

**DOG ORDINANCE AD HOC COMMITTEE
MINUTES
AUGUST 30, 2010**

The Dog Ordinance Ad Hoc Committee Meeting was called to order by Chairperson Barb Koeppen at 1:05 P.M.

All members were present.

OLD BUSINESS

1. Discussion of reply or information from the City Attorney on 13 questions posed to the Safety Commission.

Definitions from the August 20, 2010 meeting were sent to City Attorney Blum for his review. He could not comment without knowing the context of the Ordinance. His assistance will be requested once preparation of the Ordinance is further along.

2. Discussion and Committee Recommendations on Amendments to Municipal Code Chapter 152.

Definitions:

Severe Bodily Harm means bodily injury including, but not limited to a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight, or hearing.

Caretaker means any person who, in the absence of the owner, is designated to temporarily harbor, shelters, keeps, or is in charge of the dog.

Dog means any domesticated canine (*Canis familiaris*).

Care Conditions:

152-10 (H) Dangerous Dog

- (1) Procedure for Declaring a Dangerous Dog. [COMMENT: What government body will reveal appeals of Safety Commission?]

- (a) Upon conducting an investigation the humane or law enforcement officer may issue an order declaring an animal to be a dangerous animal subject to Chapter 152. If an owner wishes to contest the order, the owner shall deliver a written objection stating specific reasons for contesting the order to the Clerk's Office within seventy-two (72) hours after receipt of the order. Upon receipt of the written objection, the matter shall be placed on the next agenda for the Safety Commission. The Safety Commission shall allow the animal's owner an opportunity to present evidence as to why the animal should not be declared dangerous.
- (b) After the hearing, the owner shall be notified in writing of the Safety Commission's determination. If the Commission upholds the determination that the animal is dangerous, the owner shall comply with the requirements of Chapter 152. If the owner further contests the determination, the owner may, within five (5) days of receiving the Commission's decision, seek review of the decision by the Circuit Court. [COMMENT: Circuit Court or Board of Appeals or Municipal Court.]
- (c) Upon an animal being declared dangerous, the owner shall immediately comply with leashing and muzzling requirements of Chapter 152-10H3(c) and with all other requirements in Section 152-10H3 being satisfied within thirty (30) days of the dangerous declaration order of decision on an appeal made to the Safety Commission or Circuit Court.

- (2) No person shall harbor, keep or maintain within the City limits of the City of New Berlin any dangerous dog not in compliance with this section. Determination of a dangerous dog will be made by the Municipal Court upon complaint and summons issued by the Police Department

to the owner. [COMMENT: Discuss process on how the "Dangerous Dog" label gets attached to a particular dog.]

- (3) The owner of a dangerous dog, as defined by this ordinance, shall;
 - (a) provide certification from a veterinarian of the implantation of an identification microchip.
 - (b) be securely confined indoors or in a securely-enclosed and locked pen or structure, suitable to prevent the entry of young children, designed to prevent the animal from escaping, and designed so that the snout of the dog cannot protrude beyond the enclosure. The owner must provide protection from the elements for the dog. Underground fences are not sufficient to contain these dogs;
 - (c) be permitted off the owner's premises if restrained by a suitable lead not exceeding 3 feet in length and is under the control of an able-bodied adult and muzzled to prevent it from biting any person or animal.
 - (d) [COMMENT: revisit sign requirement]
- (4) Dangerous dogs at-large. Dangerous dogs that run at large and inflicts severe bodily harm shall be impounded and euthanized.

3. Discussion and review of past ordinance revisions proposed by Safety Commission and City Attorney.

No Action.

NEW BUSINESS

4. Review material distributed for this meeting.

Ordinances from various other Cities.

5. Discussion on what information/documentation the Committee needs for the next meeting.

Contact Police Department.

SET NEXT MEETING DATE – September 8, 2010, 3:30 P.M.

ADJOURN – Motion by Ms. Bertsch to adjourn the Dog Ordinance Ad Hoc Meeting at 3:15 P.M. Seconded by Ms. Larson. Motion carried unanimously.