

ORDINANCE NO. 351

Dangerous dogs

The Village Board of the Village of Lomira, Wisconsin, hereby ordains Section 4-2 be amended to read as follows:

- (a) Definition and determination. Law enforcement or designee thereof shall investigate every dog complaint and make a determination as to whether or not such dog is dangerous, shall so inform the owner, keeper, or harbinger of such dog, and provide such person with a copy of this division. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: Dangerous dog means any dog which:
 - (1) Without provocation, while not under the control of its owner, chases, confronts, or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog is not merely being protective in a particular set of circumstances.
 - (2) When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion.
 - (3) When unprovoked and while off its owner's property, causes a non-severe, non-bite injury in a menacing fashion to any person or domestic animal.
 - (4) Has been declared dangerous by at least one other municipality.
- (b) Domestic animal means livestock, domesticated dogs and domesticated cats.
- (c) Menacing fashion means demonstrating an intent or desire to cause injury by one or more of the following actions:
 - (1) An attempt to bite a person or another animal in such a fashion as to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
 - (2) Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.
 - (3) Growling or barking in an unfriendly manner while making physical contact with a person or another animal.
- (d) Officer means any law enforcement officer
- (e) Owner means any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling, or having the care or custody, whether temporarily or permanently, of a dog.
- (f) Provoked. Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:
 - (1) The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal;
 - (2) The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
 - (3) The person who was attacked or injured was committing a crime on the property of the animal's owner.
- (g) Disposition of vicious dogs. Any law enforcement officer of the village may take custody of an animal if the officer has reasonable grounds to believe the animal is one of the types set forth in Wis. Stats. § 173.13(1)(a)(1)—(9).

- (h) Prohibited in multifamily dwellings. No vicious dog may be kept within any portion of any two-family or multiple-family dwelling.
- (i) Leash and muzzle. No person owning, harboring or having the care of a vicious dog may permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.
- (j) Confinement indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (k) Confinement outdoors.
 - (1) All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled.
 - (2) The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
 - (3) All structures erected to house vicious dogs shall comply with all applicable municipal zoning and building regulations.
- (l) Signs. All owners, keepers, or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "beware of dog." A similar sign is required to be posted on the kennel or pen of the dog.
- (m) Insurance.
 - (1) All owners, keepers or harborers of vicious dogs shall provide proof to the police chief of public liability insurance in a single incident amount of \$50,000.00 per incident for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs.
 - (2) The insurance policy shall provide that no cancellation of the policy will be made unless a ten-day written notice is first given to law enforcement.
 - (3) The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer.
- (n) State Law reference— Taking custody of animals, Wis. Stats. § 173.13; restraining action against dogs, Wis. Stats. § 174.01.

Moved by Tr. More, seconded by Tr. Pruessga,

to adopt Ordinance No. 348 as presented.


Roll call showed the following results: Ayes: Luedtke, Jewell, Kohlmann,
Zoomans, More, Pruessga, Ritga

Nays: — Absent: —


Motion carried.

Passed and adopted this 9 day of August, 2023.

ATTEST:



Donald Luedtke
Village President



Jenna Rhein
Village Administrator-Clerk-Treasurer

