

**DOG ORDINANCE AD HOC COMMITTEE
MINUTES
SEPTEMBER 8, 2010**

The Dog Ordinance Ad Hoc Committee Meeting was called to order by Chairperson Barb Koeppen at 3:30 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.

Committee Members continued collect comments for the City Attorney's response.

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

152-10 (J) Extenuating Circumstances: Notwithstanding, a dog shall not be deemed dangerous or potentially dangerous for behavior under the following circumstances:

- (a) A dog utilized by law enforcement in performance of duties;
- (b) A dog defending itself, its young, its owner or any other person from an attack: [COMMENT: Is this language adequate, is there too much room for interpretation on "attack"?
- (c) Result of a willful trespass or attempt to commit a crime;
- (d) Entering the property without property owner's consent;
- (e) Engaging in conduct reasonably calculated to provoke the dog to attack

152-10 (H) Dangerous Dog

(1) Procedure for Declaring a Dangerous Dog. (See Appleton) [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.

152-10(G) Potentially Dangerous dogs.

- (1) Upon conducting an investigation the humane or law enforcement officer may issue an order declaring an animal to be a potentially dangerous dog subject to Chapter 152.
- (2) Shall be securely confined indoors or in a securely-enclosed area, or supervised by an able-bodied adult. Underground fences are not sufficient.
- (3) Shall be permitted off the owner's premises if restrained by a suitable lead not exceeding 4 feet in length and is under the control of an able-bodied adult.

- (4) Repeated violations that would earn a potentially dangerous designation will result in classification as a dangerous dog.
 - (5) The owner may obtain a repeal of the designation if there have been no further incidents for a period of 18 months and the owner provides documentation of successful obedience training at a reputable facility to the Clerk's Office.
3. Discussion and review of past ordinance revisions proposed by Safety Commission and City Attorney.

No Action

NEW BUSINESS

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

Nuisances and fines are to be discussed at the next meeting. Check with Police Dept. about fines. Continue with Attorney Blum's memo. Investigate something more objective than limiting the number of dogs such as issuing a Conditional Use Permit for over a set number. Check State Statutes for multiple dog licenses. Provide Safety Committee with an update or draft on October 13, 2010.

SET NEXT MEETING DATE – September 22, 2010, 3:00 P.M.

ADJOURN – Meeting adjourned at 5:35 P.M.