

CITY OF CHIPPEWA FALLS, WISCONSIN

NOTICE OF PUBLIC MEETING

In accordance with the provisions of the Wisconsin State Statutes, Sec. 19.84, notice is hereby given that a public meeting of:

Committee #3 **Transportation, Construction, Public Safety and Traffic**

Will be held on Tuesday, November 20, 2018, at 5:00 pm, Council Chambers, City Hall, 30 West Central Street, Chippewa Falls, WI.

Items of business to be discussed or acted upon at this meeting are shown on the agenda below:

1. Discuss the intoxicating liquor license of Dwayne Lambert for Dewey's Roadhouse located at 1 E Canal Street. Possible recommendations to the Council.
2. Discuss request from Teri Ouimette of Chippewa Falls Main Street for a waiver under Ordinance 10.065(6), Vehicles and Appliances on Private Property, to place an inoperable motor vehicle in the Chippewa Falls Main Street parking lot located at 514 N. Bridge Street. Possible recommendations to the Council.
3. Discuss request from Rusty Volk of the Northern Wisconsin State Fairgrounds for a variance or possible amendment of Ordinance 9.01, Unlawful Use of Firearms and Other Weapons, to allow for the discharge of firearms at a potential upcoming event; Wisconsin Game Fest. Possible recommendations to the Council.
4. Discuss amending Ordinance 7.09(1)(b), Parking Restrictions, to repeal the provision for no parking on Park Ave., from the west curblineline at Woodward Ave. to 224 feet west along the north side of Park Ave (former Fire Station 2) as it no longer applies. Possible recommendations to the Council.
5. Discuss a severe dog bite which occurred in the City and the applicability to Ordinance 12.11 and the procedure for declaring an animal as dangerous. Possible recommendations to Council.
6. Adjournment

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.
NOTE: REASONABLE ACCOMMODATIONS FOR PARTICIPATION BY INDIVIDUALS WITH DISABILITIES WILL BE MADE UPON REQUEST. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT THE CITY CLERK AT 726-2719.

Please note that attachments to this agenda may not be final and are subject to change. This agenda may be amended as it is reviewed.

CERTIFICATION OF OFFICIAL NEWSPAPER

I hereby certify that a copy of this notice has been posted on the City Hall bulletin board and a copy has been given to the Chippewa Herald on November 16, 2018 at 10:30 am by BNG.



Minutes

Committee #3

Transportation, Construction, Public Safety and Traffic

Committee #3 met on Tuesday, September 18, 2018 at 5:15 pm in the Council Chambers, City Hall, 30 West Central Street, Chippewa Falls, WI.

Committee Members present: Paul Olson, CW King, and Robert Hoekstra

Council Members present: Mayor Hoffman, Rob Kiefer, Paul Nadreau, and John Monarski

Others present: City Attorney Robert Ferg, Finance Manager/Treasurer Lynne Bauer, Director of Public Works/City Engineer/Utilities Manager Rick Rubenzer, Assistant City Engineer Bill McElroy, Street and Utilities Maintenance Manager Rick Ruf, Dwayne Lambert of 13th Step, and City Clerk Bridget Givens.

The meeting was called to order at 5:15 pm.

1. **Discuss communication received from Dwayne Lambert concerning the intoxicating liquor license for 13th Step located at 1 E Canal Street. Possible recommendations to the Council.**



Dwayne Lambert appeared to discuss the status of his intoxicating liquor license. He is hoping to have the facility either leased or sold within 60-90 days.

This item was tabled until the Committee #3 Meeting on November 20, 2018.

2. **Discuss changes to Occupational (i.e. Bartender, Taxi Cab Driver) Licensing due to Act 278. Possible recommendations to Council.**

Chief Kelm distributed handouts relative to Wisconsin Act 278, addressing its applicability to issuing licenses in the City. Details were discussed as to which offenses would allow immediate refusal of a Bartender license (whether pending or convicted) and offenses which may allow denial of a Bartender License upon conviction. The Committee also discussed the denial criteria that could be applied to Taxi Cab Drivers.

No action taken.

3. **Discuss replacement of traffic signal controls in downtown locations. Possible recommendations to Council.**

Street and Utilities Maintenance Manager Ruf advised of the failure of the control signal at Bridge and Columbia. He indicated that nine other controllers in the downtown area are of similar age and are obsolete. Ruf would like to see the traffic signal controls on a replacement schedule, which would also need to be considered by Committee #1.

Motion by Hoekstra/King to recommend Council approve the purchase of a control signal from Tapco to replace the one that is down. All present voting aye, motion carried.

4. **Adjournment.**

Motion by Hoekstra/King to adjourn at 5:45 pm. All present voting aye, motion carried.

Minutes submitted by:
Paul Olson, Chair

From: Chippewa Falls Main Street
514 North Bridge Street
Chippewa Falls, WI 54729



To: Paul Lasiewicz, City Inspector
30 West Central Street
Chippewa Falls, WI 54729

Dear City Inspector Paul Lasiewicz,

Chippewa Falls Main Street is requesting a waiver of application of Ordinance 10.065 - VEHICLES AND APPLIANCES ON PRIVATE PROPERTY . (Cr. #07-07) . In particular the part of the Ordinance that states the vehicle has to be titled and licensed.

Chippewa Falls Main Street is the center for downtown revitalization and economic development.

As a valued local non profit and community leader we are asking to waive the above ordinance in order to place a 1952 Ford Truck in our parking lot (private land) for the purpose of:

1. Welcoming visitors for photo opportunities
2. Decorating and advertising for local and seasonal events
3. Connection to the community
4. Promotion of downtown and Chippewa Falls

Chippewa Falls Main Street has done a brief community survey and have found overwhelming support.

We have approval from our landlord Dave Gordon along with Chippewa Falls Main Street Board members.

Attached is a mocked up version of what we would like to do with the truck. We like to keep the vintage look but clean it up and build a bench or two.

We look forward to meeting with Committee 3 to discuss the waiver.

Sincerely,

Teri Ouimette, Executive Director Chippewa Falls Main Street



Any person, not already excepted under subsection (4), who is subject to this section may petition for a waiver of application. The petition need not be in any specific form but shall be in writing, shall be directed to the Chippewa Falls Common Council, and shall set forth with a reasonable degree of specificity the reasons why a waiver of application should be granted. The petition shall be filed with the Chippewa Falls Building Inspector and shall be referred to Committee No. 3 for a recommendation to be made to the Chippewa Falls Common Council.

(b)

The Chippewa Falls Common Council may thereafter act upon the petition for a waiver of application and grant a waiver upon such conditions, requirements, or other terms as the Common Council deems just and equitable. The waiver shall require a majority vote of those present. The Chippewa Falls Common Council may waive the requirement of referral to Committee No. 3 and elect to act directly upon a submitted petition for waiver of application.

(c)

Any waiver granted hereunder may be rescinded by the Chippewa Falls Common Council. The waiver holder shall be given written notice of any proposed rescission action and an opportunity to be heard before the Chippewa Falls Common Council before a final rescission action is taken. Rescission of a waiver may be based upon a change in circumstances applicable to the waiver holder, including expanded use, or a failure to meet any condition, requirement, or other term established by the Chippewa Falls Common Council, or upon such other reason as may be a basis for rescission. A rescission shall require a majority of those present.

)

PURPOSE AND INTENT. The purpose and intent of this section is to eliminate the inappropriate and unnecessary keeping and storage of inoperable motor vehicles and motor vehicle accessories, and appliances on private property. The Common Council finds that such keeping and storage is unsightly, unhealthy and unsafe, and contrary to the health, safety, and welfare of the residents of the City of Chippewa Falls.

City Ordinance 9.01 Exemption request:

Northern Wisconsin State Fairgrounds venue to host shooting sports events.

Northern Wisconsin State Fairgrounds has received requests to facilitate shooting sports, including firearms and archery. School systems and UW Extension 4-H programs offer shooting sports to train youth in safe handling of weapons. "Wisconsin Game Fest" (<http://www.wigamefest.com/>) is planning a new annual event for Chippewa Falls on September 7 & 8, 2019 to include shooting sports and outdoor game attractions. Similar events have proven to draw upwards of 10,000 people and a venue exemption to City Ordinance 9.01 can bring these visitors to Chippewa Falls.

Northern Wisconsin State Fairgrounds requests an exemption to City Ordinance 9.01 to discharge firearms, bows and crossbows at special events held on Fairgrounds premises. Restriction on the discharge of firearms, bows and crossbows will be:

1. Firearms and Archery instructor(s) and/or professional(s) shall be present for all discharges.
2. Firearm Range(s) and Archery Range(s) shall be coordinated and facilitated by Firearms Instructors and/or professionals, approved by City Chief of Police. Discharge area must be secured from the public and unauthorized personnel.
3. Target impact area must contain all projectiles within the premises and include non-penetrable backstop.
4. Firearms shall be no larger than .22 caliber or less.

Thank you for your consideration and I am happy to answer any questions you may have.

Rusty Volk CFE, Executive Director - Northern Wisconsin State Fair Association, Inc

Lisa Gill - C & G Promotions, LLC (DBA Pinnacle Events)

Judge Steven Gibbs – Chippewa County Judge

David Raihle – Attorney at Law

Jackie Boos – Go Chippewa Falls Tourism

9.01 - UNLAWFUL USE OF FIREARMS AND OTHER WEAPONS . (Am. #2011-18)

(1) DISCHARGE. No person within this city, except in lawful defense of self, family or property, or in the lawful discharge of official duty shall fire or discharge any rifle, gun, or revolver or any cap pistol or other device for exploding percussion paper, caps or blank cartridges (subject to exceptions for blank cartridges under the next subsection). No person shall fire off or discharge any spring, air gun, crossbow, slingshot, or other similar device within this City in such a manner as to endanger the person or property of another. No person shall hunt (as defined in ch. 29, Wis. Stats., or any subsequent amendment or renumbering) within the City limits while in possession of a firearm. Police officers and their permittees may discharge weapons at the police firing range(s). National Guards, their officers and permittees may discharge weapons at the National Guard firing range(s). The Northern Wisconsin State Fairgrounds is exempt from Ordinance 9.01 to discharge firearms, bows and crossbows at special events held on Fairgrounds premises. Restriction on the discharge of firearms, bows and crossbows shall be:

1. Firearms and Archery instructor(s) and/or professional(s) shall be present for all discharges.
2. Firearm Range(s) and Archery Range(s) shall be coordinated and facilitated by Firearms Instructors and/or professionals, approved by City Chief of Police. Discharge area must be secured from the public and unauthorized personnel.
3. Target impact area must contain all projectiles within the premises and include non-penetrable backstop.
4. Firearms shall be no larger than .22 caliber or less.

(2) BLANK CARTRIDGES EXCEPTIONS. Any person or organization wishing to discharge blank cartridges shall apply for an annual permit, at a \$10 fee, to do so. The application for an annual permit shall be granted by the Common Council upon a showing of necessity or acceptable good plans. A permit is not required for military funerals, performances by the Patriotic Council, starters at sanctioned school sporting events, starters at permitted YMCA events, Renaissance Faire performances sanctioned by the owner/operator, Veterans Day recognitions performed by a bona fide veterans organization, "The Past Passed Here" performances sanctioned by the permit holder, Boy Scouts and Girl Scouts during troop activities under the direction and supervision of a bona fide troop leader, National Guards during training and practice at the National Guard property and facilities, Chippewa Falls Police Officers, and Chippewa Falls Sheriff's Officers.

(3) CARRYING DANGEROUS WEAPONS PROHIBITED. No person other than a police officer or peace officer or person with a permit to carry a concealed weapon granted or recognized on a comity basis under the Wisconsin Statutes shall go armed with any concealed weapon. No person in a state of intoxication shall go armed with any rifle, pistol, revolver, gun, or dangerous weapon.

(4) FIREARMS PROHIBITED IN IRVINE PARK. No person shall discharge any kind of firearm within Irvine Park unless it is in the performance of official duty or in the legal defense of person or property.

(5) SETTING SPRING GUNS PROHIBITED. No person shall set or fix any gun, pistol or other firearm or any spring gun so that it may be discharged by coming in contact therewith or with any string, wire or other contrivance attached thereto, whether for the purpose of killing game or for any other purpose.

9.015 - FIREARMS IN PUBLIC BUILDINGS AND CITY-OWNED VEHICLES PROHIBITED . (Cr. #2011-12)

(1) FIREARMS PROHIBITED. Pursuant to §943.13(1m)(c)4., Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the State of Wisconsin or a local

government unit if the State or local governmental unit has notified the person not to enter or to remain in the building while carrying a firearm or a specific type of firearm.

- (2) **SIGNS.** The Public Works Department shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Chippewa Falls which shall provide notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (3) **FIREARMS IN VEHICLES.** No person shall carry a firearm while in a City-owned vehicle, including emergency medical vehicles. Emergency medical personnel are hereby authorized to remove a firearm from the immediate bodily possession of any person being transported. The firearm shall be returned to the person being transported when it is safe to do so and no longer violates any prohibition against possession of a firearm.
- (4) **PEACE OFFICERS EXCEPTED.** Nothing in this section shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building or in a City-owned vehicle.
- (5) **NON-AUTHORIZATION.** Nothing in this section shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to §941.23 or §941.235, Wis. Stats.
- (6) **PENALTY.** Any person who violates any provision of this section shall be required to forfeit not less than \$250 nor more than \$500, plus any applicable court costs. Each violation shall be a separate offense.

9.02 - THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED . (Am. #2016-03)

In order to promote and further public health and safety no person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street sidewalk, alley, highway, park, playground or other public place within the City, provided the Chief of Police may grant a permit for archery for not more than one year. Provided however, it shall be legal to hunt with a bow and arrow or crossbow within the City of Chippewa Falls if the foregoing prohibition for public health and safety is not committed and provided further that no person shall hunt with a bow and arrow or crossbow within 300 feet from a building located on another person's land. This distance restriction does not apply if the person who owns land on which the building is located allows the hunter to hunt within the specified distance of the building. A "building" means a permanent structure used for human occupancy and includes a manufactured home, as defined in § 101.91(2), Wis. Stats.

9.07 - LOUD AND UNNECESSARY NOISE PROHIBITED .

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence. No railroad shall blow a whistle within the City except as required by law.

9.075 - LOUD PARTIES OR GATHERINGS . (Cr. #06-21)

- (1) **DEFINITION.** The word(s) "premises" or "the premises" as used in this Code section means any building, house, apartment, condominium, or like structure used as a place of habitation and the outside area and real estate surrounding the structure which is appurtenant to the use of the structure.
- (2) **PROHIBITION.** No resident or person occupying or having charge of any premises, or part thereof, shall cause or allow any loud, excessive, disturbing or unnecessary noise in or on the premises while hosting or permitting a party, social gathering, meeting or assembly of any kind, where such noise would disturb the peace, quiet, comfort or repose of other persons therein or in the vicinity.

- (3) **CEASE AND DESIST.** Any party, social gathering, meeting or assembly that violates this section shall cease and desist the disturbing activity immediately upon the order of a police officer. Any person who is a resident or is a person occupying or having charge of any premises who refuses to obey and abide by such order shall be guilty of a violation of this subsection.
- (4) **GIVING ORDER.** The order of a police officer may be given orally, telephonically, electronically, or in writing and may be given to the owner of the premises, a resident of the premises, or a person appearing to have charge of the premises. If an owner, resident, or apparent person in charge cannot be identified or located or there is a refusal to provide such information, then in such event, the order may be given to any person who appears to be a part of such party, social gathering, meeting, or assembly.
- (5) **PENALTY.** Anyone violating this section shall be required to forfeit not less than \$25 nor more than \$500, plus court costs and assessments.



A family-friendly festival celebrating conservation organizations, outdoor lifestyles, and recreational competitions

September 7 & 8, 2019
Chippewa Falls, Wisconsin

Conservation: Environment and Wildlife

Western Wisconsin has seen the reduction or loss of several environmental and wildlife chapters in the past few years.

One goal of this event will be to invite those organizations to participate in activities, such as a joint Conservation Banquet, during this event to revive and reopen closed chapters and help grow and reignite currently active organizations in the area.

Other areas of participation may include: raffles, volunteer opportunities, booth exhibits, seminar and demonstration opportunities.

Groups to be targeted for participation include, at a minimum:

National Whitetail Deer Education Foundation
National Rifle Association
Ducks Unlimited
Rocky Mountain Elk Foundation
Pheasants Forever
Ruffed Grouse Society
The Bird Dog Foundation
Fellowship of Christian Hunters
Safari Club International
Whitetails Unlimited
Beaver Creek Reserve
Lower Chippewa River Alliance (LCRA)
Wisconsin Department of Natural Resources
University Conservation Groups and Club



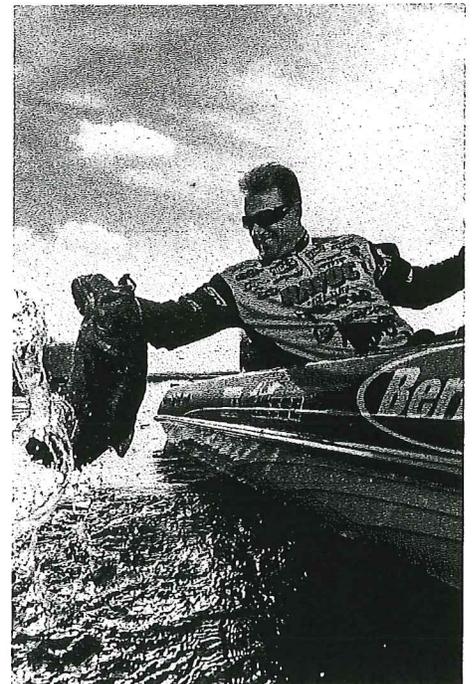
Hunting and Fishing

Western Wisconsin has one of the largest populations of active hunting and fishing participants in the nation. A 2016 study by the Wisconsin Department of Natural Resources shows that fishing continues to grow in participation rates in the state, with hunting slowly declining in participation due to a number of influences – with both sports continuing to provide a huge boost for local economies.

Wisconsin Game Fest will provide area residents with hunting and fishing entertainment, activities and competitions along with business exhibits and retail products.

Groups to be targeted for participation include, at a minimum:

Westgate Sportsman's Club (facility partner)
Eau Claire Archers (facility partner)
Eau Claire Rod and Gun Club
Chippewa Valley Archers
Chippewa Valley ATV Club
Safari Club
Pope and Young Club
Boone and Crockett
College recreational sport clubs (trapshooting, archery)
Bass Masters
First WI Chapter of Muskies Inc.



Dog Sports

Western Wisconsin has a large number of sporting dog clubs and activities. In addition to many active clubs there are a number of kennels with breeding and training services available as well as many rescue and humane association groups which have animals and services to showcase at events such as Wisconsin Game Fest.

Dog sporting and demonstration activities being planned for Wisconsin Game Fest may include:

- Retrieving
- Agility
- Dock Dog Jumping
- Tracking
- Rescue Dogs available for Adoption

Groups to be targeted for participation include, at a minimum:

- The Bird Dog Foundation
- Blackhawk Retriever Club
- Rude Dog U
- Anne Braue's Dog Training
- Eau Claire County Humane Association
- Badger Golden Retriever Club
- Elk River Kennels



Outdoor Recreation

Both indoor and outdoor marketplaces for retail businesses and organizations in the recreational sport industry will be hosted at the Northern Wisconsin State Fairgrounds.

Types of businesses and organizations targeted for this marketplace will be similar to those which exhibit at the highly successful Wisconsin Sport Show – held in Eau Claire every March.

Such businesses may include:

- Powersports (ATVs, RVs, boats, snowmobiles)
- Retail products
- Travel/tourism organizations
- Fishing guides and charters
- Hunting guides and outfitters
- Resorts, lodges and campgrounds
- Food vendors (beef jerky, dips, breadings, etc)
- Dog supplies and food



Sporting Competitions

Working with the Eau Claire Sports Commission, Wisconsin Game Fest hopes to attract a number of large, regional and national sporting events to take place during the event weekend at both locations: Westgate Sportsman's Club and Northern Wisconsin State Fairgrounds

Such competitions could include:

- Trapshooting
- Field Dog Trials
- Archery
- Log Rolling
- Lumberjack Competitions
- Chainsaw Carving
- Turkey Calling
- Fishing Tournaments



Event Promoter

C & G Promotions, LLC (DBA Pinnacle Events) has been in business since 2004 and has operated the following events across Wisconsin:

- 10th Annual Wisconsin Sport Show (Eau Claire)
- 13th Annual Impressions Bridal Fair & Women's Expo (Eau Claire)
- 3rd Annual Women's Health & Fitness Fair (Eau Claire)
- 3rd Annual Winter Wedding Fair at the Lismore (Eau Claire)
- Fox Cities Youth Expo (sold in 2008 to Woodward Radio Group, Appleton, WI)
- Fox Cities Health Fair (sold to Woodward Radio)
- Women Business Leaders of Wisconsin (sold to Woodward Radio)

Additionally, C & G Promotions, LLC staff has organized and assisted with a number of local charity and other events such as Love Eau Claire, and the Wisconsin Warrior Natural Strength Expo.

With years of operational experience, and professional staff, C & G Promotions, LLC is well suited to take on another community event in the Eau Claire area.

The success of the Wisconsin Sport Show, its database of past guests and current and past exhibitors and partners should make the Wisconsin Game Fest a very successful, first-year event with great room for growth in the future.



Marketing and Promotions

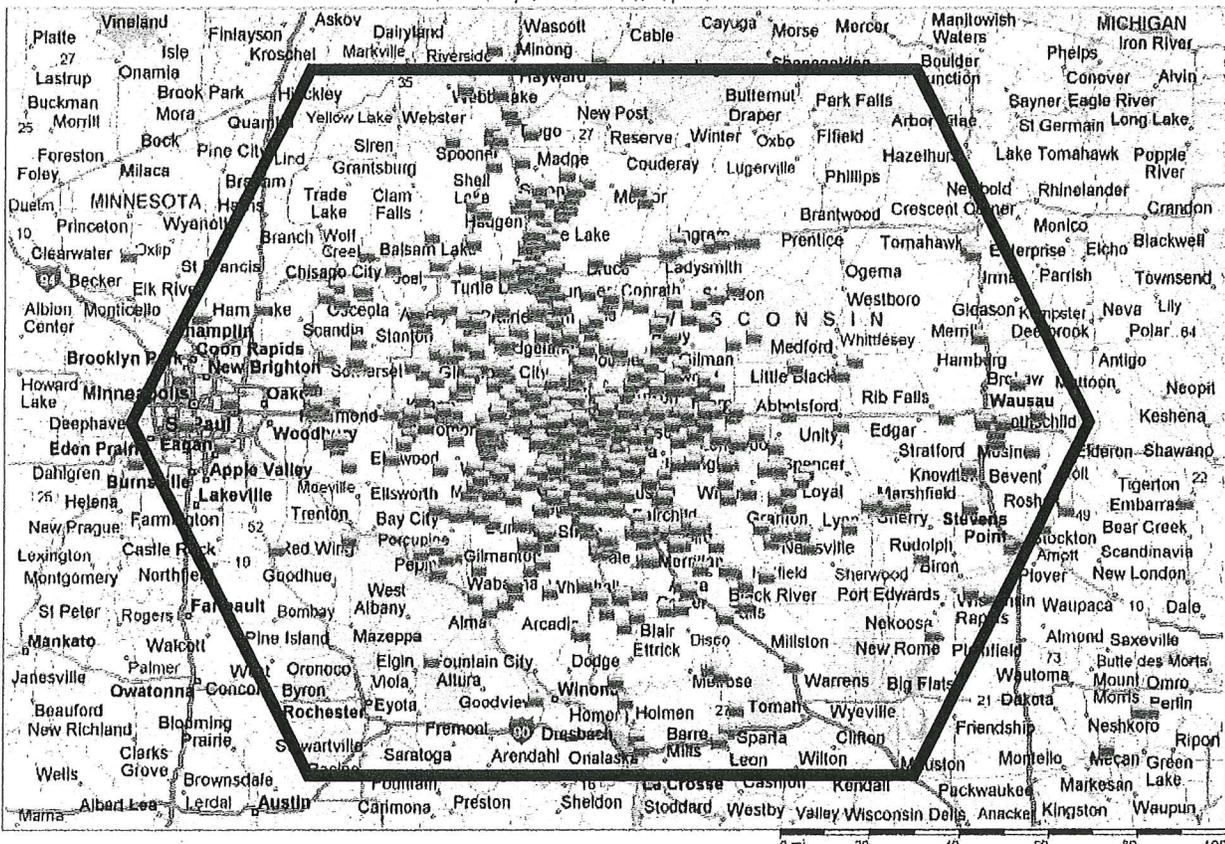
In order to promote Wisconsin Game Fest, the following promotions will be undertaken, at a minimum:

- Radio
- Television
- Newspaper
- Magazine
- Facebook
- Internet Banner Ads
- Email Campaigns
- Community Calendars
- Event Posters
- Street Signs
- Outdoor banners
- Website
- Text Message Campaign
- Press Releases
- Internet (other)
- Listing with major search agents
- Listing on variety of sport show informational websites
- Listing in on-line community event calendars
- Ticket Locations (special signage)

Tourism Impact

Each year the Wisconsin Sport Show attracts between 150 and 160 exhibitors, with over 80% of them from beyond a two-hour driving distance. Those exhibitors spend a minimum of two, sometimes three or four nights in local hotels, and enjoy meals at local restaurants, and shop in local stores. This results in an estimated 240-400 hotel nights, with additional tourism-related expenditures per show. Guests have not been surveyed regarding overnight stays, but the most recent survey data showed attendees traveling from the mapped areas below:

Map: Wisconsin Sport Show Guests



It is estimated that a similar number of exhibitors and guests will attend Wisconsin Game Fest.

Additionally, with a component of weekend competitions, it is expected that competitors and host organizations for those competitors will also be spending the weekend in Chippewa Falls and Eau Claire – utilizing hotels, restaurants, and retail stores.

12.11 - ANIMAL CARE AND LICENSES. (Rep. & recr. #2013-14)

- (1) DEFINITIONS. In this ordinance, unless the context or subject matter requires otherwise, the following definitions shall be applicable:
- (a) *Animal* means any live, vertebrate creature, domestic or wild, or any reptile.
 - (b) *Bodily harm* means bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.
 - (c) *Caretaker* means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.
 - (d) *Dangerous animal* means any of the following:
 - (1) Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
 - (2) Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of another without the permission of the owner or person in lawful control of the property.
 - (3) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals.
 - (e) *Domestic animal* means any animal which normally can be considered tame and converted to home life.
 - (f) *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/property for 10 or more consecutive days.
 - (g) *Prohibited dangerous animal* means any of the following:
 - (1) Any animal that is determined to be a prohibited dangerous animal under this ordinance.
 - (2) Any animal that, while off the owner or caretaker's property, has killed a domesticated animal without provocation.

- (3) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
 - (4) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
 - (5) Any dog that is subject to being destroyed under §174.02(3), Wis. Stats.
 - (6) Any animal trained, owned or harbored for the purpose of animal fighting.
- (h) *Serious bodily harm* means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- (i) *Enforcement officer* includes any City police officer and any other person(s) designated by the City Common Council.
- (2) PROCEDURE FOR DECLARING AN ANIMAL DANGEROUS.
- (a) Upon conducting an investigation the enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the City Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for a meeting of the City Committee No. 3. The City Committee No. 3 shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous.
 - (b) After the special meeting, the owner or caretaker shall be notified in writing of the City Committee No. 3 determination. If the Committee No. 3 upholds the determination that the animal is dangerous, the owner or caretaker shall comply with the requirements of subsection (3). If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving the Committee No. 3's decision, seek review of the decision by the City Council.
 - (c) Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with leashing, muzzling and confinement requirements of subsection (3) with all other requirements in that Section being satisfied

within thirty (30) days of the dangerous declaration or reaffirmation thereof, or within such time as established by the City Council upon review by the City Council.

(3) HARBORING DANGEROUS ANIMALS.

(a) *Dangerous animals regulated.*

- (1) No person may harbor or keep a dangerous animal within the City unless all provisions of this section are complied with. Any animal that is determined to be a prohibited dangerous animal under this section shall not be kept or harbored in the City.
- (2) The issuance of a citation for a violation of this section need not be predicated on a prior determination that an animal is a dangerous animal.

(b) *Registration.* The owner of any animal declared dangerous, shall register it with the enforcement officer upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal and payment of a \$375.00 registration fee.

(c) *Leash and muzzle.*

- (1) No owner or caretaker, harboring or having the care of a dangerous animal may permit such an animal to go outside its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than 4 feet in length.
- (2) No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its dwelling, kennel or pen unless a person who is 16 years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal, is in physical control of the leash.
- (3) A dangerous animal may be securely leashed or chained to an immovable object, with the owner or caretaker being in the physical presence of the animal at all times when it is so leashed or chained.
- (4) A dangerous animal outside of the animal's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(d) *Confinement.*

- (1) Except when leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or caretaker and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.
 - (2) When constructed in a yard, the pen or kennel shall, at minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel shall be child-proof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences at least 2 feet shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than 2 feet. All structures erected to house dangerous animals shall comply with all City zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
 - (3) No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the building on its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- (e) *Signs.* The owner or caretaker of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than 2 inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.
- (f)

Spay and neuter requirement. Within 30 days after an animal has been designated dangerous, the owner or caretaker of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

- (g) *Liability insurance.* The owner or caretaker of a dangerous animal shall present to the enforcement officer a certificate of insurance that the owner or caretaker has procured liability insurance in an amount not less than \$1,000,000.00 for any personal injuries inflicted by the dangerous animal. Whenever such policy is cancelled or not renewed, the insurer and animal's owner or caretaker shall notify the enforcement officer of such cancellation or non renewal in writing by certified mail.
- (h) *Waiver by enforcement officer.* Upon request, by the owner or caretaker, the enforcement officer may waive any requirement specified in subsections (a) through (g) that is deemed inappropriate for a particular animal.
- (i) *Notification.* The owner or caretaker shall notify the enforcement officer within 8 hours if a dangerous animal is at large, is unconfined, has attacked another animal or has attacked a human being or has died.
- (j) *Sale or transfer of possession.* No person may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of any requirements imposed upon the selling or transferring by this ordinance. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the enforcement officer in writing, at least 3 days in advance of the sale or transfer of possession with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the enforcement officer that he or she has notified the Police Department, or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.
- (k) *Euthanasia.* If the owner or caretaker of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this section, he or she may have the

animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian. The costs and fees of euthanizing the animal shall be borne by and be the responsibility of the owner or caretaker.

- (l) *Notification to landlord.* If the owner or caretaker has a landlord, then in such event, the owner or caretaker shall, within 5 days, cause a letter to be sent to the landlord notifying the landlord that he or she is the owner or caretaker of a dangerous animal at the premises owned by the landlord and shall provide a copy of the letter and proof of mailing to the enforcement officer.
- (m) *Waiver.* The enforcement officer may waive the provisions of subsections (b) to (g) for a law enforcement or military animal upon presentation by the animal's owner or handler of satisfactory arrangement for safe keeping of the animal.
- (n) *Responsibility for Compliance.* (Cr. #2015-15) Whenever an animal has been declared dangerous under subsection (2) and the order becomes final the responsibility for compliance with subsections (3)(a)—(3)(m), as may be applicable, lies with the owner or caretaker. Specifically, but not by way of limitation, the owner or caretaker has 5 business days to:
 - 1. Provide pictures of applicable signage under [subsection] (3)(e) to the Police Department;
 - 2. Provide proof of insurance under [subsection] (3)(g) to the Police Department;
 - 3. Provide proof of payment of the now \$375.00 registration fee under [subsection] (3)(b) to the Police Department;
 - 4. Provide pictures to the Police Department of all leashes and muzzles which will be used regarding the animal, which pictures shall demonstrate that there will be compliance with [subsection] (3)(c);
 - 5. Provide pictures which show proof of compliance with the pen and kennel requirements under [subsection] (3)(d) to the Police Department; and
 - 6. Provide proof of the notification to landlord requirement, if applicable, to the Police Department.

In the event that an owner or caretaker subject to this subsection fails to provide the required proof of compliance the euthanasia requirement under [subsection] (3)(k) will become applicable and the owner or caretaker will also be subject to a forfeiture action for failing to comply with a forfeiture of not less than \$300.00 plus applicable court costs, expenses, and fees.

- (4) CERTAIN ANIMALS NOT TO BE DECLARED DANGEROUS. Notwithstanding the definition of a dangerous animal above:
- (a) No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.
 - (b) No animal may be declared dangerous if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.
 - (c) No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
 - (d) No animal may be declared dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.
- (5) PROHIBITED DANGEROUS ANIMALS.
- (a) No person may bring into or keep in the City an animal that is a prohibited dangerous animal under this section.
 - (b) *Determination of a prohibited dangerous animal:*
 - (1) The enforcement officer may determine an animal to be prohibited dangerous animal whenever the enforcement officer finds that an animal meets the definition of prohibited dangerous animal or is a dangerous animal in non-compliance with any of the provisions of subsection (3).
 - (2)

Upon finding an animal meets the definition of a prohibited dangerous animal, the enforcement officer may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the City Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the City Committee No. 3 to be reviewed at a special meeting. The City Committee No. 3 shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.

- (3) Pending the outcome of the hearing, the animal may be confined, subject to §173.21, Wis. Stats., or held at a location outside the limits of the City.
- (4) After the hearing, the owner or caretaker shall be notified in writing of the City Committee No. 3's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or caretaker shall comply with subsection (a) within 5 days after the date of determination. If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving Committee No. 3's decision, seek review of the decision by the City Council.
- (6) PENALTY.
 - (a) Any person not complying with subsections (1) through (5), inclusive, set for above, shall be subject to a forfeiture of \$400.00 plus applicable court costs and fees.
 - (b) Whenever the City commences and pursues an action for involuntary euthanization under the state statutes or any other authority the City Attorney shall seek and request all applicable statutory court costs, the costs and expenses of euthanization, and any extraordinary investigative expenses incurred during the pendency of the action if the owner or caretaker absconds with the animal or hinders or deters the location of the animal during the pendency of the action or during enforcement of any judgment.
- (7) FURTHER DEFINITIONS.
 - (a) *Cruel* means causing unnecessary and excessive pain or suffering or

unjustifiable injury or death.

(b) *Kennel* means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, selling, buying, or boarding. (Am. #2015-21)

(1) *Commercial kennel* means a premises where 4 or more dogs and/or cats over the age of 6 months are kept for the primary purpose of commercial breeding, boarding, or selling of animals. A commercial kennel does not include animal hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

(2) *Non-commercial kennel* means any premises where 4 or more dogs and/or cats over the age of 6 months are kept but not for the primary purpose of commercial breeding, boarding, or selling of animals.

- (8) CONSTRUCTION AND APPLICATION. This section shall not be interpreted to cover any law regulating animal trapping, the use of live animals in dog trials or in the training of hunting dogs.
- (9) MISTREATING ANIMALS. No person may treat any animal, whether belonging to himself or another, in a cruel manner. This subsection does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.
- (10) TAKING WITHOUT OWNER'S CONSENT. No person may take a dog or cat from one place to another without the owner's consent or cause such dog or cat to be confined or carried out of this State or held for any purpose without the owner's consent, except when such animal is taken by a law.
- (11) TRANSPORTATION OF ANIMALS. No person may transport any animal in or upon any vehicle in a cruel manner.
- (12) USE OF POISONOUS AND CONTROLLED SUBSTANCES. No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in §161.14, Wis. Stats., whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This subsection does not apply to poison used on one's own premises and designed for rodent or pest extermination, nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.