offspring born of pit bulls registered within the city must be removed from the city within eight weeks after the birth of such animal.

(j) Compliance with Dog Licensing. All owners of pit bulls must comply with the licensing requirements of West Allis Revised Municipal Ordinance 7.121.

(4) Procedure During Alleged Violation. Whenever any person is charged with owning a pit bull contrary to this ordinance, the person shall, to the satisfaction of the court, comply with the requirements of Subsection (3) of this ordinance. The time requirements for compliance will mirror the requirements in Subsection (3), except that they will begin when the citation is served upon the owner. If the dog is determined by plea or trial to be a vicious dog or a pit bull, it shall be immediately removed from the City of West Allis. Any dog returned to the City of West Allis after being determined to be a pit bull constitutes a public nuisance.

(5) Penalty.

(a) The owner of any pit bull shall, upon conviction, be subject to a forfeiture of not less than \$500.00 and not more than \$1,000.00, together with the costs of prosecution, and, in default of payment thereof, shall be confined in the House of Correction of Milwaukee County until the forfeitures and costs have been paid, but not more than the number of days set forth in Sec. 800.095(4) of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense. The owner shall pay all impoundment fees and expenses of impounding the pit bull, including fees for shelter, food, handling, veterinary care, and expert testimony. All owners convicted under Subsection (5)(a) must permanently remove the pit bull from the City of West Allis within 48 hours of the date of conviction.

(b) The owner of any pit bull who fails to meet the requirements of Subsection (3) shall, upon conviction, be subject to a forfeiture of not less than \$250.00 and not more than \$500.00, together with the costs of prosecution, and, in default of payment thereof, shall be confined in the House of Correction of Milwaukee County until the forfeitures and costs have been paid, but not more than the number of days set forth in Sec. 800.095(4) of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense. The owner shall pay all impoundment fees and expenses of impounding the pit bull, including fees for shelter, food, handling, veterinary care, and expert testimony.

1. If a pit bull owner is convicted more than once of a violation of Subsection (5)(b), the pit bull is ineligible for re-registration and must be permanently removed from the City of West Allis within 48 hours of the date of conviction.

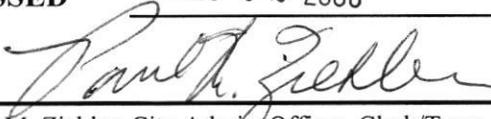
PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-CreateSec7.125PitBulls

**PASSED**

DEC 02 2008



Paul M. Ziebler, City Admin. Officer, Clerk/Treas.

**APPROVED**

\_\_\_\_\_  
Dan Devine, Mayor

ORDINANCE NO. \_\_\_\_\_

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Revised Municipal Code Relating to Pit Bulls.

BY Alderperson Vincent Vitale

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PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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PASSED: \_\_\_\_\_, 2008

\_\_\_\_\_  
CAO, Clerk/Treasurer

APPROVED: \_\_\_\_\_, 2008

\_\_\_\_\_  
Mayor