

**DOG ORDINANCE AD HOC COMMITTEE
MINUTES
SEPTEMBER 22, 2010**

The Dog Ordinance Ad Hoc Committee Meeting was called to order by Chairperson Barb Koeppen at 3:05 P.M.

Alderman Deena Liska was excused, all other members were present.

APPROVAL OF MINUTES

- August 3, 2010
- August 20, 2010
- August 30, 2010

Approval of minutes was deferred.

OLD BUSINESS

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

Committee members checked the revisions made to the Code to determine if all 13 questions from the City Attorney had been addressed.

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

152-10 (F) Public Nuisances

Owners shall exercise proper care and control of their dogs to prevent them from becoming a public nuisance. Any violation of this section shall be penalized by a fine.

- (1) Dogs not to run at large. This subsection does not prohibit the owner or caretaker from allowing a dog to run on other premises provided permission therefore is obtained from the owner or occupant of the premises;
- (2) Owner allows place where dog is kept to become unsanitary or producing offensive odors or conditions in a habitual, consistent, or persistent manner which annoys or offends the general sensibilities of two or more households in the immediate neighborhood which is substantiated by written complaints;
- (3) Owner allows a dog to defecate on public streets, walks or their adjacent private property, parks, school property without immediately picking up and properly discarding;
- (4) Dog shall not be tied to a leash which reaches within three feet of a public walk;
- (5) Unreasonable Noise:
 - (a) Excessive, habitual, persistent or untimely barking which is substantiated by written complaints from at least two (2) or more separate households in the immediate neighborhood.
 - (b) Barks, howls, yelps, whines for 10 minutes or more in a 15 minute period without provocation.
- (6) Damages private or public property;

152-10(H)(4) Dangerous dogs at-large. Dangerous dogs that run at large and inflicts severe bodily harm shall be impounded and euthanized in accordance with the procedure and the standards set forth in Chapter 174 of the Wisconsin Statutes.

152-10 (J) Animal Control

- (1) Confinement of dogs. The Police Department or any other officer appointed by the Council shall apprehend any dog running at large within the City and confine the same in a designated facility.
- (2) Enforcement. The Council shall from time to time appoint a qualified officer who shall apprehend and confine dogs in a designated facility as provided in this section and enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this

chapter. Such action shall be brought in the name of the City. The officer shall be paid such compensation as the Council shall determine by resolution.

- (3) Disposition of unclaimed dogs. The keeper of the designated confinement facility shall keep all dogs apprehended as provided herein for a period of ten days at the designated facility, unless claimed sooner by the owner or keeper. If any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and caring for the dog or may be destroyed in a proper and humane manner in accordance with the approved contract.

COMMENT: We changed from 7 days to 10 days, does this affect the contract with HAWS?

- (4) Owner or caretaker to pay costs. The owner or caretaker of any dog so confined may reclaim the dog at any time before the same is disposed of, upon payment of all costs and charges incurred in the apprehension, keeping and care of the dog. Such fees shall be as set by the Common Council for the apprehension and care of the dog, if such dog is reclaimed within 24 hours of apprehension. If the dog is reclaimed at any time after 24 hours of apprehension, up to and including the tenth day, the fee shall be as set by the Common Council, plus any expenses for inoculations or other medical treatment of the dog.
- (5) Owner or keeper to post bail. COMMENT: Is this section necessary even though they need to pay the confinement/apprehension fees, remove if possible or clarify?
- (a) The owner or keeper of any dog so confined shall, in addition to any costs required to be paid under Subsection (4), be required to post bail as determined by the Common Council.
- (b) The bail shall be posted at the office of the Police Department, and the provisions of Chapter 261, Vehicles and Traffic, §261-14, with reference to stipulations of guilt or nolo contendere and delivery of forfeitures and bail, shall apply in the same manner.

152-10(K) School property. No owner, keeper or person in control of a dog shall allow the dog on lands owned or used by the City public schools. This prohibition shall not include disabled persons, as that term would be defined by applicable state or federal law or regulation, whose handicap requires the use of specially trained dogs nor dogs for approved on-site educational purposes.

152-10(L) No person shall own, harbor, import, keep or possess any nondomestic venomous snakes in the city of New Berlin without notification to and approval by the City of New Berlin Police Department.

152-10 (M) Penalties

- (a) Forfeiture. Any person who violates this section shall be subject to a penalty as provided in Section 1-18 of this Municipal Code. Each day a violation exists constitutes a separate violation and is punishable as such.
- (b) If the City or City's designee finds that a violation of this chapter exists, the City or the City's designee may request that the owner or caretaker of the animal correct the violation by notifying the owner or caretaker that such person has 24 hours from the date of the notice to correct the violation or such longer period as the City or the City's designee determines is reasonably necessary to correct the violation. Notice under this subsection is sufficient if it is delivered to the owner or caretaker or mailed first class to the address of the owner of property on which the animal is kept. If the person notified fails to correct the violation as required by the notice, the City may correct the violation by taking any necessary and reasonable means to do so and charge the costs thereof, plus any additional fees that may apply, to the owner of the property where the animal is kept and jointly and severally to the owner and caretaker of the animal.
- (c) Owners who repeatedly violate the laws will be subject to increased fines with each additional violation.

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.

Research issues that need to be stated for compliance with the contract with HAWS.
Research Limits.

SET NEXT MEETING DATE – October 8, 2010 – 2:30 P.M.

ADJOURN - Motion by Ms. Koeppen to adjourn the Dog Ad Hoc Committee meeting at 4:50 P.M.
Seconded by Ms. Larson.