



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

**Committee #3 met Wednesday, April 3, 2013 at 9:00 a.m. in the City Hall Council Chambers, 30 West Central Street, Chippewa Falls, WI.**

Council/Committee Members present: Bill Hicks, CW King, and Mike Hanke, Jane Lardahl and George Adrian.  
Others present: Cindy Welk

The meeting was called to order at 10:15 am (following the Committee #2 Meeting).

- Item 1** Discuss City of Chippewa Falls Code of Ordinances, §12.11, Animal Care and Licenses, including enforcement as relates to horses. Possible recommendations to the Council.

The Committee discussed issues related to exercising horses on City streets and in City parks and the removal of excreta resulting from this activity. Mr. Hanke stated we should not prohibit the exercising of horses on City streets and that we should refer the issue of exercising horses in City parks to the Park Board. Paragraph §12.11(20)(a) establishes a 6 foot leash requirement while exercising dogs while subparagraph (b) transitions from addressing dogs to requiring owners to immediately remove any feces or other excreta that results from exercising any animal. Even though this paragraph addresses any animal it was felt it should be referred to City Attorney Ferg for review.

**Motion by Hanke/Hicks**, all present voting aye, to have City Attorney Ferg review paragraph 12.11(20) to determine if it should be rewritten. **Motion carried.**

- Item 2** Discuss request of Welk's Mellow Days & Easy Nights (Trade Name, The Snout Saloon) for a temporary extension of premises in relation to their current Alcohol Beverage License Application for a one-time event to be held on April 28, 2013.

The temporary extension will include parking area behind the building which will be fenced off and monitored to allow compliance with current State Statutes and City Ordances for alcohol consumption.

**Motion by Hanke/Hicks**, with Hicks and Hanke voting aye and King voting no, to approve the one time extension request. The approval is contingent upon the delivery and approval by City Clerk Bridget Givens and City Attorney Ferg of all required documents. **Motion carried.**

- Item 3 Adjournment**

**Motion by Hanke/King** to adjourn at 10:35 am. **All present voting aye, motion carried.**

Minutes submitted by:  
Bill Hicks, Chair

12.11 - ANIMAL CARE AND LICENSES. (Rep. & recr. #76-18)

(1)

DEFINITIONS.

(a)

*Animal* includes every living, warmblooded creature except a human being.

(b)

*Cruel* means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(c)

*Law enforcement officer* has the meaning assigned under §967.02(5), Wis. Stats., and includes a humane officer under §58.07 but does not include a conservation warden appointed under §23.10.

(d)

*Farm animal* means any warmblooded animal normally raised on farms in the United States and used or intended for use as food or fiber.

(e)

*Kennel* means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, selling, buying or boarding.

1.

*Commercial kennel* means a premises where 4 or more animals 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. (Cr. #94-19)

2.

*Non-commercial kennel* means any premises where 4 more animals over the age of 6 months are kept but not for the primary purpose of commercial breeding, boarding, or selling of animals. (Cr. #94-19)

(f)

*Owner* includes every person who owns, harbors or keeps an animal.

(2)

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, or the slaughter of animals by persons acting under State or federal law.

(3)

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.

(4)

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 enforcement officer as designated above.

(5)

TRANSPORTATION OF ANIMALS. No person may transport any animal in or upon any vehicle in a cruel manner.

(6)

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.

(7)

PROPER FOOD AND DRINK TO CONFINED ANIMALS. No person owning or responsible for confining or impounding any animal shall refuse or neglect to supply the animal with sufficient food and water as prescribed in this subsection.

(a)

Food. The food shall be of sufficient quantity and nutritive value to maintain the animal in good health.

(b)

Water. If potable water is not accessible to the animal at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

(8)

PROPER SHELTER. No person owning or responsible for confining or impounding any animal shall fail to provide the animal with proper shelter as prescribed in this subsection. In the case of farm animals, nothing in this subsection shall be construed to impose shelter requirements or standards more stringent than normally accepted husbandry practices.

(a)

Indoor Standards. Minimum indoor standards of shelter shall include:

1.

Ambient temperatures which shall be compatible with the health of the animal.

2.

Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(b)

Outdoor Standards. Minimum outdoor standards of shelter shall include:

1.

Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

2. Shelter from inclement weather.
- a. Animals Generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
  - b. Dogs. If a dog is tied or confined unattended outdoors, a moistureproof and windproof shelter of suitable size to accommodate the dog shall be provided.
- (c) Space Standards. Minimum space requirements for both indoor and outdoor enclosures shall include:
1. Structural Strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  2. Space Requirements. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (d) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash to minimize health hazards.
- (9) ABANDONMENT. No person may abandon any animal.
- (a) Animal Control Agency. Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such an animal to the animal control agency as set forth in sub. (25) or such other designated person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer or animal control agency, or such other designated person having possession of the animal, shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
  - (b) Treated as Stray. If the owner or custodian is unknown and cannot with reasonable effort be ascertained or does not redeem the animal by paying the expenses incurred, the animal may be treated as a stray.
- (10) VACCINATION.
- (a) Rabies Control. Every owner of a dog or cat 4 months of age shall have his animal inoculated with an antirabies vaccine by a licensed veterinarian. The tag received shall be firmly attached to the collar of the animal.
  - (b) Exceptions. No dog or cat shall require the vaccination if a licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.
- (11) REVACCINATION.
- (a) Dogs. Every owner of a dog shall have his dog revaccinated within one year of the initial vaccination and thereafter within every 3 years.
  - (b) Cats. Every owner of a cat shall have his cat revaccinated annually after the initial vaccination.
- (12) BITES BY DOMESTIC ANIMALS.
- (a) Report. Any person bitten or scratched by any animal shall report the fact within 12 hours to the City Health Officer and/or a physician.
  - (b) Quarantine. (Am. #82-38) A healthy domestic dog or cat that bites a person shall be captured, confined and observed for 10 days by a veterinarian or at the animal shelter at the expense of the owner, or if the owner can provide evidence of a valid rabies vaccination, such animal can be confined and observed at the home of the owner.
    1. After such quarantine period, animals that have not previously been vaccinated must be vaccinated and proof sent to the City Health Officer within 72 hours of release.
    2. A domestic animal that has been exposed to rabies shall be held in quarantine for 6 months.
    3. A domestic animal that has been vaccinated, but is exposed to rabies, shall be quarantined for 60 days.
- (13) BITES BY WILD ANIMALS.
- (a) Any person bitten or scratched by any wild animal shall report the fact within 12 hours to the City Health Officer or the attending physician.
  - (b)

Any wild animal that bites or scratches a person shall be killed at once (without unnecessary damage to the head) and the brain examined for evidence of rabies.

(14)

LICENSES.

(a)

Fees. (Am. #80-49) Every owner of a dog or cat more than 5 months of age on March 1 of any year or 5 months of age within the license year shall annually or within 30 days from the date such dog or cat becomes 5 months of age, at the time and in the manner provided by law for the payment of property taxes, pay his dog or cat license tax and obtain a license therefor. The license fees shall be as provided in §12.01 of this Municipal Code.

(b)

Penalty. (Am. #83-1; #94-19) If application is made after April 1, a penalty of \$5 shall be added to the license fee. The penalty provided hereunder for dogs and cats shall be paid to the City Treasurer.

(15)

KENNELS. (Am. #89-13; #94-19)

(a)

License Required.

1.

Any person with 4 or more animals over the age of 6 months shall obtain either a commercial or a non-commercial kennel license. (Cr. #95-6)

2.

Subject to the licensing and fee requirements of §12.01(14)(c), any person wishing to operate or maintain a commercial kennel or a non-commercial kennel must apply for a kennel permit with the City Clerk and pay a one time required fee of \$10. Council approval is required for all kennel permits, and the police department shall provide a written recommendation to the Council for their consideration. Each kennel permit shall be posted conspicuously on the kennel premises.

(b)

Application. The application for kennel permits shall state the name and address of the owner of the proposed kennel, the location and where the kennel is to be kept, and the number of animals proposed to be kept.

(c)

Kennel Construction and Operation. These provisions apply to commercial kennels and non-commercial kennels. The regulations for animal shelter standards as set out in subsection (8) also apply to commercial kennels and non-commercial kennels.

No permit shall be granted to any owner for the operation of an outdoor kennel unless the area within which the animals are to sleep, eat or exercise shall be enclosed completely with a wire mesh fence with appropriate height and strength to insure the confinement of said animals.

Every kennel shall be maintained and operated in a neat and sanitary manner. All refuse, garbage and animal waste shall be removed at regular intervals so as to keep the surrounding area free from obnoxious odors. No owner of the kennel shall permit any of the animals to create an unusual noise from barking, howling, or create any disturbance or nuisance of any kind which unduly impairs the quiet and peaceful enjoyment of the surrounding area by other residents.

(d)

Inspection. All kennels are subject to inspection by the Animal Control Officer at reasonable hours upon request. All kennels must comply with all building and zoning codes.

(e)

Revocation. The Council may revoke any kennel permit for violation of this section after reasonable notice and opportunity to be heard is given to the permit holder.

(16)

STATE REGULATIONS. The provisions of ch. 174, Wis. Stats., pertaining to licensing of dogs are made a part of this section by reference thereto, except where the amount of such license fee is increased herein.

(17)

DOGS AND CATS NOT TO RUN AT LARGE. No person shall own, keep or harbor a dog or cat which runs at large within the limits of the City. Under the provisions of this subsection, a dog or cat shall be considered as running at large when it is not on the premises of its owner, unless it is on a leash.

(18)

VICIOUS ANIMALS. The owner of any vicious animal shall keep such animal securely enclosed on his premises away from the proximity of sidewalks, paths or alleys and shall keep it muzzled when exercising it.

(19)

FEMALE ANIMALS IN SEASON. Any female dog or cat in season shall be kept in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season.

(20)

EXERCISING ANIMALS.

(a)

No person shall exercise or walk a dog on a leash more than 6 feet in length.

(b)

No person shall allow or permit any animal owned by him or her to defecate upon property not owned by him or her without the property owner's express, not implied, consent. No person shall allow or permit any animal owned by him or her to defecate upon any public property, which shall include streets, sidewalks, boulevards, any City right-of-way areas, any City easement areas, park properties, or any City owned property, without immediately removing the feces and other excreta in a sanitary manner. (Am. #2012-14)

(21)

HOWLING ANIMALS. (Am. #86-12) No person shall own, keep, have in his possession or harbor any animal within the City which, by frequent or habitual howling, yelping or barking, causes a serious disturbance to persons or a

neighborhood, provided this subsection shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupied by the City for impounding animals.

(22)

INJURED ANIMALS.

(a)

Medical Attention. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when such animal becomes injured. If the owner of such injured animal cannot be located, the City, or any animal control agency with whom the City has an agreement or contract, shall have the authority to acquire such animal for the purpose of providing medical treatment and the owner thereof shall be responsible for reimbursement of medical costs.

(b)

Accidents. The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident, or as close thereto as possible, and, if possible, remove the animal to the side of the roadway and notify the City Police Department or the City's contracted animal control agency.

(23)

POUNDMASTER; POWERS AND DUTIES. The Poundmaster shall have the powers and duties conferred upon constables and police officers by ch. 174, Wis. Stats. The Police Department shall give him such assistance in capturing dogs, cats or other domestic animals as may be required. He shall also enforce the provisions of this section.

(24)

RABID ANIMALS.

(a)

Report Of. Any person who suspects that any dog, cat or other domestic animal in the City is infected with rabies shall report his suspicion to the Police Department, describing the dog, cat or other domestic animal and giving the name of the owner, if known. Any person who observes that a dog, cat or other domestic animal has bitten any person shall give a similar report to the Police Department.

(b)

Confinement. The Police Department or the Poundmaster shall investigate such reports and if there is a reasonable possibility that the dog, cat or other domestic animal is infected with rabies or has bitten a person, the Police Department or Poundmaster shall capture the dog, cat or other domestic animal and confine it in the place provided by the City as the City Pound or in a place deemed proper by the Police Department or the Poundmaster to observe such dog, cat or domestic animal for such period as a veterinarian deems necessary to determine if the animal is infected with rabies.

(c)

Disposal. If upon examination it is found that the dog, cat or other domestic animal is infected with rabies, it shall be disposed of in a humane manner.

(25)

IMPOUNDING OF DOGS, CATS OR OTHER DOMESTIC ANIMALS.

(a)

Any unlicensed dog, cat or domestic animal running at large shall be impounded at the place provided by the City as the City Pound by the Poundmaster or by a police officer.

(b)

Care of Dogs, Cats or Other Domestic Animals. All dogs, cats or other domestic animals impounded under this subsection shall be cared for and fed by the Poundmaster or by a person so designated by the Council.

(c)

Notice to Owner. As soon as practicable after a dog, cat or other domestic animal is impounded, the Police Department or such other person designated by the Council, shall cause notice to be published in the official newspaper of the City that such dog, cat or domestic animal is impounded.

(d)

Redeeming Impounded Dogs, Cats or Other Domestic Animals. (Am. #07-08) An impounded dog, cat or other domestic animal may be redeemed by paying \$30 for the custody and care of each dog, cat or other domestic animal which has been impounded, together with the charges for any identifiable vaccination and/or treatment. Such charges shall be paid to the Police Department of the City, who shall issue a receipt therefor. Showing such receipt to the Poundmaster or veterinarian will authorize the release of such dog, cat or other domestic animal.

(e)

Disposing of Impounded Dogs, Cats or Other Domestic Animals. If an impounded dog, cat or other domestic animal is not redeemed within 7 days, such dog, cat or other domestic animal may be disposed of in a proper and humane manner or it may be sold or given away to any person who would be a proper owner. In the case of a sale of a dog, cat or other domestic animal, such payment shall be made to the Police Department who shall issue a receipt therefor to the new owner and may then secure the release of such dog, cat or other domestic animal from the Poundmaster or veterinarian upon showing such receipt.

(26)

LIABILITY. The City and/or its designated agents shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this section.

# RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2012 ending: 06 30 2013  
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the:  Town of } Chippewa Falls  
 Village of }  
 City of }

County of Chippewa Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

CHECK ONE  Individual  Partnership  Limited Liability Company  
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership: WELK'S MELLOW DAYS & EASY NIGHTS  
 Full Name(s) (Last, First and Middle Name) WELK, DAVID JAMES Home Address EQ243 690TH AVE ELK MOUND WI 54739  
WELK, CINDY SUE MARIE

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company \_\_\_\_\_  
 Address of Corporation/Limited Liability Company (if different from licensed premises) \_\_\_\_\_  
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:  

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	_____	_____	_____
Vice President/Member	_____	_____	_____
Secretary/Member	_____	_____	_____
Treasurer/Member	_____	_____	_____
Agent	_____	_____	_____
Directors/Managers	_____	_____	_____

C. 1. Trade Name The Snow Saloon Business Phone Number 715-723-4848  
 2. Address of Premises 13 W. Central St. C.F. Post Office & Zip Code 54729

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No
4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Bar Coolers in Walk in Shelves, Office Entire 1st floor
5. Legal description (omit if street address is given above): \_\_\_\_\_
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side  Yes  No
- b. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side  Yes  No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain.  Yes  No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain.  Yes  No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776]  Yes  No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement?  Yes  No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor?  Yes  No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME  
 this 30<sup>th</sup> day of May, 20 12  
Judith Marshall  
(Clerk/Notary Public)  
 My commission expires \_\_\_\_\_

[Signature]  
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)  
[Signature]  
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)  
 \_\_\_\_\_  
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK		
Date received and filed with municipal clerk <u>5/30/12</u>	Date reported to council/board <u>6/19/12</u>	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Applicant's Wisconsin Seller's Permit Number:	
Federal Employer Identification Number (FEIN): <u>27-3748345</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$ 1.00
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$ 4.50
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ 1.00
<b>TOTAL FEE</b>	<b>\$ 5.60</b>