

NEW BERLIN SAFETY COMMISSION MINUTES

Wednesday March 11th, 2009 6:30 pm

New Berlin Public Safety Building

16300 W. National Ave.

Please Note: Minutes are unofficial until approved by the Safety Commission at the next regularly scheduled meeting.

Call to Order: The meeting was called to order by Paul Rozek at 6:33 pm.

Present: Paul Repischak, Paul Rozek, Ron Schildt, Earl Strandt, Paul Kreutzer, and Dan Meister.

Excused: Chuck Trevorrow

Absent: Lynn Dahlvik, Scott Gillard, Fred Witty, and Joe Poshepny

Approval of Minutes: Ron Schildt made a motion to accept the December 17th, 2008 minutes as read. The motion was seconded by Dan Meister and carried unanimously.

Old Business:

01 08 11 The Managing Agent for Forest Point Condominiums is requesting stop signs be installed at the intersection of Hunter Lane at Forest Point Boulevard.

At the December 2008 meeting, the Safety Commission discussed how this matter has been before the commission a number of times in the past. Each time the traffic studies conducted by City Engineering have indicated the intersection does not meet criteria for stop signs. The Safety Commission voted to have the Police Department monitor the area again to see if there were any hazardous conditions or violations that were not being revealed by the traffic studies. The Police Department conducted traffic enforcement and monitoring during the months of December 2008 and January of 2009. The traffic assignment logs indicate that as the rule, vehicles were not speeding or making improper turns. The cities crash data reveals that only one accident has occurred at this intersection.

Paul Repischak made a motion for the Safety Commission to **not** make any recommendation for traffic control at this intersection and remove this item from the agenda. Paul Kreutzer seconded the motion and it carried unanimously. Paul Repischak will be sending a letter to Managing Agent for Forest Point Condominiums.

01 08 10 Alderman Ament sent a Requested Action Statement asking the Safety Commission to investigate and make recommendations concerning the safety at the intersection of Racine Ave. and Swartz Road .

Ron Schildt has had conversation with Gary Evans from Waukesha County Engineering regarding this agenda item. Schildt learned that future construction plans for this intersection could be as far out as ten years. Schildt will be discussing this matter further and asked that this item be held on the agenda.

03 08 09 Parking problems along Parkside Drive and Lynwood Court in the area of Lions Park.

This item was put back on the agenda as the language change on the parking signs required Common Council approval. The Common Council since approved a resolution for the language change. Paul Repischak will be following up with the Streets Department to ensure the signs get changed. Repischak made a motion to remove this item from the agenda. The motion was seconded by Earl Strandt and carried unanimously.

01 08 09 Proposed changes to the City of New Berlin Municipal Code pertaining to vicious dogs.

The Safety Commission and attending citizens discussed this matter at length. We reiterated that the Safety Commission was not for breed specific legislation. Safety Commission members discussed various model legislation and other municipalities ordinances.

Dan Meister made the following motion which was seconded by Ron Schildt. The motion carried with five voting for it, and one opposed.

The Safety Commission will forward to the New Berlin City Attorney recommendations for the following changes to the ordinance:

- Amend 152-10 C. to include a requirement that dog owners be given (and acknowledge receipt of) a copy of the animal ordinance upon licensing their dog(s). This would serve as an educational tool for dog owners on their requirements and/ or prohibited actions etc.
- Revise section G. by eliminating the four existing subsections and replace with three subsections that use language similar to that in the Village of Menomonee Falls Ordinance – sections 14-8, 14-9, and 14-10) i.e:

Harboring certain dogs prohibited. No person shall own, harbor or keep any dog which:

(1) Constitutes a nuisance. An animal constitutes a nuisance under this section by violating any of the sections in this chapter, by being a safety or health hazard, by damaging the property of another, or creating offensive odors; any of which materially interferes with or disrupts another individual in the conduct of lawful activities at such individuals home. (from V.M.F ordinance- section 14-9)

(2) Barks, howls, or creates other unreasonable animal noise. It shall be a violation of this section for any person who owns, keeps, has in that person's possession or harbors any animal to permit such animal to disturb any person or neighborhood by making loud and persistent or habitual howling, yelping, barking, whining or like sounds that can be heard beyond the boundary of the person's property. (from V.M.F. ordinance 14-10)

(3) Is Vicious. An animal is deemed vicious under this section when:

a. The animal bites, claws, or attempts to bite or claw any person; bites or injures another animal; or

b. In a vicious or terrorizing manner the animal approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated; or

c. When a propensity of the animal to attack or bite persons, pets or domestic animals shall exist and is known or reasonable to be known to the owner or to any member of the owner's immediate family who resides with the owner.

(from V.M.F. ordinance section 14-8)

*The Safety Commission also wanted the City Attorney to give an opinion on the necessity of all the exceptions listed in the Village of Menomonee Falls ordinance section 14-8, or if an abbreviated exception section would suffice.

- Have the City Attorney ensure that any changes to the New Berlin ordinance be consistent with Wisconsin State Law.
- Look into the possibility of raising the fine amounts for violations of this ordinance.

New Business:

The Safety Commission discussed what day and time the regular meetings should be scheduled for.

Paul Repischak made a motion to have the meetings be on the second Wednesday of every month at 6:00 pm. The motion was seconded by Paul Rozek. The motion carried unanimously.

Next Meeting Date: Wednesday April 8th, 2009 at 6:00 pm.

Meeting Adjourned: Earl Strandt made a motion to adjourn the meeting at 8:03 pm. The motion was seconded by Paul Rozek and carried unanimously.

Lt. Paul Repischak