

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

The Dog Ordinance Ad Hoc Committee Meeting was called to order by Chairperson Barb Koeppen at 2:34 P.M.

**APPROVAL OF MINUTES**

Motion by Nancy Bertsch to approve the Dog Ordinance Ad Hoc Committee Meeting Minutes from August 3, 2010, August 20, 2010, and August 30, 2010. Seconded by Alderman Deena Liska. Motion carried unanimously.

**OLD BUSINESS**

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

Invite City Attorney Blum to attend next meeting or send comments.

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

152-10(D) Issuance of license. Upon payment to the City of the required fee, the City Clerk shall issue a license to keep the dog for one year. The owner shall display the license tag provided by the City Clerk upon the dog's collar. Displaying the tag on a collar does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, herding or controlling livestock if it is under control of its owner, or a dog secured in a fenced area. WI Stats. 174.07.

152-10 (F) Number of dogs limited.

- (1) No person shall keep more than four dogs over five months of age upon any premises within any residential district within the City as hereinafter defined, unless such person holds a dog fancier permit issued by the City Clerk pursuant to this section.
- (2) Dog Fanciers Permit. A Dog Fanciers Permit shall be obtained from the City Clerk to allow the keeping of more than four dogs over the age of five months on residential properties.
  - (1) Dogs to be licensed. All dogs to be kept on a dog fancier's property shall be duly licensed as required by ordinance.
  - (2) Fee. There shall be no additional fee, however, each dog is required to be licensed in accordance with this chapter and the dog fanciers permit shall be valid for one calendar year, expiring on December 31 of each year.
  - (3) Revocation of permit. A Dog Fanciers Permit shall not be issued or maintained and may be revoked if the dog fancier fails to comply with the following conditions:
    - a. All dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment on a timely basis.
    - b. The quarters in which the dogs are kept shall be maintained in a clean condition and good state of repair.
    - c. Enclosure shall be large enough to provide sufficient freedom of movement for the dogs contained therein.
    - d. All yards, pens, premises, enclosures and animals shall be kept free of pest infestations.
    - e. There shall be no odor, noise, nuisance or dog control issues.
    - f. No person for which a Dog Fancier Permit has been issued may be found in violation of this chapter or house any dangerous dog as defined in Section 152.1.

152-10 I Dangerous Dog

- (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 Safety Commission upon complaint and summons issued by the Police Department or the owner.
- (3) The owner of a dangerous dog, as defined by this ordinance, shall;
  - (a) provide certification to the Clerk's Office of the implantation of an identification microchip and the associated number.
  - (b) provide that the dog 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 to take the dog 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.
- (4) A Dangerous dog that runs 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 K. 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 have 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 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 K(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

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.

Invite City Attorney Blum and/or Police Chief Rieder to attend next meeting or send comments.  
Check with Deputy Clerk about changing License forms.

5. Next steps for finalizing recommendations.

New Berlin Police Chief and City Attorney to review revisions and provide feedback.

**SET NEXT MEETING DATE** - November 3, 2010, 2:30 P.M.

**ADJOURN** – Meeting adjourned at 4:30 P.M.