

**DOG ORDINANCE AD HOC COMMITTEE  
MINUTES  
November 3, 2010**

The Dog Ordinance Ad Hoc Committee Meeting was called to order by Chairperson Barb Koeppen at 2:40 P.M.

All members were present.

Motion by Nancy Bertsch to approve the Dog Ordinance Ad Hoc Committee minutes from September 8, 2010 and September 22, 2010. Seconded by Alderman Liska. Motion carried unanimously.

Motion by Susan Larson to dispense with normal business to go directly to questions and discussion with City Attorney Blum and Police Chief Rieder. Seconded by Nancy Bertsch

**OLD BUSINESS**

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

No Action.

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

**§152-10**

- A State regulations. Chapter 174, Wis. Stats., pertaining to licensing of dogs, is made a part of this section by reference.
- B License required. Every owner of a dog which is more than five months of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefore. WI Stats. 174.05.
- C The owner shall pay to the City Clerk annually a fee as provided in §152-2 of this chapter. In lieu of any other penalty, a late fee as provided in §152-2 shall be assessed and collected pursuant to §17405, Wis. Stats., to any owner of a dog five months of age or over, if the owner failed to obtain a license prior to April 1 of each year, within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.
- D Definitions:  
Dangerous dog means any dog which:
  - a. has without provocation or extenuating circumstances as defined in Section 152-10(J), inflicted severe bodily harm on a human being or domestic animal

Owner means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his premises and/or property.

F(1) No person shall keep more than four dogs over five months of age upon any premises within any residential district within the City unless such person holds a dog fancier permit issued by the City Clerk pursuant to this section.

F(2)(3)e There shall be no odor that can be detected at the property line.

G(1) Dogs shall not be allowed to run at large.

G(5)(b) Barks, howls, yelps, or whines habitually (for example: 10 minutes or more in a 15 minute period)

H(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 completion of the American Kennel Club Canine Good Citizen course to the Safety Commission.

I(1)(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. The Safety Commission shall further receive testimony from the City regarding the findings.

I(1)(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 Common Council.

I(1)(c) Upon an animal being declared dangerous, the owner shall immediately comply with leashing and muzzling requirements of Chapter 152-10.1(3)(c) and with all the other requirements in Section 152-10.1(3) being satisfied within (30) days of the dangerous declaration order or decision on an appeal made to the Safety Commission or Common Council.

I(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.

I(4) A dangerous dog that runs at large and inflicts severe bodily harm shall be addressed in accordance with the procedure and the standards set forth in Chapter 174 of the Wisconsin Statutes which may include impoundment or euthanization.

K(2) Enforcement. The Council shall contract with a qualified entity which shall apprehend and confine dogs in a designated facility and otherwise assist in the enforcement of this section.

L 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, police K-9s, nor dogs for approved on-site educational purposes.

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

No Action.

## **NEW BUSINESS**

4. Questions/Discussion with City Attorney and Police Chief.

Police Chief Joe Rieder and City Attorney Mark Blum presented their recommendations on amendments to Municipal Code Chapter 152.

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

- Safety Commission Review
- City Attorney check to see if HAWS Contract is consistent with proposed changes.
- City Attorney suggested the City Clerk needs to have a signature line on the license application where applicant acknowledges that the dog has not previously been found to be vicious or dangerous in another community

6. Next steps for finalizing recommendations.

- Requested Action Statement to include repeal to §175-5(F).
- Finalize Recommendation to Council

**SET NEXT MEETING DATE**

November 15, 2010 – 3:00 P.M.

**ADJOURN**

Motion by Nancy Betsch to adjourn the Dog Ordinance Ad Hoc Committee Meeting at 4:30 P.M.  
Seconded by Alderman Liska. Motion carried unanimously.