



MEMORANDUM

Date: May 2, 2012

To: Common Council
From: Pamela A. Captain, City Attorney

RE: Petition to Exceed 4 Pet Limit (SEC. 7-1-6(e))

City of Menasha ordinance, SEC. 7-1-6(e), limits the number of pets (dogs and cats) per dwelling unit to 4 without a petition and from 5 up to 12 with a petition. The ordinance sets forth the requirements necessary to have from 5 up to 12 pets. A petition must be presented to the common council for approval. The role of the common council is to determine whether the petition meets the requirements set forth in the ordinance. The requirements set forth in the ordinance are:

1. List the dogs (or cats) by name, specific breed and license number, and
2. Signed by 80% of the residents over 18 years of age within 200 feet of the property line of the premises of the pets.

If the requirements of the ordinance are met, the common council must approve the petition. If the common council finds that the requirements of the ordinance are not met, the common council must so state in the minutes by motion.

If the common council does not take any action on the petition, the petitioner would have the ability to go into circuit court and ask for a writ of mandamus to order the common council to take action. A writ of mandamus is an extraordinary writ compelling performance of a ministerial act that the law recognizes as an absolute duty, as distinct from other types of acts that may be a matter of the official's discretion. In other words, the City's ordinance requires that the common council consider petitions submitted to it under SEC. 7-1-6(e). A petition that meets the requirements under the ordinance must be approved. Examples of discretionary matters are whether to approve a contract, a grant application, the sale of city property, a public works project or the city budget (although it is ministerial that the budget be approved by a date certain).

The burden of proof is upon the petitioner to demonstrate that the requirements of the ordinance are met. The common council can only consider the requirements set forth in the ordinance in determining whether the petition should be approved. If the common council desires to consider other factors than listed in the ordinance, it must amend the ordinance to do so.

Sample motions are:

- To approve the petition as stated, or
- Find that the petition is not sufficient for the following reason(s): (for example, it does not list the animals by name, identify the breed or license number or it only contains ___% of the signatures of the adult residents within 200 feet of the property line of the premises of the pets, not the required 80%).

Hi we are Chuck Peterson, Tammy & Amara Hoffstatter we reside at 332 Eighth Street, Menasha, Wisconsin. We would like to ask if it would be okay that we have **5 dogs** at our home. Chuck's dog is **Misty** - Female - Black Lab - Age 5^{1/2} Years (Birth date 04/09/2006) - License number 12116, Tammy's dogs are; **Twinke** - Female - Wire Fox Terrier mixed with Yellow Lab (Looks like a baby Yellow Lab) - Age 8^{1/2} - (Birth Date 06/01/2003) - License number 12224, **Zoe** - Female - Chihuahua mixed with Rat Terrier - Age 8 - (Birth Date 12/11/2003) - License number 12225, **Trinkit** - Female - Chihuahua - Age 3^{1/2} - (Birth Date 07/31/2008) - License number 12223, **Zena** - Female - Pug - Age 9 Months - (Birth Date 05//2011) - License number 12226.

If you agree that it is okay for us to have our **5 babies (Dogs)**, we would like to ask that you please sign this petition for us to **keep our babies** in Menasha, since we are over the allowed limit of 4 pets per dwelling unit. We need only the homeowner to sign please and thank you very much for allowing us to **keep our babies!**

SIGN - ADDRESS DATE

Eve Eckert 330 Eighth St 2-18-12

Deb Wittmann 313 8th St 2-18-12

Daniello Humdin 317 8th St. 2-18-12

Robert Beckman 331 8th 2-18-12

Mike 343 8th Street 02-18-12

Pamela Marrache 347 Eighth St 02-18-12

Lyn Dacic 351 Eighth St 2-18-12

Scott Deeg 344 8th St 2-18-12

Kate 720 Carver Ln. 2-18-12

Marge Newcomb 922 Carver Lane 2-18-12

Peterson/Hoffstatter

02/2012

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CITY OF MENASHA
BY___

SIGN	ADDRESS	DATE
Chris Brown	720 Carver Lane	2/18/12
[Signature]	317 Lisbon Ave	2/18/12
Brit Schmitt	321 Lisbon	2-18-12
Alan Rodwell	341 Lisbon	2-18-12
[Signature]	336 LISBON	2-18-12
Charles Huber	332 LISBON	2-18-12
[Signature]	345 Lisbon	2-18-12
Janet Sanderson	328 8th Street	2-18-12
Gene Klucka	316 8th St.	2-11-2012
[Signature]	340 8th St.	3-11-2012
Saw Blue	724 CARVER LN	3-11-2012
Marcy Helms	337 Lisbon Ave	3-11-2012
DONALD J FASCIO JR	329 Lisbon Ave. Oshkosh	
Randy Josephs	325 Lisbon Ave	3-11-12
[Signature]	326 Lisbon AV	3-11-12

SIGN

ADDRESS

DATE

Timothy A. Kramer 333 Lisbon St. Menasha, WI - OWNER
4070 W Fairview Rd Home 3-19-2012

William J. Kasmussen 327 8th St Menasha 3-19-12

Brian P. De 335-8TH ST 3-19-12

James A. Walker 349 Lisbon 3-25-12

Les Hayes 340 Lisbon 3-25-12

John 339 Eighth St. 3/30/12

Bob 348 8th St. 3/30/12

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My Name is Alice Jean Boness

CITY OF MENASHA
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I Live at 336 8th St. Menasha

My neighbor who lives at 332 8th St. Menasha
has 5 dogs

City Rules for Menasha is 4 dogs or
Cats and a Kennel License.

The neighbors do not have a Kennel
License, to have the dogs.

Tammy Hoffstatter moved in 3 years
ago with 4 dogs.

Charles Peterson (Chuck) owns the
house who has 1 dog named (Missy)

Tammy - Charles would just open the
back door and the dogs would be out
side loose and in neighbors yards
doing there duty and both Tammy
and Charles would think nothing of it
my yard was one of the yards that
they would do there duty, in this would
happen a lot.

Some times the yard would be
cleaned up, and other times not.

Tammy has a dog name Zookie
who is brown-white dog, medium size
who barks all of the time and slips
its collar and muzzle and would
and still does, go after any thing.

Zookie more than once, in

air

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The 3 years that Tammy has lived here went after my dog, who was tied and either laying in my backyard or on the back porch.

Zookie when she came after my dog the hair zookie would be up - zookie would be barking - growling - teeth showing both tammy and charles were out when this happened and would do nothing about it, till i would call the police.

Police came took report - Police told both tammy & charles, the dogs have to be tied, ok the dogs were tied for a little while, and then it would start all over again - dogs loose, doing there duty in the neighbors yards again - again mine was one of them.

And again zookie went after my dog again who was tied and in her own yard.

Zookie went after my dog 4 times in the 3 years that tammy has lived here.

There is barking at all hours of the day and nite, when they are home over

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and when they are not.

Tammy went around with a petition to have the neighbors sign, so she can keep the dogs, but she did not tell any one about the dogs being loose doing there duties in neighbors yards or tell any one about Zookie going after my dog!

She also did not tell anyone that they did not clean up after the dogs either all the time.

I know for a fact that she was not honest - because a couple of the neighbors questioned me about, what was going on, I told them the truth.

When all of this was going on there were witness, who saw all of this happen.

There is a Police Report and I did talk to the Mayor - and to Mark Langdon and also to ~~Stan~~ Stan who is also an alderman.

If every one has to keep there animals tied or fenced in and have to have a Kennel License if they have 4 dogs, How come
over

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Tammy and Charles don't have to do any of this OR obey the law??

Tammy also lied to the police about her parents - they live in neenah. Tammy more than once said that Zooki went after the neighbors dog. She also said that her dogs had to stay outside when she lives with her parents.

Charles also lied about me feeding the dogs. When Missy would come over and hit the back door she would want to come in and get a treat and drink water. She never got a treat unless Charles was asked and he would say sure or he did not care. There were witness when this would take ~~also~~ place also.

Thank you for reading this, I hope the right thing will be done.

Thank you Alice Jean Boess

Tammys Hoffstatter
Mom & Dad
address

William - Beyer

1134 Michael

Avenue Neenah

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CITY OF MENASHA
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MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP11-003033

Narratives

ENTERED DATE/TIME: 9/21/2011 21:44:18
NARRATIVE TYPE: SUMMARY NARRATIVE
SUBJECT: SUMMARY
AUTHOR: OLESZAK, NICK

REP called the MEPD to report that her neighbors dog ran across property boundary and growled at her dog which was tied up in the back yard. REP said this has been ongoing and she would like party warned for allowing her dog(s) to create trouble. Warned party was advised she needed to prevent her dog from running next door. REP party advised warned party complained of her dog barking too much. Both parties advised to refrain from actions that would be cause for this for that complaints.

alo

Incident Report

MENASHA POLICE DEPARTMENT
430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP12-000169

Incident Summary

Incident Type: ANIMAL CALLS	Report Type: INCIDENT
Inc Occurred Address: 332 EIGHTH ST, MENASHA, WISCONSIN 54952	Sector/Beat: 21/WEO4
Inc Occurred Start: 01/18/2012 17:06	Inc Occurred End: 01/18/2012 17:06
Domestic: N	Bias Motivation:
Other Agency:	Gang Related: U
Reporting Officer: KNOWLTON, DALLAS	Substance: U
Case Status:	Reported Date/Time: 01/18/2012 17:06
Jurisdiction:	Primary Assigned Officer: CSO, CSO
	Clearance: ADULT SUMMONS/CITATION
	Clearance Date/Time: 01/24/2012 13:11

Offenses

Statute Code: 7-1-1(a)	Enhancers:
Statute Desc: DOG OR CAT LICENSE REQUIRED	
Counts: 1 Statute Severity:	
Statute Code: 174.042(1)(A)	Enhancers:
Statute Desc: DOG RUNNING AT LARGE	
Counts: 1 Statute Severity:	

Officers

Event Association	Emp#	Badge#	Name	Squad#
PRIMARY REPORTING OFFICER	74	74	KNOWLTON, DALLAS	
PRIMARY ASSIGNED OFFICER			CSO, CSO	

Associated Events

Association:	Event Type:	Event#:	Event Date (Start):	Event Date (End):	Agency:
ARREST TO INCIDENT	ARREST	MP12-000169	1/24/2012 00:00:00	1/18/2012 17:06:00	MP

List of Attachments

Type:	Report ID:	Report Date:	Report Summary:
STATEMENTS		01/23/2012 00:00	Alice Jean Boness - 1 page
OTHER		04/02/2012 00:00	E-mail from DEBBIE GALEAZZI to E48

Persons Involved

Person#: 0001 MNI: 128316
Event Association: REPORTING PERSON Contact Date/Time: 01/18/2012 17:06
Name: BONESS, ALICE J

DOB:	Age:	Sex:	Race:
Height:	Weight:	Eye Color:	Hair Color:
Phone Type 1: UNPUBLISHED	Phone# 1:	Ext 1:	
Phone Type 2: UNPUBLISHED	Phone# 2:	Ext 2:	

Occupation: Employer/School:

Person address(es)

Address: 336 EIGHTH ST, MENASHA, WISCONSIN 54952

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(920) 967-3500

Incident Number: MP12-000169

Persons Involved

Person#: 0002 MNI: 193171
Event Association: WARNED Contact Date/Time: 01/18/2012 17:06
Name: HOFFSTATTER, TAMMY J
DOB: Age: Sex: Race:
Height: Weight: Eye Color: Hair Color: i
Phone Type 1: CELL Phone# 1: Ext 1:
Phone Type 2: CELL Phone# 2: Ext 2:
Occupation: Employer/School:

Person address(es)

Address: 332 EIGHTH ST, MENASHA, WISCONSIN 54952

Person Offenses

Statute Code: 174.042(1)(A) Enhancers:
Statute Desc: DOG RUNNING AT LARGE
Counts: 1
Statute Code: 7-1-1(a) Enhancers:
Statute Desc: DOG OR CAT LICENSE REQUIRED
Counts: 1

Person#: 0003 MNI: 162902
Event Association: DEFENDANT Contact Date/Time: 01/18/2012 17:06
Name: PETERSON, CHARLES R
DOB: Age: Sex: Race:
Height: Weight: Eye Color: Hair Color:
Phone Type 1: CELL Phone# 1: Ext 1:
Phone Type 2: Phone# 2: Ext 2:
Occupation: Employer/School:

Person address(es)

Address: 332 EIGHTH ST, MENASHA, WISCONSIN 54952

Person Offenses

Statute Code: 174.042(1)(A) Enhancers:
Statute Desc: DOG RUNNING AT LARGE
Counts: 1
Statute Code: 7-1-1(a) Enhancers:
Statute Desc: DOG OR CAT LICENSE REQUIRED
Counts: 1

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MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP12-000169

Narratives

ENTERED DATE/TIME: 1/18/2012 20:24:07
NARRATIVE TYPE: SUMMARY NARRATIVE
SUBJECT: SUMMARY
AUTHOR: KNOWLTON, DALLAS

On 01-18-2012 I was dispatched to 338 Eighth Street for a dog running at large.

alo

ENTERED DATE/TIME: 1/18/2012 20:32:00
NARRATIVE TYPE: INITIAL NARRATIVE
SUBJECT: E74 DICTATION
AUTHOR: KNOWLTON, DALLAS

On Wednesday January 18, 2012 I was dispatched to 338 Eighth Street for an animal complaint.

Upon arrival I made contact with the R/P

ALICE JEAN BONESS

who had been luring from the residence at 332 Eighth over to her yard in the adjacent lot at 338 Eighth and some of the dogs had been defecating in the yard and stated the neighbors had not been cleaning it up. ALICE stated she was previously friends with the neighbors but in the last year had stopped watching their dogs and had asked them several times to keep the dogs from running around in her yard, ALICE asked that I talk with her neighbors and ask them to keep the dogs from coming into her yard and also advised me there are five dogs at the residence. One of the dogs which belonged to the owner of the residence,

CHARLES R. PETERSON

and that the other four dogs belong to his girlfriend

TAMMY J. HOFFSTATTER

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I then went over to the residence at 332 Eighth Street and was able to make contact with TAMMY. I explained to

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MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP12-000169

TAMMY that her neighbor had complained about her dogs running into her yard and I asked TAMMY if the dogs were still in the house to which she stated yes, except for one dog, MISTY a Lab, who was with the currently owner CHARLES who had left the residence. TAMMY was however able to give me a rabies tag for each dog:

- 1) TWINKE with rabies vaccination number 5817
- 2) ZENA six month old puppy with current rabies vaccination number 8137
- 3) ZOE with a current rabies vaccination number of 5818
- 4) TRINKET with a rabies vaccination number of 5816.

I was not able to neither get a rabies vaccination number nor license number for MISTY because the dog was not there. I also was not able to verify that at the Police Department because the system is currently down. TAMMY, however, was not able to present valid City of Menasha Dog Licenses for the four dogs currently at the residence, I told TAMMY that I would give her two weeks to get valid City of Menasha Dog Licenses for: TWINKE, ZENA, ZOE and TRINKET and I would check on the other dog, MISTY, to see if it had a current license.

I was able to speak to CHARLES over the phone and did inform him that the neighbor called and complained this dog was running into his yard and advised CHARLES over the phone and TAMMY while she was standing in the living room that they needed to keep their dogs on a leash and ensure that the dogs don't go into the neighbor's yard. I then asked TAMMY and CHARLES if they had any further questions to which they stated, no.

Follow up should consist of a CSO checking back on or after February 1, 2012 to ensure that TAMMY has proper City of Menasha Dog Licenses for her four dogs and CHARLES PETERSON also has a valid City of Menasha Dog License for his dog as well.

No further information.

alo

ENTERED DATE/TIME: 1/20/2012 12:00:48
NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E97 DICTATION
AUTHOR: GROESCHEL, JENNY

TAMMY came into the lobby to show proof that she got her 4 dogs licensed. A copy of her receipts are attached. TAMMY told me that CHARLES will be bringing in proof that he got his dog licensed. I did talk to TAMMY about the city ordinance that limits a homeowner to having only 4 dogs and she told me that she did talk to the officer and told them that ZENA was not actually her dog, but her parents, BILL and SANDY BEYER who live somewhere up north some where. TAMMY did not know their address or even a general area where they lived.

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(920) 967-3500

Incident Number: MP12-000169

The dogs TAMMY got licensed are TWINKE, ZOE, TRINKIT and ZENA.

Follow-up consists of waiting for CHARLES to bring in proof that he got his dog licensed.

jg

ENTERED DATE/TIME: 1/22/2012 11:51:05
NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E80 DICTATION
AUTHOR: HEIDEMANN, DENTON

On 01/22/12, at approximately 10:00 a.m., I was dispatched to 336 Eighth St. to talk with the R/P about another incident that took place earlier this morning.

ALICE stated that early this morning, CHARLES, her neighbor at 332 Eighth St. opened up the back door allowing MITSY, the Black Lab to exit the house unleashed. MISTY then ran into ALICE's back yard and proceeded to defecate. ALICE stated that CHARLES is no longer home as he went to work and will not be back until late tonight. I informed ALICE that I would have a CSO follow-up with CHARLES on a later date regarding an incident that took place this morning.

A follow-up will consist of a CSO making contact with either TAMMY or CHARLES at 332 Eighth St. in reference to the alleged Animal Running at Large Complaint that took place this morning. I should be noted that both TAMMY and CHARLES still have until 02/01/12 to have one of the five dogs at the residence removed, and have the remaining four licensed through the City of Menasha.

No further information at this time.

sb

ENTERED DATE/TIME: 1/24/2012 08:45:54
NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E64 DICTATION
AUTHOR: SCHRAMPFER, MARTIN

On 01/24/12, at approximately 8:00 a.m., I was dispatched back over to 336 Eighth St. to meet with

ALICE J. BONESS

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MENASHA POLICE DEPARTMENT
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(920) 967-3500

Incident Number: MP12-000169

regarding this ongoing dog problem.

Upon my arrival, ALICE invited me to her residence, where she advised that a short time ago, the owner of the dogs next door, a

CHARLES R. PETERSON

had opened up his back door, let the Black Lab out of the house, and did not tie it up or supervise it. ALICE states the Black Lab ran into her yard, where it did urinate and defecate near the back corner of her storage shed. The dog then ran up onto porch, where she told it to go home, and the dog ran back over to 332 Eighth St., where it was let back into the residence. ALICE indicated that she is very fed-up with this and wants the matter addressed. I did explain to her the progression of steps that are taken in this type of situation, and that we would take appropriate action at this time.

Prior to arriving at the residence, I was briefed over the phone by PSP BEYER on the status of this complaint, and the fact that Warnings had already been recently issued about the dogs Running at Large. I did walk into the back yard area, where I was able to verify based on the footprints in the fresh snow and slush, that a dog had run from 332 Eighth St. into the back yard of 336 Eighth St. into an area there was animal urine and feces, and there were footprints in the snow leading back to the shoveled back patio area of 332 Eighth St.; everything consistent with what ALICE had described to me. As I was finishing making these observations, a male subject came out of the back door from 332 Eighth St. and he was identified as,

CHARLES R. PETERSON

CHARLES did admit to me verbally that he let the Black Lab out this morning, he gave a couple different excuses as to why it wasn't placed on a leash or kept under control, but ultimately, he did admit as the fact that the dog did go into the neighbor's yard, and he knew it wasn't suppose to. I did obtain his identification from him, and requested that CHARLES go back into his residence, and I would be with him shortly, that I needed to do some paperwork in my squad. I did go out to my car, where I started to complete a Municipal Citation to CHARLES for Animal Running at Large. I was partially through the Citation, when CHARLES approached my squad and spoke with me. He advised that he would like me to also inform ALICE that she should stop trying to feed his dogs and doing things that would lure them into her yard. I did advise CHARLES that I would pass that message along; however, as he started to walk back across the street towards his residence, ALICE came out on her front porch, and the two of them started yelling at each other. I had to exit my squad and advise both of the individuals to stop creating a disturbance, ultimately Warning both of them that Disorderly Conduct Tickets would be issued if they continue to yell at each other. At this point, ALICE went back into her residence, CHARLES went back over by his house and eventually came back out by my squad as I was completing the Citation. The Citation was issued to CHARLES and explained to him, and he stated he understood. At this

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Incident Number: MP12-000169

point, CHARLES was released and I cleared the scene.

No further information.

sb

ENTERED DATE/TIME: 2/8/2012 18:22:25
NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E80 DICTATION
AUTHOR: HEIDEMANN, DENTON

On February 8, 2012 at approximately 3:00pm I spoke with TAMMY over the phone regarding the issue of the fifth dog. TAMMY explained to me that the fifth dog known as ZENA was just given to her daughter a couple of months back by her father, who has now passed away. I informed TAMMY that she has the right to appeal the ordinance with City Council and informed her how to do so. TAMMY informed me that she would go and talk with City Hall and would keep us updated on the situation.

Further follow up will consist of a CSO checking with TAMMY on the status of the appeal, if she has not contacted us previously.

alo

ENTERED DATE/TIME: 2/16/2012 10:38:23
NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E80 DICTATION
AUTHOR: HEIDEMANN, DENTON

On 02/16/12, at approximately 8:15 a.m., in doing follow-up to this complaint, I was able to locate a License for the Black Lab known as MISTY. License #12116 with Rabies Expiring: 01/10/13.

Further follow-up will consist of a CSO checking up on the status of TAMMY's Appeal Process to have more than 4 dogs in one household.

No further information at this time.

sb

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CITY OF MENASHA
BY _____

ENTERED DATE/TIME: 2/21/2012 23:17:06

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430 FIRST ST,
MENASHA, WISCONSIN 54952
(920) 967-3500

Incident Number: MP12-000169

NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E80 DICTATION
AUTHOR: HEIDEMANN, DENTON

On February 21, 2012 at approximately 12:00 p.m., I spoke with TAMMY over the telephone regarding the status of her appeal process. TAMMY stated that she has already gone down to City Hall, got the necessary paperwork and is in the process of getting signatures at this time. She stated that she has approximately 50% of the signatures needed so far and as soon as she has the signatures, she will be going down to City Hall to schedule a meeting with the City Council.

Follow-up will consist of a CSO checking on the status of the appeal process within a week or two.

dk

ENTERED DATE/TIME: 4/2/2012 16:21:08
NARRATIVE TYPE: SUPPLEMENTAL NARRATIVE
SUBJECT: E48 DICTATION
AUTHOR: POLZIEN, JOSEPH

On today's date I received an e-mail from the City Clerk stating that CHUCK & TAMMY have filed their petition with them to allow for special permit in regards to the number of animals they may have at their property. Also, per that e-mail the City Clerk will be forwarded it to the City Council on April 17, 2012.

During the City Council meeting it will be determined whether or not a special permit will be issued to CHUCK and TAMMY in regards to the number of pets.

I have also attached a copy of the e-mail to the CSO report.

No further follow up or documentation at that time.

alo
