



Legislative Committee Agenda

January 17, 2017

5:45 p.m.

Civic Center Committee Room

AGENDA

1. Call to Order
2. Public Comment
3. Approval of the minutes of the Legislative Committee meeting held July 19, 2016
4. Discussion and Action Items:
 - Ordinance to Repeal and Recreate Section 180-4(H) of the City of St. Francis Code of Ordinances "Limitation of Animals"
 - 1900 East Van Beck Avenue Raze Order
5. Correspondence:
6. Unfinished Business:
7. Adjourn

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public hearings, which have a qualifying disability under the Americans with Disabilities Act. Requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the St. Francis City Clerk at 481-2300. The meeting room is wheelchair accessible from the east and west entrances.

NOTE: There is a potential that a quorum of the Common Council may be present.

**MINUTES OF THE LEGISLATIVE COMMITTEE MEETING HELD
JULY 19, 2016**

Present: Alderpersons Wattawa, and Klug

Excused: Alderperson Brickner

Also Present: Deputy City Clerk/Treasurer DeMores, City Engineer Dejewski, Public Health Administrator Scott, Building Inspector Vretenar, City Attorney Alexy, Mayor CoryAnn St. Marie Carls, Alderperson McSweeney, Alderperson Schandel, Alderperson Tutaj, Laura Martin, Jennifer Martin, Mark Johnsrud, and interested residents

Chairperson Wattawa called the meeting to order at 5:46 p.m.

Moved by Alderperson Klug, seconded by Alderperson Wattawa to place on file the minutes of the Legislative Committee Meeting held May 17, 2016. Motion carried.

Changing the City Code to allow for more than 2 dogs per residence

A letter from Laura Martin was read into the record. The committee discussed the possibility of changing the City's codes with information provided during the meeting by Public Health Administrator Scott, Building Inspector Vretenar, Mayor St. Marie-Carls, and Alderperson Schandel. Committee agreed to the possibility of a maximum of 3 animals per single household, either dogs or cats; duplexes having a limit of 2 animals per unit; large housing units would need to be on a sliding scale. Most multi-family units are regulated by the property owner or association, their restrictions cannot be more lenient than the City's code. City Attorney Alexy will present a draft ordinance at the next meeting regarding number of animals allowed at a property.

Request from Alderperson Schandel and Mayor St. Marie-Carls to create an Ethics Committee

Short discussion with Mayor St. Marie-Carls stating she was happy with New Berlin's example and half of the municipalities in Milwaukee County have one. Due to shortage of time for discussion on this matter, this item will be carried to the next meeting agenda.

Moved by Alderperson Klug, seconded by Alderperson Wattawa to Adjourn. Motion carried.

Time: 6:08 p.m.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 180-4(H) OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES “LIMITATION OF ANIMALS”

WHEREAS, Chapter 180 of the City of St. Francis Code of Ordinances, establishes regulations pertaining to animals in the City of St. Francis; and

WHEREAS, the Legislative Committee, upon request, has reviewed the existing limitations on the number of animals permitted in single-family and multi-unit housing in the City; and

WHEREAS, the Legislative Committee, upon consideration from the Health Department, has recommended revisions to the number of cats and dogs permitted in any single-family residence and any multi-family residential property; and

WHEREAS, the Common Council finds that adoption of the Legislative Committee’s proposal will promote the health, safety and welfare of the public;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Chapter 180, entitled “Animals”, Article I, “Dogs and Cats”, Section 180-4, “Dogs and cat licensing and regulation”, paragraph H, “Limitation of animals”, is hereby repealed and recreated to read as follows:

(H). ~~Limitation of animals. No household shall be allowed to have more than two dogs and two cats of licensable age.~~

(1) No person shall harbor or permit more than two dogs and two cats required to be licensed under this Chapter to be on or about any residential dwelling unit under his/her control.

(2) Fancier’s Permit.

(a) A person who wishes to keep a number of animals in excess of the number allowed under § 180-4(H)(1), may apply for a Fancier’s Permit which may be granted at the discretion of the Common Council following a recommendation from the Licensing Committee.

(b) The Fancier’s Permit application must be submitted to the City Clerk together with the application fee established by the Common Council from time-to-time. Upon receipt, the City Clerk shall refer the application to the Health Department for its consideration and recommendation. Said recommendation shall be provided within thirty (30) days of the date of the application.

(c) Following receipt of the Health Department’s recommendation, the matter shall be scheduled for a public hearing. Notice of the public hearing shall be given in accordance with Wis. Stat. § 985.07(1), Class 1 Notices, no less than 2 weeks before

- the Common Council meeting at which the public hearing will be held. The City Clerk shall also give at least 10 days ' prior written notice to all property owners within 200 feet of the property for which a Fancier 's Permit is being sought. Failure of any notice to be received by any property owner shall not, however, invalidate the action taken by the Common Council.
- (d) A Fancier 's Permit will not be considered for review until the following conditions have been met:
1. The applicant has complied with any applicable state and federal importation regulations and permit requirements, and possesses any required veterinary health certificate;
 2. The applicant has submitted to the City Clerk a completed application for a Fancier's permit, which shall list the type and number of the subject animal(s) and their proposed location within the residence, household or dwelling unit;
 3. Applicants living in a condominium or other multi-family building must obtain and submit written authorization from their Condominium Association or building owner at the time of application to obtain a Fancier's permit.
- (e) If a Fancier's Permit is granted, such permit shall be valid for one year from the date of issuance. The owner may reapply annually with updated information on the subject animals by filing a renewal application form at least 30 days prior to the expiration date. If the Common Council decides not to renew the permit, notice of the non-renewal shall be provided to the owner and the owner shall have the option to request a hearing and reconsideration as described in subparagraph g, below. The Common Council has the authority to require additional conditions as it deems appropriate.
- (f) When reviewing an application for a Fancier 's Permit, the Common Council shall consider, but is not limited to, the following factors:
1. The type and number of all animal(s) desired to be kept on the subject property;
 2. The size of the subject parcel and proximity to other neighbors; and
 3. Qualifications of the applicant.
 4. Past complaints and/or violations concerning matters regulated under this Chapter by the applicant and/or members of his/her household c
- (g) Non-Renewal or Revocation of Permit
1. Annually prior to renewal of the permit, the City Clerk shall inquire of the Police Department regarding complaints and/or incidents regarding the permittee and the permit address with reference to any of the following:
 - (a) Personal injuries or property damages caused by permitted animal(s).
 - (b) Animal noise or animal waste complaints.
 - (c) Animal at large and/or vicious animal violations.
 - (d) Permit violations
 - (e) Any other animal-related nuisance or annoyance conditions
 2. The occurrence of three or more separate such incidents within a 12-month period, documented by an investigating Police Officer or other City official and having resulted in a warning or the issuance of a citation to the permittee, shall be

deemed to create a presumption renewal or continuation of the permit would injure public health, safety or welfare and disrupt the peace and repose of the neighborhood, and shall require non-renewal or revocation of the permit. The Common Council also may, in its discretion, determine not to renew or to revoke a permit if it finds that the keeping of the animals adversely impacts upon the health, safety or welfare of the City of St. Francis or the immediate neighborhood where the animals are kept. The City Clerk shall promptly notify the permittee of the non-renewal or revocation by personal service or first class mail.

3. Any person aggrieved by the non-renewal or revocation of an animal- related permit may appeal to the Common Council by submitting a written request to the City Clerk within 10 days of the date of the notice of non-renewal or revocation. The City Clerk shall place the matter on the agenda for a public hearing on the matter at the first possible Common Council meeting. Notice of the public hearing shall be given in accordance with Wis. Stat. § 985.07(1) via a Class 1 Notice. The City Clerk shall also attempt to provide at least 10 days' prior written notice to all property owners within 200 feet of the property for which an appeal is being sought. Failure of any notice to be received by any property owner shall not, however, invalidate the action taken by the Common Council.

SECTION 2. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this ___ day of _____ 2017.

CITY OF ST. FRANCIS

BY: _____
CoryAnn St. Marie-Carls, Mayor

ATTEST:

Anne Uecker, City Clerk/Treasurer