

AR 180-73



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN 30 DAYS OF ASSESSED CHARGES.
Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal.

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK
When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED

PLEASE READ CAREFULLY:

This Board may only determine if the City Department followed proper administrative procedures. It cannot hear appeals as to whether a Building Order is valid or not (those must be appealed to the Standards and Appeals Commission).

TO: Administrative Review Appeals Board
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: 8-2-18

RE: 6304 N 125th
(Address of property in question)

Pursuant to Chapter 68 of the Wisconsin Statutes and Section 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by DNS
(Name of City Department)

Amount of the charges \$ 3

Charge relative to: dog bite

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

Already had
appeal hearing

✓ sent from DNS
rec'd
8-1-18
I call
forgot to
Include in
Certified letter

Kimberlyn Gelhar
Name (please print)

6304 N 119th 53225 262-366-8718
Mailing address and zip code Daytime phone number



Department of Neighborhood Services

Preston D. Cole
Commissioner

Thomas Mishefske
Operations Director

Michael Mazmanian
Operations Director

July 25, 2018

Kurtis Gelhar
6304 N 119th St
Milwaukee, WI 53225

Dear Mr. Gelhar:

The Dangerous Animal Appeal Hearing was held on July 19, 2018 at the City of Milwaukee Lake Tower office relative to your appeal of the dangerous animal order issued to you for your dog "Gidget". Present, in addition to yourself, were Samantha & Jeffrey Cone, Elizabeth Krahn, Kimberlyn Gelhar, Lauren Korn, Hupy & Abraham, SC., DNS officials and the three member hearing panel.

At this time you must remove your dog "Gidget" from the City of Milwaukee (never to return) or euthanize your dog within 7 days and provide proof to this department. If you choose to remove the animal from the city, you must, prior to removal, provide the name, address and phone number of the person that will be accepting your dog. The Department of Neighborhood Services will contact the local humane officer for that municipality and inform them of the placement of this declared dangerous animal in their community.

If you choose to keep "Gidget" in the city you must comply with the following provisions and provide proof within 10 days:

1. **LEASH AND MUZZLE.** No person owning, harboring or having the care of a dangerous animal may permit such animal to go outside its kennel or pen unless the animal is securely leashed with a leash no longer than 4 feet in length. No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person who is competent to govern the animal and capable of physically controlling and restraining the animal is in physical control of the leash. The animal may not be leashed to inanimate objects such as trees, posts and buildings. A dangerous animal on a leash outside the animal's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. A dangerous animal shall not be required to be muzzled upon prior written approval of the health department or when shown in a sanctioned American Kennel Club show. Such written approval shall be carried by the owner or caretaker.
2. **CONFINEMENT.** a. Except when leashed and muzzled as provided in sub. 2. 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.
b. When constructed in an open yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel



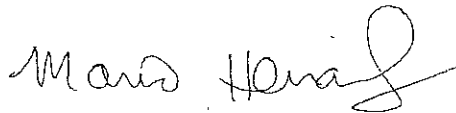
shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences (at least 2 feet) shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached 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 have a secure bottom or floor attached to the sides of the pen. 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. **CONFINEMENT INDOORS.** 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 obstacles preventing the animal from exiting the structure.
4. **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.
5. **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.
6. **LIABILITY INSURANCE.** The owner or caretaker of a dangerous animal shall present to the department or police department proof that the owner or caretaker has procured liability insurance in an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous animal. Whenever such a policy is cancelled or not renewed, the insurer shall so notify the department.
7. **NOTIFICATION.** The owner or caretaker shall notify the health department or police department within 24 hours if a dangerous animal is at large, is unconfined, has attacked another animal or has attacked a human being, has died, has been sold or has been given away. If the dangerous animal has been sold or given away, the owner or caretaker shall also provide the health department or police department 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 health department or police department showing 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.

July 25, 2018
Page 3

We expect you to comply with everything listed above immediately. An inspection will be made in 10 days to verify compliance with our directives. Failure to comply with the aforementioned code requirements will result in a referral of your case to the City Attorney's office for litigation. If you do not agree with this decision, you have five days from the receipt of this letter to appeal to the City of Milwaukee Administrative Review Appeals Board. An appeal form is enclosed. Fill out the form and return it along with the \$25 filing fee to the address on the form.

Sincerely,



Mario Hernandez, Manager
Residential Code Enforcement

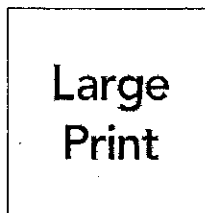
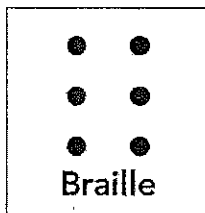
Enclosure

Cc:

City Clerk
T. Twaddle, Inspector
J. McDowell, Humane Officer, MADACC
Dr. Libby Gutting, Veterinarian, MADACC
D. Krey Environmental Health Specialist
Hupy & Abraham, SC.

Ref: danger

This material is available in alternative formats for individuals with disabilities upon request. Please contact ADA Coordinator, ADACoordinator@milwaukee.gov, 414-286-3475, TTY: 711. Provide a 72 hour advance notice, seven days for Braille, to ensure accommodation of request.



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OFFICIAL USE	
Certified Mail Fee \$	7-27-18 Postmark Here <i>ms</i>
Extra Services & Fees (check box, add fee as appropriate)	
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Total Postage and Fees \$	
Sent To	
Street an	KURTIS GILHAR
City, Stal	6304 N 119TH ST MILWAUKEE WI 53225
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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PLEASE SIGN IN

7/19/18

DANGEROUS ANIMAL HEARING RE: 6304 N 119th St

FULL NAME (PRINT)

ADDRESS (ZIPCODE)

Samantha Conle

1751 S 11th St Apt 100

West Allis WI 53214

Jeffrey Conle

Elizabeth Krah

927 Linden Street Upper Waukesha, WI 53186

Kimberly Gellert 6304 N 119th 53025

Lauren Korn

W137N6588 Manor Hills Blvd, Menomonee Falls WI 53051

Hopy and Abraham, S.C.

111 E Kilbourn Ave. Ste. 1100, Milwaukee, WI 53202