

RE: Dogs, Cats and Other Animals

Ordinance Number: 2003-09

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The Village Board of the Village of Fox Point does ordain as follows:

- I. REPEAL AND RECREATE: Section 25.02 of the Fox Point Village Code is hereby repealed and recreated to provide.

**SEC. 25.02 ANIMALS A NUISANCE.** It shall be unlawful:

- (a) To own an animal which is at large.
- (b) To own an animal which assaults or attacks any person.
- (c) To own or keep an animal, which by frequent howling, whining, yelping, barking, meowing or otherwise shall cause serious annoyance or disturbance to a person or persons living in the area. No persons shall be convicted under the provisions of this subsection except upon the evidence of 2 persons each of whom lives in a separate residence including, but not limited to, Village of Fox Point police officers not living in the Village.
- (d) To own or keep an animal which acts in such a manner as to justify the belief that it is vicious. Any animal which shall have bitten any person or other animal within the Village and off the owner's property shall be presumed a vicious animal.
- (e) In addition to any of the foregoing, for purposes of this section:
  - 1. "Vicious dog" means:
    - a. Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
    - b. Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

- c. Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- d. Any individual dog which attacks a human being or domestic animal without provocation.
- e. Any individual dog which has been found to be a “dangerous dog” upon 3 separate occasions.

No dog shall be deemed “vicious” if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to a breed.

- 2. “Dangerous dog” means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner’s family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

- a. It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog or (2) to comply with the order of muzzled or restrained with a chain having a tensile strength of 300 pounds and not exceeding 3 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog confined to an enclosure shall be impounded or turned over to a licensed veterinarian for destruction by lethal injection.

b. No owner or keeper of a vicious dog shall sell or give away the dog.

3. Any dog found or determined to be vicious or dangerous shall be micro-chipped for permanent identification and all information pertaining to said animal will be stored in a central database for the purpose of tracking said animal.

4. Any dog quarantined for a bite will be micro-chipped by a licensed veterinarian prior to its release from quarantine at the expense of the owner of said animal.

(f) Any violations of this section shall be subject to all penalties and remedies as set forth in Section 1.07 of the Village Code.

II. All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

III. This Ordinance shall take effect upon passage and publication as provided by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Fox Point, and shall indicate the date and number of this amending ordinance therein.

**PASSED AND ADOPTED** this 9th day of September, 2003.

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Michael A. West  
Village President

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Constance K. McHugh  
Village Clerk