

IN THE CITY OF APPLETON,
OUTAGAMIE COUNTY,
STATE OF WISCONSIN

CITY OF APPLETON
A Wisconsin Municipal Corporation

Petitioner,

v.

John Prost - As owner of, **Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025**

Respondent.

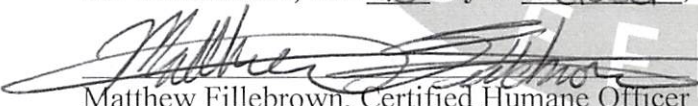
ORDER DECLARING, Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025 AS A PROHIBITED DANGEROUS ANIMALS

As the owner and/or caretaker of the above-named animal, you are hereby notified that the City of Appleton has declared that the above-named animals is a prohibited dangerous animal pursuant to the City of Appleton's Municipal Code 3-134.

Because these animals have been declared as Prohibited Dangerous Animals, you are further notified that you must immediately comply with the requirements of City of Appleton Municipal Code Section 3-134(a). You may arrange for the animal to be held outside of the City, or the animal will be confined, pursuant to 3-134(b)(3).

This order remains in effect, even if appealed, until modified or withdrawn. This order is in effect for the lifetime of the animal.

SO ORDERED, this 23 day of October, 2024 at 11:00 am/pm.


Matthew Fillebrown, Certified Humane Officer
Appleton Police Dept. City of Appleton, WI

I, John Prost (respondent's printed name), acknowledge receipt of this order and understand the contents of the order, including the time limits if I wish to appeal.

Signed: 

Date: 10/23/24

APPEAL RIGHTS ARE TIME-SENSITIVE:

If you or any other owner or caretaker of the above-named animals wishes to contest the attached Order, **within 72 hours YOU MUST deliver to the Health Officer a written objection** to the order stating specific reasons for contesting the order. Failure to timely file an objection will result in your forfeiture of the right to appeal this Order.

The health officer Charles Sepers with the City of Appleton Health Department can be reached at:

Health Director - Dr. Charles Sepers

100 North Appleton Street

Appleton, WI 54911

Phone: **920-832-6433**

Fax: 920-832-5853

Email: Charles.Sepers@appleton.org

I have enclosed copies of the City of Appleton Municipal Ordinances pertaining to this matter. Please review and comply with City of Appleton Municipal Code Section sections 3-1, 3-2, 3-131, 3-132, 3-133, and 3-134.

If you have any further question, please contact the City of Appleton Health Department.

Sincerely,

Matt Fillebrown

Lead CSO #9563 / Humane Officer
Appleton Police Department

Enclosures:

Order

City of Appleton Municipal Code Sections 3-1, 3-2, 3-131, 3-132, 3-133, 3-134

CC: Captain Lewis, Appleton Police Department, ACA Zak Buruin, Appleton City Attorney's Office, and Health Officer Charles Sepers, Health Department

JOHN PROST – owner of BEAR

RE: DECLARATION AND ORDER OF PROHIBITED DANGEROUS ANIMAL

Please let this letter and the attached order serve as your notice that the City of Appleton's Humane Officer has formally declared your animal, Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025 as a **Prohibited Dangerous Animal**, pursuant to the City of Appleton Municipal Code, Section 3-134.

I have declared your animals, **Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025**, as a prohibited dangerous animal after conducting my investigation, which is summarized below:

- #A2049785. On 10/21/2024 it was verified that the Dangerous Animal known as , **Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025** was seen at 1102 W Packard street by Appleton Police Department Personal. Bear was declared as a dangerous animal in November of 2023. Bear was not registered or licensed as a Dangerous Animal in the 30-day compliance window, but was removed from the City by John in 2023. Since Bear is now back in the City of Appleton as a Declared Dangerous Animal, that is not compliant with the Dangerous Animal Ordinances of AC 3-132, **Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025 will be declared as a Prohibited Dangerous Animal.**

Due to **BEAR being in violation of AC 3-132**, (REF. #A24049785), I am declaring the animal known as **Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025** as Prohibited Dangerous Animals that should be prohibited within the City of Appleton.

IMMEDIATE ACTION IS REQUIRED:

Because **Bear: Male, Rottweiler/Mix, Black, N+, L-, R- 2025 Wrightstown Vet Clinic 2025** has been declared as Prohibited Dangerous Animals, you must not bring the animals into or keep the animals within the City of Appleton. You must immediately comply with this order, pursuant to City of Appleton Municipal Ordinance 3-134. You may arrange for the animals to be held outside of the City of Appleton, or the animals will be confined subject to Wis. Stat. 173.21. The pertinent section of the municipal code is attached to this document. This order is intended to protect against injurious results to human beings and domestic pets caused by unprovoked attacks by your animals. The location of the Prohibited Dangerous Animal needs to be communicated to the Appleton Police Department per AC 3-132 (I) NOTIFICATION.



APPLETON POLICE DEPT

Incident #: A24049785

Reporting Officer: 9563 MATTHEW FILLEBROWN

Report Time: 10/21/2024 13:08:09

Incident

Incident Nature
Ordinance Violation

Address
1102 W PACKARD ST
APPLETON, Wisconsin 54914

Occurred From
10/21/2024 13:08:09

Occurred To
10/21/2024 13:08:09

Received By
9563 MATTHEW
FILLEBROWN

How Received
Officer Report

Contact

Disposition
Clrd Adlt, Arst (One Incident)

Disposition Date
10/21/2024

Cleared

Intrnl Inc. Sts

Cleared Date

Clearance
REPORT

Cargo Theft Related

Responding Officer(s)

9563 MATTHEW FILLEBROWN

Offenses

All Other Offenses

Completed?

Method Of Entry

Gambling Motivated?

Premises Entered?

Location Type

Cargo Theft Related?

Statute

AC 3-132(C)(4)

Description

ANIMAL - DANGEROUS
ANIMAL - MUZZLE REQUIRED
OUTSIDE DWELLING

Category

OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute AC 3-12(A)	Description ANIMALS BEING KEPT IN EXCESS	Category OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute AC 3-132(A)(1)	Description ANIMAL-DANGEROUS ANIMALS REGULATED	Category OTHER

ORDINANCE

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute	Description	Category

Persons

PROST, JOHN M Adult Offender

Address 1102 W PACKARD ST APPLETON Wisconsin 54914	Phone (906)282-3950	DOB 05/28/1987
Race White	Sex Male	Ethnicity Non-Hispanic/Latino
Height 6'02"	Weight 175	

ARMITAGE, KRISTIN M**Contact**

Address	Phone	DOB
1083 HOME AV MENASHA Wisconsin 54952	(920)284-6976	05/23/1988
Race	Sex	Ethnicity
White	Female	Unknown
Height	Weight	
5'07"	125	

WALKER, SAMANTHA J**Contact**

Address	Phone	DOB
1102 W PACKARD ST APPLETON Wisconsin 54914	(920)838-6255	01/07/1991
Race	Sex	Ethnicity
White	Male	Unknown
Height	Weight	
5'06"	120	

Narratives**Original Narrative****11/05/2024 09:40:13****INTRO**

On the week of 10/14/24, I was working as the Lead Community Service Officer/Humane Officer for the City of Appleton, and it was brought to my attention that the Dangerous Animal known as Bear: MALE, ROTTWEILER/MIX, BLACK, N+, L-, R- 2025 WRIGHTSTOWN VET CLINIC 2025 was seen at 1102 W. Packard street. Bear was declared a Dangerous Animal in 2023 due to him causing wounds to another animal that needed approximately 16 staples to close the wound, #A23056239. During incident #A23056239, John signed the Dangerous Animal paperwork and informed me that he would remove Bear from the City of Appleton and relocate him to Fox Crossing. The 30 days given to John to comply with the Dangerous Animal Declaration had come and gone, without John being in compliance with the Harboring a Dangerous Animal Ordinances, AC 3-132.

SURVEILLANCE

Knowing that Bear might be back within the City of Appleton and not being in compliance with city Ordinances for Harboring a Dangerous Animal I decided to initiate some police surveillance at the property of 1102 W PACKARD ST with a car camera. A camera was placed at 1102 W. Packard Street to monitor the front of the house to see if it could pick up Bear coming and going. Within a few minutes of setting up the camera, Officer Ollwerther #9149 reported seeing a white female with bright red hair walking a male Rottweiler on a leash on the property of 1102 W. PACKARD ST, without a muzzle on. A photo of this individual with the male Rottweiler was taken and sent to me. Upon viewing the picture the male Rottweiler matched the description of Bear. This picture was taken on 10/15/24.

Over the next 24+ hours the camera that was facing 1102 W. Packard street recorded the following pictures of what appeared to be Bear:

10/15 at 11:33:09 a Female with Bright Red hair walking a Rottweiler that looked like Bear on a

leash without a muzzle on (All dangerous animals need to be muzzled when not located within their dwelling).

10/15 a Female with Bright Red hair walking a Rottweiler that looked like Bear on a leash without a muzzle on (All dangerous animals need to be muzzled when not located within their dwelling).

10/15 a Female with Bright Red hair walking a Rottweiler that looked like Bear on a leash without a muzzle on (All dangerous animals need to be muzzled when not located within their dwelling).

10/15 a male walking a Rottweiler that looked like Bear on a leash without a muzzle on (All dangerous animals need to be muzzled when not located within their dwelling). The male was on the property of 1102 W. Packard st, but the Rottweiler was on the city terrace. The male seen in the picture was a male with a beard that looked like John Prost.

10/15 a male walking a Rottweiler that looked like Bear on a leash without a muzzle on (All dangerous animals need to be muzzled when not located within their dwelling). The male was on the property of 1102 W. Packard st, but the Rottweiler was on the city terrace. The male seen in the picture was a male with a beard that looked like John Prost.

10/15 a male walking a Rottweiler that looked like Bear on a leash without a muzzle on (All dangerous animals need to be muzzled when not located within their dwelling). The male was on the property of 1102 W. Packard st, but the Rottweiler was on the city terrace. The male seen in the picture was a male with a beard that looked like John Prost.

VIOLATION INVESTIGATION

Upon viewing the pictures of what appeared to be Bear located on the property of 1102 W. Packard Street, I initiated a TLO search of people who live at that address. I saw that John Prost and Samantha Walker were still listed as residents of that address. A Facebook search on Samantha Walker was done on her public account. I could see that Samantha has posted a picture of herself with a male Rottweiler as her profile picture. In the comments of this picture, Samantha mentions that it's her boyfriend's dog, but just as much as hers now. I could see that Samantha had red hair in this picture, which matches the description of the female in the surveillance pictures taken on 10/15/2024. With the surveillance pictures taken and the evidence obtained from Facebook, I felt that the chances of Bear being back in Appleton and not in compliance with AC 3-132 were high. I also noticed in the surveillance pictures that Samantha seemed to be walking three other smaller dogs. Upon viewing her Facebook pictures I could see that the smaller dogs in the surveillance pictures matched the pictures seen on Facebook. All dogs in the pictures appeared to be over 5 months of age, meaning that the household of 1102 W. Packard had more than 3 dogs over 5 months of age. This was also in violation of City of Appleton Ordinance AC 3-4 Animals in Excess. With this information I prepared the appropriate paperwork for John, Samantha and Bear and made my way to 1102 W. Packard Street to see if Bear was residing inside that address.

JOHN PROST MEETING

On 10/23/24, I made my way to 1102 W. Packard Street and knocked on the door. John greeted me at the door and I introduced myself to him. I asked John if he knew why I was here, and he said no. I told John that I was here today because of Bear was back. John immediately said NO to Bear being back. I asked John if he was sure about that, and then John said something to the effect of "I...well, he comes here when my ex-girlfriend works; I get him". John then went on to say that Bear doesn't live here. I told John that Bear is still residing at this residence, though, and that has to be addressed. John invited me inside his residence to talk. John told me that his girlfriend was upstairs sleeping with her three dogs. I informed John that I would be quite.

John and I sat down and started to talk about why I was here. I informed John that once he signed the Dangerous Animal Paperwork last year, he had 30 days to comply with all of the City's Ordinances for Dangerous Animals. John and I then both agreed that not only did he remember this but he then verified that he removed Bear to Fox Crossing. John then went on to tell me again that he does get Bear from his ex-girlfriend and brings him to his house. I told John what the rules were for harboring a Dangerous Animal and how he was in non-compliance since 30 days had passed. John then admitted to me that Bear had been at the house twice recently in the last few days. John

then said that he didn't know Bear couldn't come back to the house.

I then went over the Prohibited Dangerous Animal Order for Bear due to him being in non-compliance of AC 3-132. I explained the Prohibited Dangerous Animal Order to John and went over what it meant and what John had to do. We discussed that Bear had to be removed immediately from the City of Appleton. I then went over how John could contest this order if he so choose. I then asked John if Bear was here right now and John admitted to me that Bear was upstairs. John told me that we would remove Bear within the next few hours and take him to Fox Crossing. Paperwork was signed by John. I then went over the licensing for Samantha's 3 dogs. I explained to John what Samantha needed to do to make sure her 3 dogs would be licensed for the City of Appleton. I then explained to John that he could only have 3 dogs at his house at a time as well, but that since Bear would be removed he wouldn't be in violation. I finished by giving John his ticket for being in violation of the Dangerous Animal ordinances.

Contact was then made with Kristin on my recorded phone line. Kristin verified that Bear was delivered to her address and she understood that Bear could not be in the City of Appleton due to him being prohibited. Kristin said she understood.

PROHIBITED DANGEROUS ANIMAL

Bear: MALE, ROTTWEILER/MIX, BLACK, N+, L-, R- 2025 WRIGHTSTOWN VET CLINIC 2025

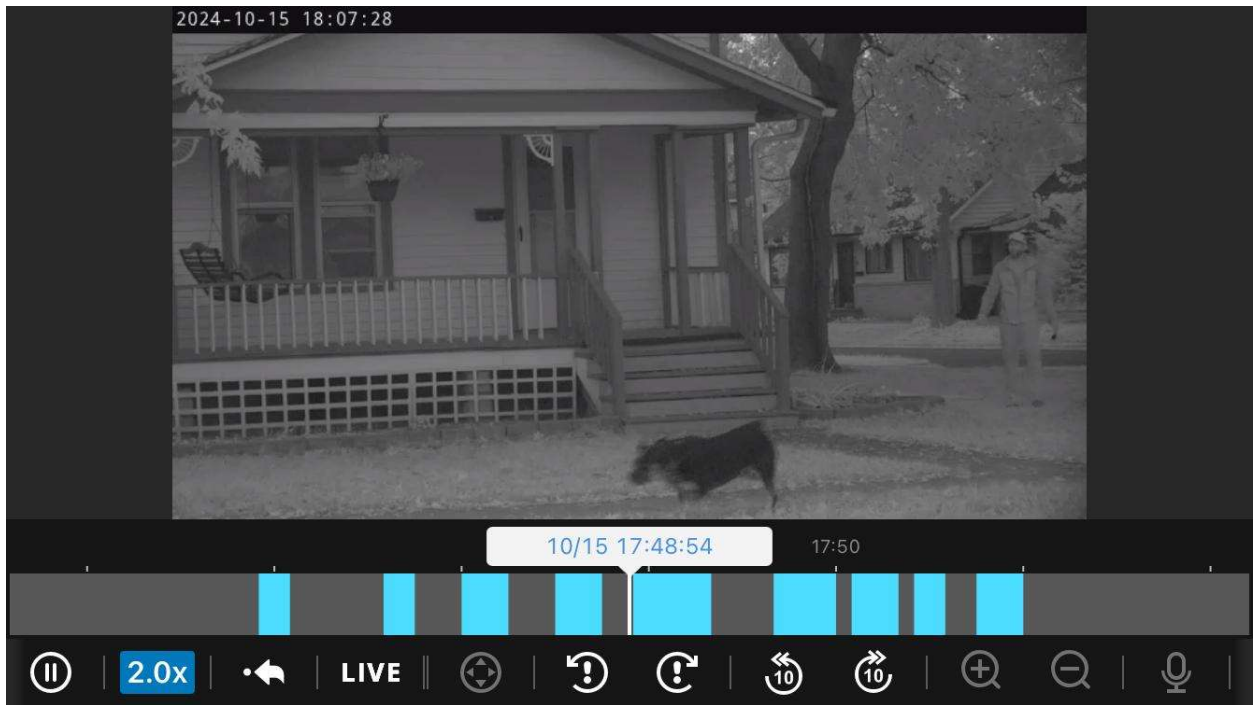
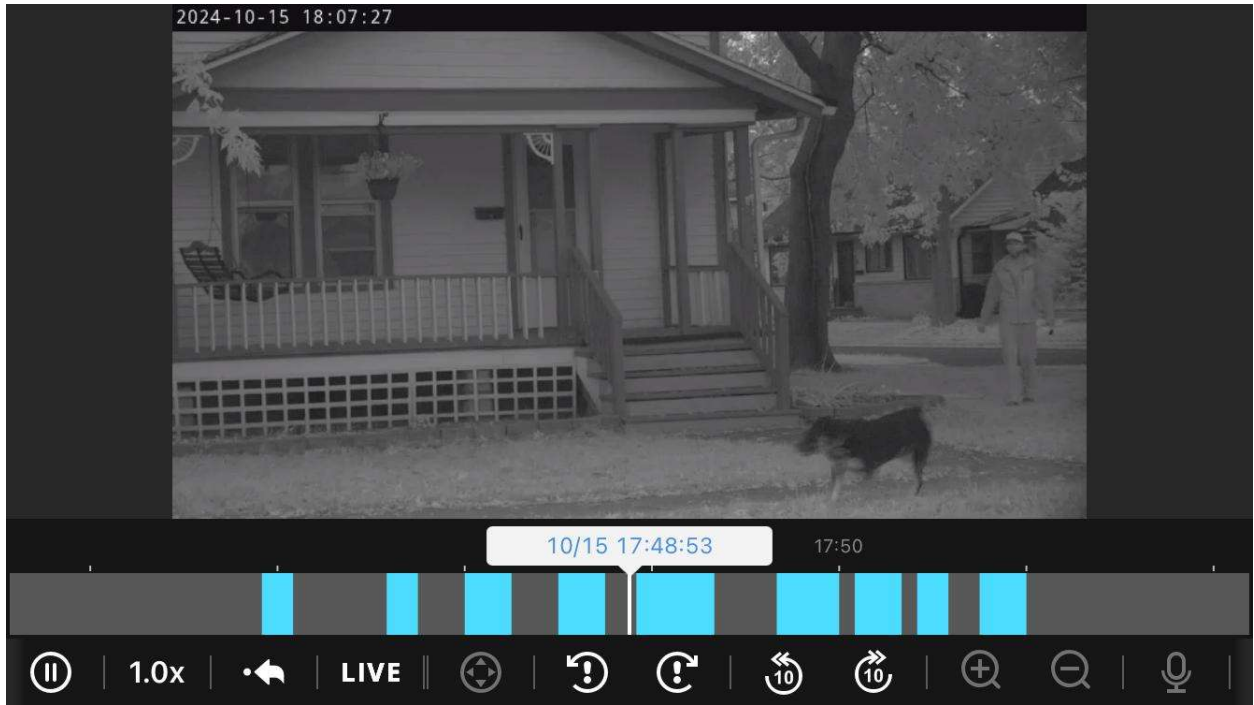
Axon on and uploaded to Evidence.com

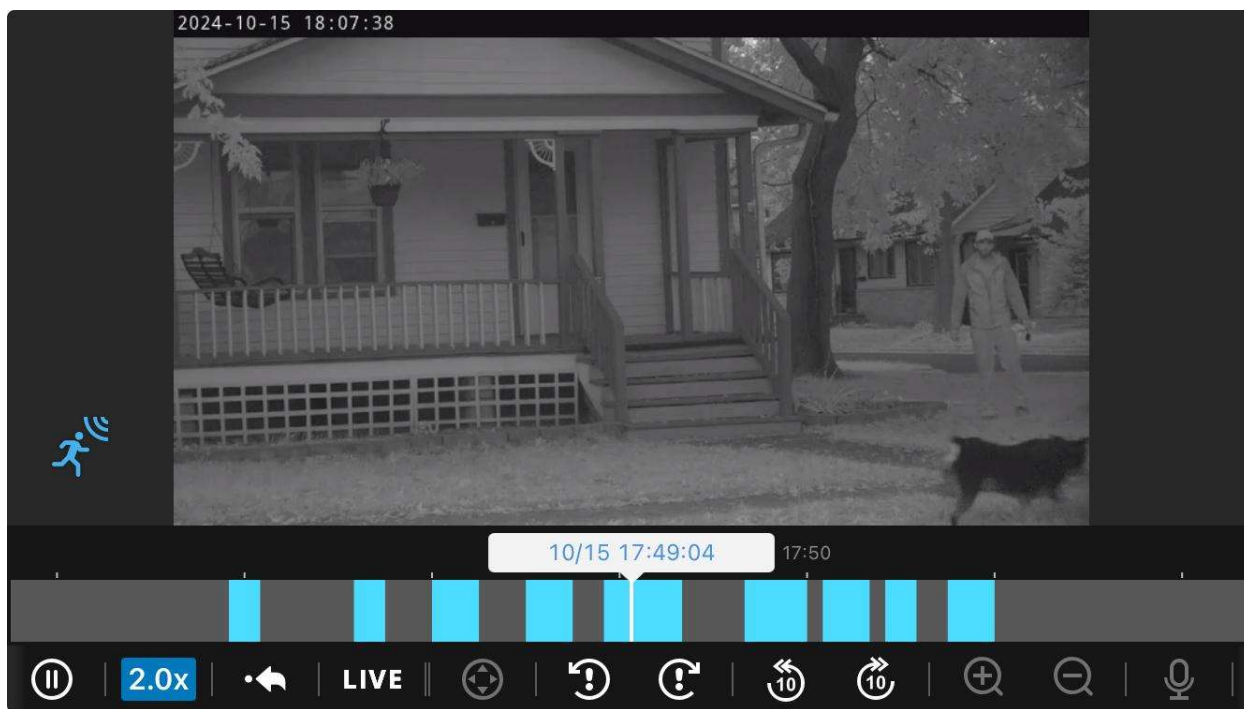
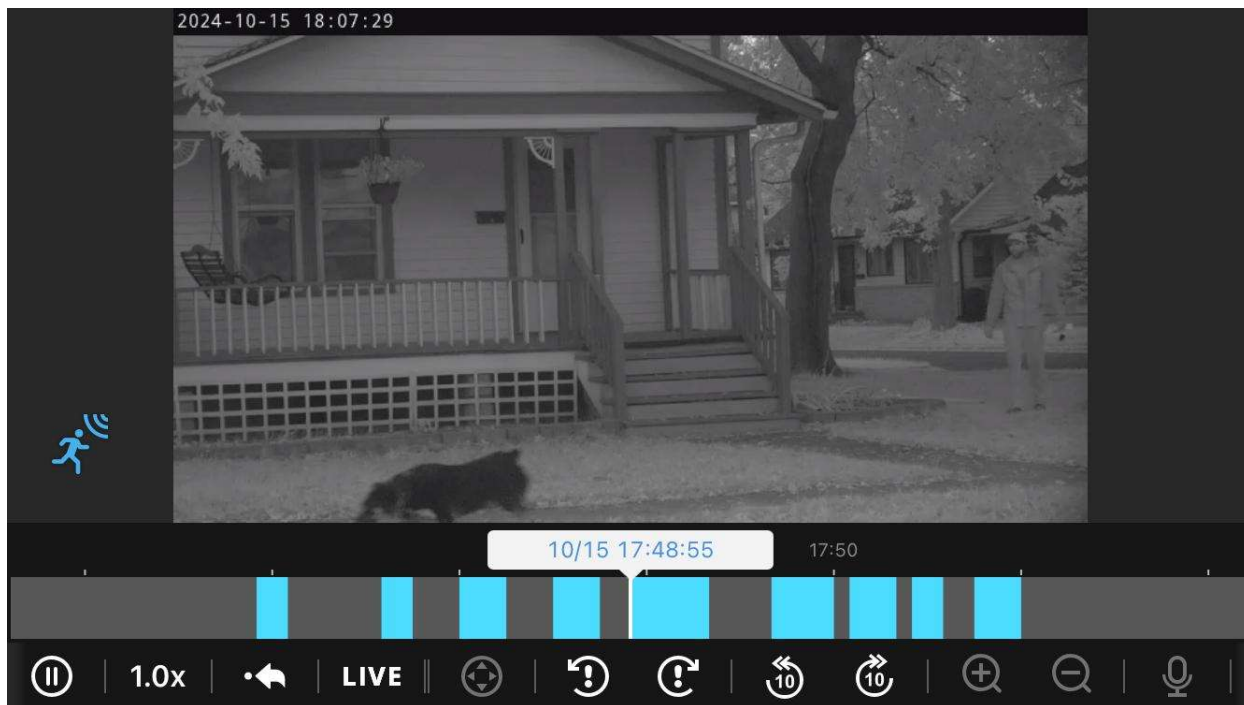
Pictures uploaded to Evidence.com

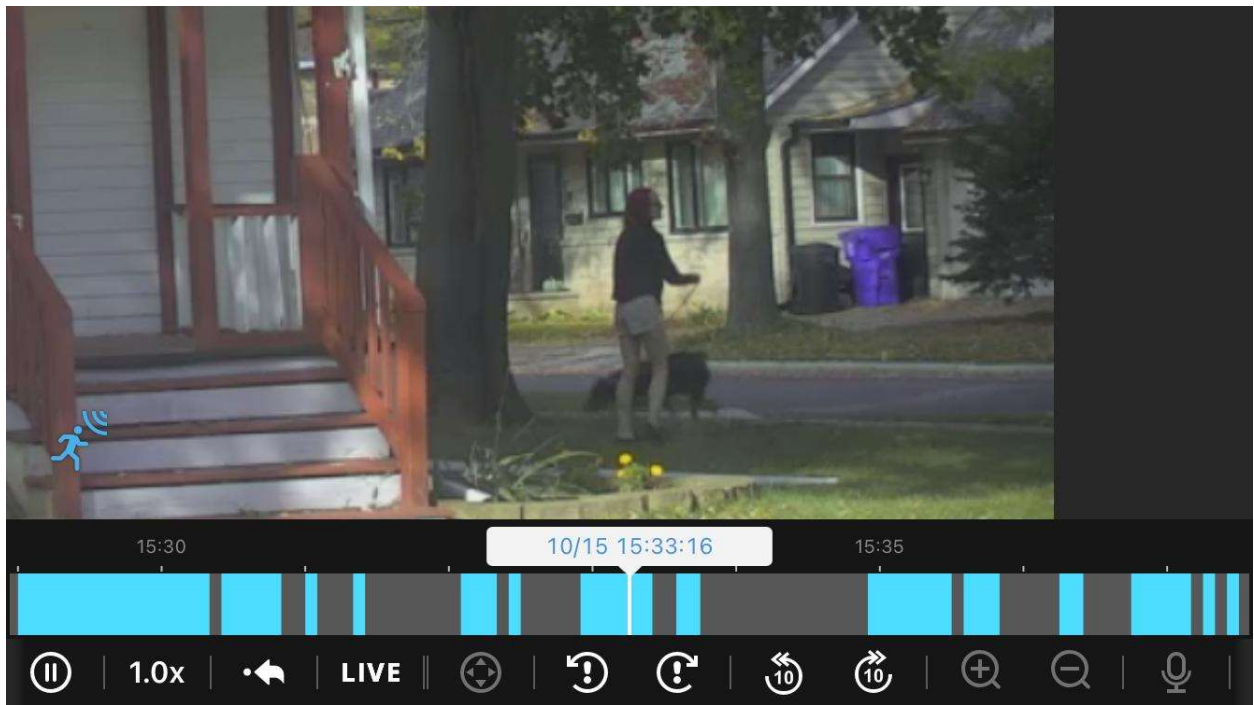
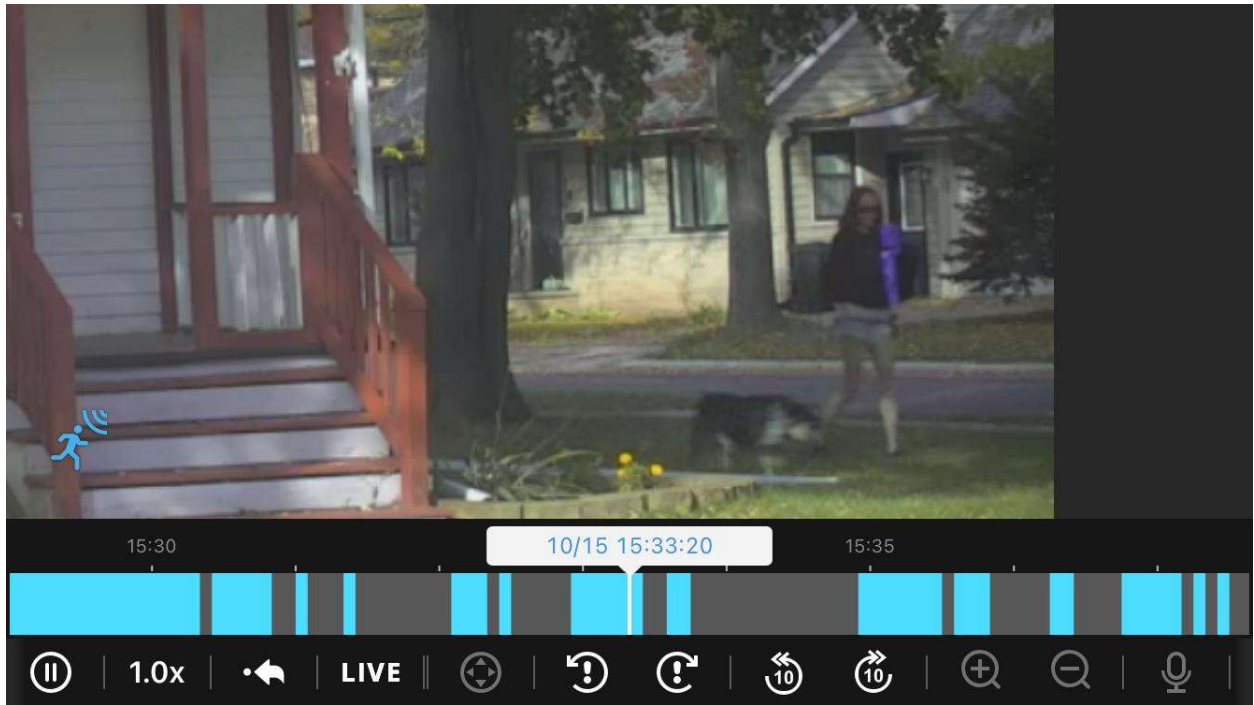
ARREST CUSTODY INFORMTION

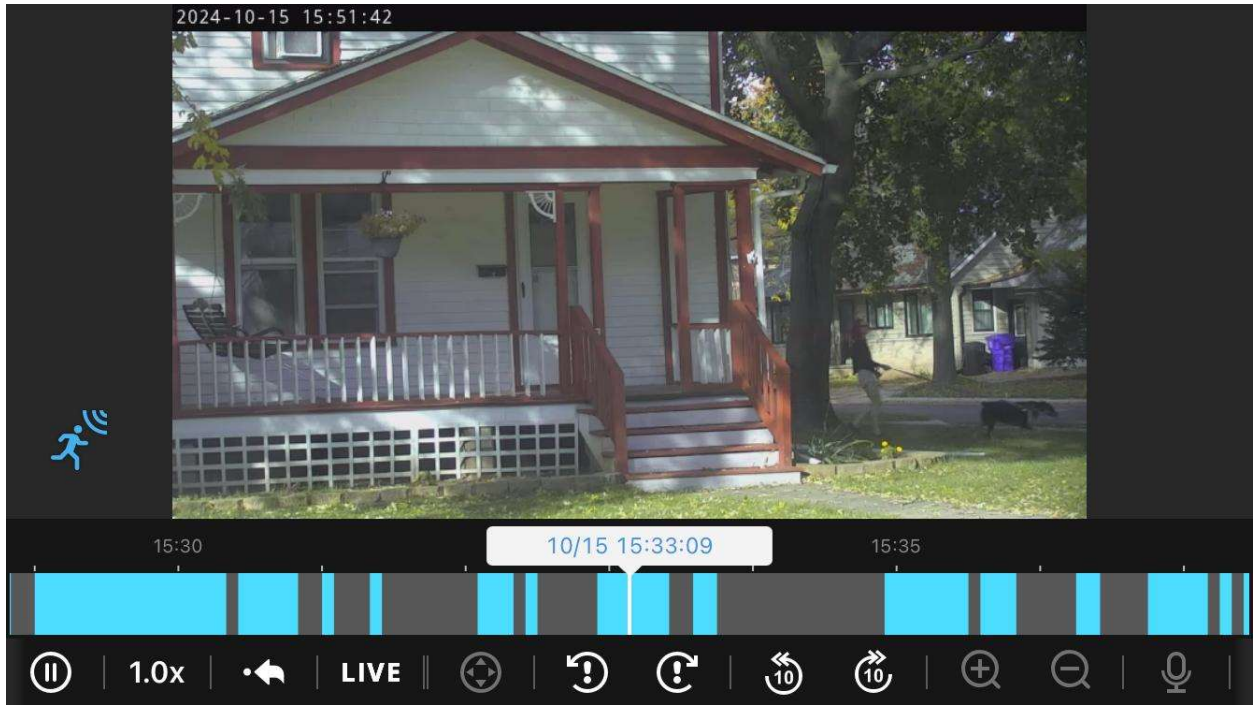
John Prost 05/2/1987 will be cited for failure to be in compliance of AC 3-132.

FILLEBROWN #9563









IN THE CITY OF APPLETON,
OUTAGAMIE COUNTY,
STATE OF WISCONSIN

CITY OF APPLETON
A Wisconsin Municipal Corporation

Petitioner,

v.

John Prost & Kristin Armitage as owner of: Bear:Male, Rottweiler/Mix, Black, L-, R+ 2023
Wrightstown Vet Clinic 2023

Respondent.

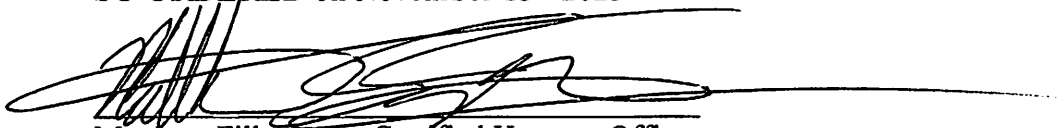
ORDER DECLARING ANIMAL DANGEROUS

As the owner and/or caretaker of *the above-named ANIMAL*, you are hereby notified that the City of Appleton has declared that *the above-named ANIMAL* AS dangerous pursuant to the City of Appleton's Municipal Code 3-131.

Because the animal has been declared dangerous, you are further notified that you must immediately comply with leashing, muzzling, and confinement requirements of City of Appleton Municipal Code Section 3-132. You must, within thirty (30) days, comply with all other requirements of City of Appleton Municipal Code Section 3-132 of the dangerous declaration.

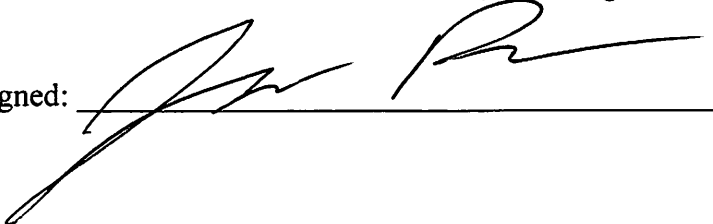
This order remains in effect, even if appealed, until modified or withdrawn. This order is in effect for the lifetime of the animals.

SO ORDERED on November 13th 2023



Matthew Fillebrown, Certified Humane Officer
Appleton Police Dept. City of Appleton, WI

I, John Prost (respondent's printed name), acknowledge receipt of this order and understand the contents of the order, including the time limits if I wish to appeal.

Signed: 

Date: 11/14/23

APPEAL RIGHTS ARE TIME-SENSITIVE:

If you or any other owner or caretaker of the above-named animals wishes to contest the attached Order, **within 72 hours YOU MUST deliver to the Health Officer a written objection** to the order stating specific reasons for contesting the order. Failure to timely file an objection will result in your forfeiture of the right to appeal this Order.

The Health Deputy Director, Charles Sepers, with the City of Appleton Health Department can be reached at:

Health Director - Dr. Charles Sepers

100 North Appleton Street

Appleton, WI 54911

Phone: 920-832-6433

Fax: 920-832-5853

Email: Charles.Sepers@appleton.org

I have enclosed copies of the City of Appleton Municipal Ordinances pertaining to this matter. Please review and comply with City of Appleton Municipal Code Section sections 3-1, 3-2, 3-131, 3-132, 3-133, and 3-134.

If you have any further question, please contact the City of Appleton Health Department.
Sincerely,

Matt Fillebrown

Lead CSO #9563 / Humane Officer

Appleton Police Department

Enclosures:

Order

City of Appleton Municipal Code Sections 3-1, 3-2, 3-131, 3-132, 3-133, 3-134

CC: CPT. Lewis- Appleton Police Department, ACA Zak Buruin - Appleton City Attorney's Office, and Charles Sepers - Health Department

November 13th 2023

John Prost & Kristin Armitage

RE: DECLARATION AND ORDER OF DANGEROUS ANIMAL

Dear John Prost & Kristin Armitage

Please let this letter and the attached order serve as your notice, that the City of Appleton's Humane Officer has formally declared your animal: Bear: Male, Rottweiler/Mix, Black, N+, L-, R+ 2023 Wrightstown Vet Clinic 2023, pursuant to the City of Appleton Municipal Code, Section 3-131.

I have declared your ANIMAL as dangerous after conducting my investigation, which is summarized below:

Incident # A23056239: On 11/08/2023 the Appleton Police Department was dispatched to 519 N Summit Street in regards to Bear attacking another domesticated animal. It was determined that this attack happened off of Bear's property and that he was at large. It was also determined that this attack was considered to be a unprovoked attack. The wounds caused by Bear needed approximately 23 staples to close the wounds on the victim dog's neck. Citations for At Large AC 3-15(a) and Unprovoked Animal attack AC 3-15(b) was issued.

Due to Bear's unprovoked attack vs a domesticated animal that caused significant bodily harm, Bear: Male, Rottweiler/Mix, Black, N+, L-, R+ 2023 Wrightstown Vet Clinic 2023, is being declared as Dangerous Animals for the City of Appleton.

IMMEDIATE ACTION IS REQUIRED:

Because your ANIMAL has been declared dangerous, you must comply with leashing, muzzling, and confinement requirements IMMEDIATELY, as set forth in City of Appleton Municipal Code Section 3-132. You must, within thirty (30) days, comply with all other requirements of City of Appleton Municipal Code Section 3-132 of the dangerous declaration. The pertinent section of the municipal code is attached to this document. This order is intended to protect against injurious results to human beings and domestic pets caused by unprovoked attacks by your animal.



APPLETON POLICE DEPT

Incident #: A23056239

Reporting Officer: 9567 STEVEN JACOBSON

Report Time: 11/08/2023 08:41:51

Incident

Incident Nature
Animal Bite

Address
519 N SUMMIT ST; PHONE
CALL
APPLETON, Wisconsin 54914

Occurred From
11/08/2023 08:41:25

Occurred To
11/08/2023 08:42:37

Received By
9534 GE LEE

How Received
Telephone

Contact
KINLEE OLSEN

Disposition
Clrd Adlt, Arst (One Incident)

Disposition Date
11/13/2023

Cleared

Intrnl Inc. Sts
Ordinance Citation Issued

Cleared Date

Clearance
REPORT

Cargo Theft Related

Responding Officer(s)

9567 STEVEN JACOBSON

Offenses

All Other Offenses

Completed?

Method Of Entry

Gambling Motivated?

Premises Entered?

Location Type

Cargo Theft Related?

Statute

AC 3-132(A)(1)

Description

ANIMAL-DANGEROUS
ANIMALS REGULATED

Category

OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute AC 3-15(A)	Description ANIMAL NOT TO RUN AT LARGE	Category OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute AC 3-66	Description ANIMAL LICENSE REQUIRED FOR DOGS AND CATS	Category OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute AC 3-15(b) ATTACK	Description ANIMAL NUISANCE-ANIMAL ATTACKS W/OUT PROVOCATION	Category OTHER

Persons

PROST, JOHN M Adult Offender

Address 1102 W PACKARD ST APPLETON Wisconsin 54914	Phone (906)282-3950	DOB 05/28/1987
Race White	Sex Male	Ethnicity Non-Hispanic/Latino
Height 6'02"	Weight 175	

OLSEN, KINLEE S

Victim

Address	Phone	DOB
519 N SUMMIT ST APPLETON Wisconsin 54914	(920)200-6567	11/16/1998
Race	Sex	Ethnicity
White	Female	Unknown
Height	Weight	
5'04"	161	

Narratives

Original Narrative

11/29/2023 14:34:42

On 11/08/2023 at approximately 1000 hours, I, CSO Jacobson # 9567 was dispatched an animal bite at 519 N Summit St. Notes indicated that the RP's dog was at Blue Pearl Animal Hospital.

Kinlee told me that on the morning of the attack, she had let Skip out in their backyard, and that he was confined to their property via leash. Kinlee stated that when she went outside to bring Skip into her house, she noticed that the attacking dog, Bear, was on her property. She Kinlee also noticed that Bear's owner was on her property as well, who then informed her that his dog had just bitten hers. Kinlee informed me she then took Skip to Blue Pearl shortly after. Kinlee informed me that the owner of the dog lived on the corner of Packard and Summit St in a white house. I then informed Kinlee that I would be going over to the attacking dog's house to gather more information.

After making the call to Kinlee, I then made my way over to 1102 W Packard St which ended up being the white house on the corner of Packard St and Summit St. A man answered the door, who I identified as John M. Prost (05/28/1987). John then showed us where the bite took place in Kinlee's yard through a window in his residence. He stated that Bear jumped out of his car door and that is when Bear made his way over to Kinlee's yard, approaching Skip. John stated that his dog, Bear, a Rottweiler bit Skip in the neck leaving a puncture wound. John explained that he was able to release Bear from Skip after the bite took place. Bear was initially proved to not be vaccinated due to the expired vaccination papers that John showed me.

I then called the vet John gave me where the vet confirmed that Bear was not up to date on rabies vaccination. I then filled out an APD Order to Quarantine for Bear. I explained the Quarantine to John informing him that Bear had to complete the full 10 day Quarantine, where he'd have to leave Bear at the vet for those 10 days. I informed John that he would be getting 2 warnings and 2 citations. The warnings would be for AC 3-66 (Animal License Required) and AC 3-15(a) (Animal at Large). The two citations were for AC 3-15(b) (Unprovoked Animal Attack) and AC 3-18 (rabies vaccination required). After explaining to John that these would be mailed to him, he acknowledge and we were on our way.

As we left, John called us back and stated that he did in fact have proof of vaccination records that were up to date. He did not inform us initially of the correct vet that he goes to. He gave us the place where he rescued bear (Lakeshore in Manitowoc) but told us his vet is the Wrightstown Vet Clinic. He sent me confirmation of the up to date vaccinations for Bear. The citation for rabies vaccinations was voided due to providing an up to date vaccination form which has been upload to evidence.com. He also does not need to quarantine his dog since both dogs are vaccinated, which we also informed him of at that time.

Enforcement Actions:

John Michael Prost
05/28/1987

John has been given 2 warnings via mail and 1 citation that was delivered in person. The two warnings include one for having an animal at large (AC 3-15(a)) and the second warning is for not having his dog licensed through the City of Appleton (AC 3-66). The citation John will be receiving is for the animal attack bite (AC 3-15(b)) that occurred in this case.

I have determined this to be an unprovoked attack due to the fact that Skip was on its own property, it was leashed up, and it did not do anything in regards to bear who ran on to their property and bit into the neck of skip.

Dog Information:

Name: Bear
Breed: Rottweiler
Age: about 2-3 years
Color: Black
Vaccinated: YES
Licensed: NO

Name: Skip
Breed: Beagle
Age: 16
Vaccinated: YES
Licensed: NO

CASE STATUS/DISPOSITION:
This case is cleared by arrest.

RECORDING DEVICE:
AXON ON

END OF REPORT.

CSO S. JACOBSON #9567
CSO VAN #1049

Supplemental Narrative

**11/13/2023 09:55:21 9563 MATTHEW
FILLEBROWN**

On 11/13/23 while working as the Lead Community Service Officer and Humane Officer for the City of Appleton, I followed up on this animal attack incident. Upon viewing the pictures that were uploaded to this case I was able to see that the severity of the wounds inflicted by Bear were extremely. The victim dog Skip, sustained a laceration approximately 8-10 inches in length across Skip's neck region. This wound needed approximately 23 staples to close it. The investigation of this attack determined it to be a unprovoked attack. Skip was on his own property leashed up and Bear left his property and then proceeded to attack Skip, being at large in the process.

Since this was an unprovoked animal attack that caused significant injuries needing approximately 23 staples to close the wound, I have determined that this incident justifies a Dangerous Animal Declaration since Bear inflicted bodily harm on a domestic pet while being at large.

Contact with John was made on my recorded phone line on 11/13/23 and I introduced myself to him and explained the reason for my phone call. I explained to John that due to the wounds inflicted by Bear, that the City of Appleton would be declaring his animal, Bear, as a Dangerous Animal for the City of Appleton. I went over the ordinances with John and explained them to him

on the phone. John informed me that he understood what was explained to him. I also informed John that a Ticket for his animal being at large would also be issued to him and not a warning.

John informed me that this is the second bite that has now happened with Bear. The first incident happened in Fox Crossing. John then informed me that he would be moving Bear to 1083 Home Avenue Menasha, WI. I informed John that I would be contacting Fox Crossing to let them know that Bear would be in their jurisdiction. I explained to John that I had paperwork for him and would like to go over the Declaration of Dangerous Animal in person with him. John said that he could make it to the APD on Tuesday morning, 11/14/23.

Fox Crossing was notified that Bear would be moving into their jurisdiction. Fox Crossing also did not have any record of Bear's other attack on file.

Arrest Custody Information

John M. Prost 05/28/87 will be cited for AC 3-15(a) Animals at Large.

Dangerous Animal Declaration of Bear.

Name: Bear

Breed: Rottweiler

Age: about 2-3 years

Color: Black

Vaccinated: YES

Licensed: NO

Location: 1083 Home Avenue

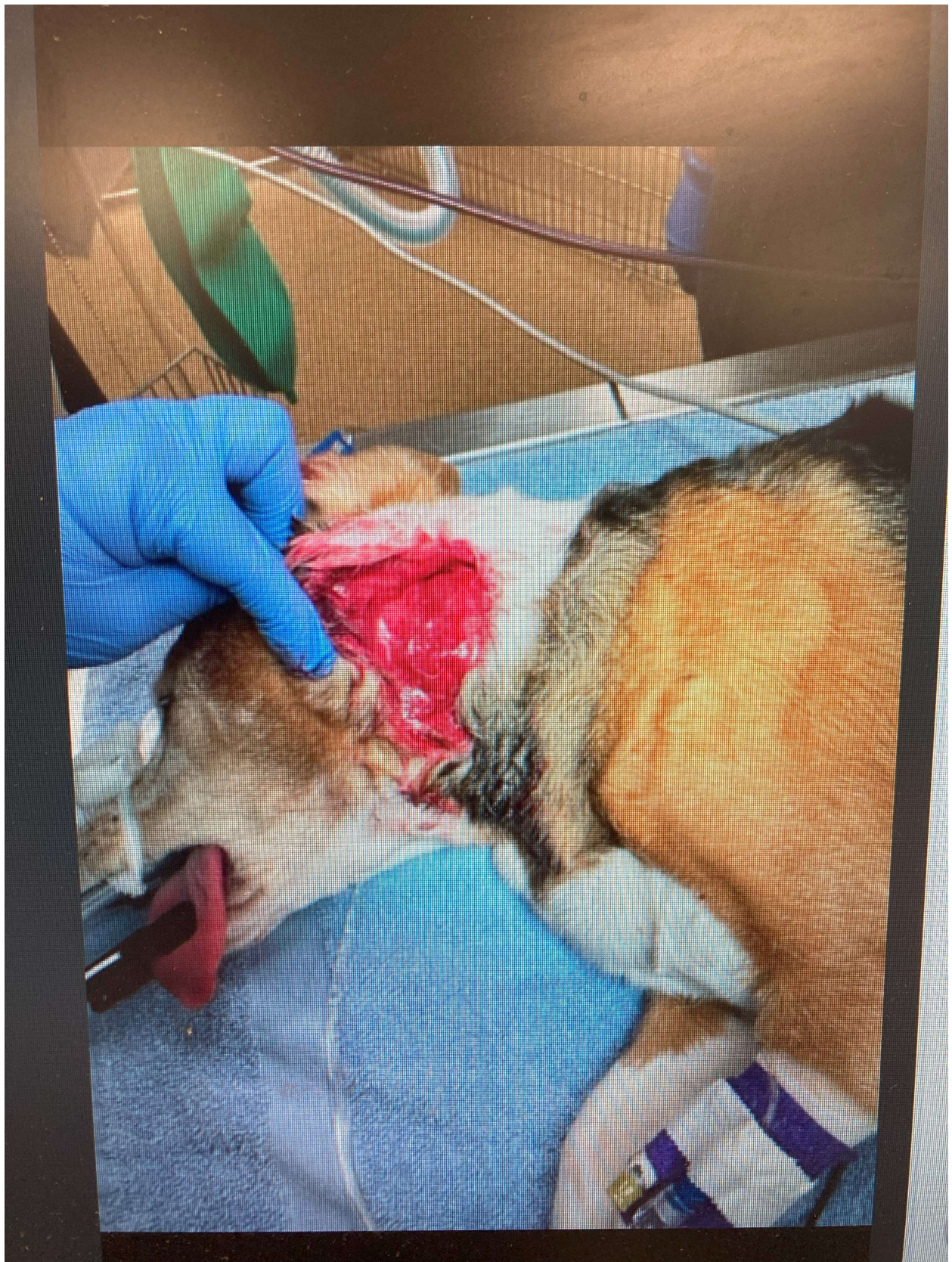
Fillebrown #9563

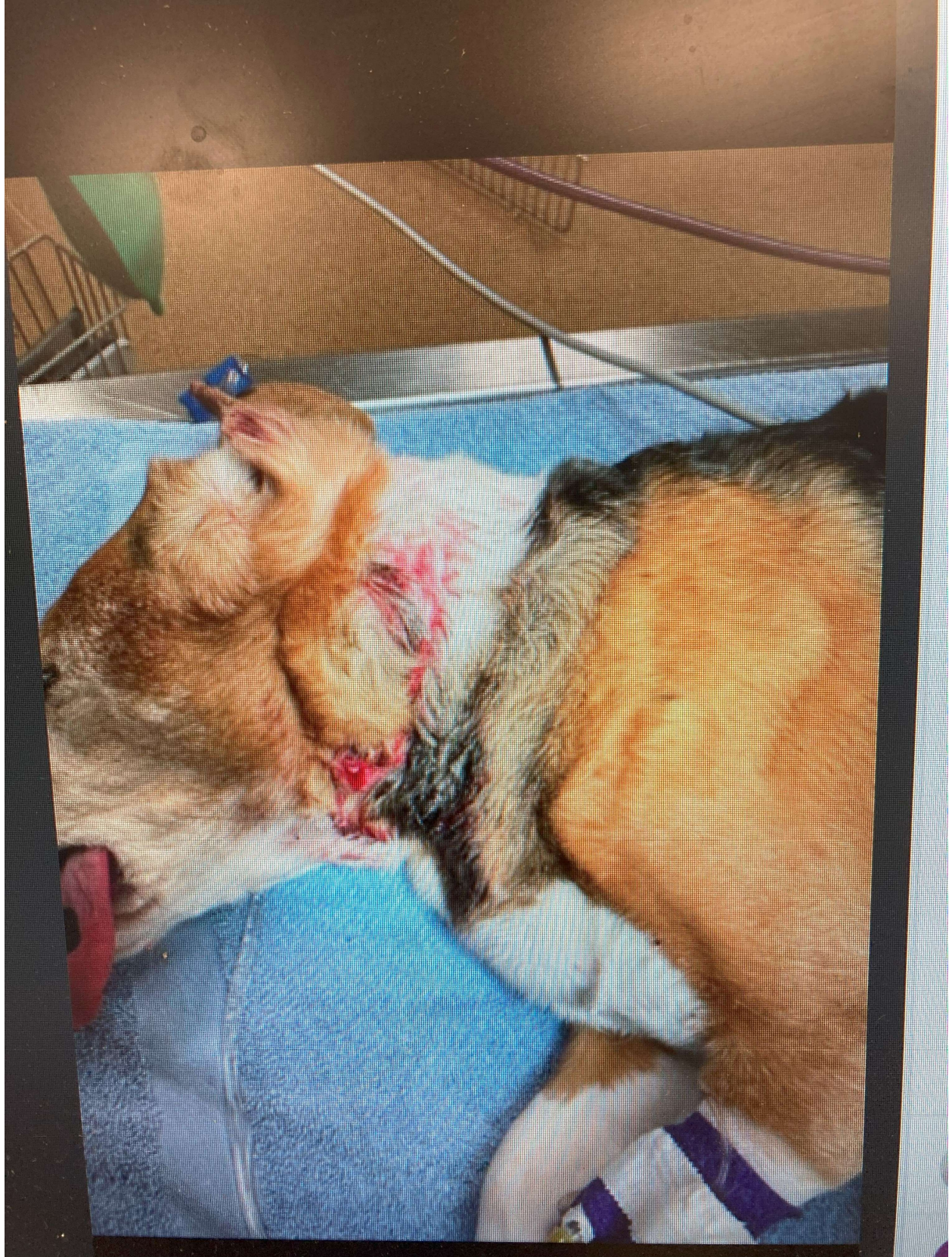
Supplemental Narrative

**11/14/2023 11:41:46 9563 MATTHEW
FILLEBROWN**

On 11/14/23 John came to the APD lobby and meet with me to discuss the Declaration of Dangerous Animal Paperwork for Bear. I met with John and issued the Declaration and Order to him and explained it to him. John was also issued a ticket for AC 3-15 Animal at large. I gave John my card and told him to call me with any questions he might have. I then verified that Bear has been removed from the City of Appleton and is now residing at 1080 home Ave in Fox Crossing.

Fillebrown #9563







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ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any live, vertebrate creature, domestic or wild.

Animal at large means an animal that is off the property and/or premises of the owner and/or caretaker and not under restraint.

Animal control officer means any person designated by the Police Department to enforce the ordinances of the City and state statutes adopted by reference as they pertain to animal control.

Animal shelter means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

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.

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.

Confined means restriction of an animal at all times by the owner to an escape-proof building, vehicle or other enclosure.

Cruel means causing unnecessary and excessive pain, suffering or unjustifiable injury or death to an animal. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

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.

Domestic animal means any animal which normally can be considered tame and converted to home life.

Dwelling unit means a building or portion thereof designed to be used exclusively for residential purposes.

Health officer means the City Health Officer or his duly designated representative.

Humane officer means an individual appointed as such in accordance with §173.03.

Kennel means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.

Leash means a strap, chain, or cord that is no more than eight (8) feet in length and of appropriate strength to control the animal, used by a person of sufficient capability to restrain, control, and guide an animal.

Licensing authority means the political body authorized to issue animal licenses.

Molests means excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way, or on public property, or on their own property, or property of anyone other than the owner and/or caretaker of the animal.

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 five (5) or more consecutive days.

Pet store means any retail establishment in a commercially zoned building whose business includes the sale of live animals.

Prohibited Dangerous Animal means any of the following:

- (1) Any animal that is determined to be a prohibited dangerous animal under this division.

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- (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 s. 174.02(3), Wis. Stats.
- (6) Any dog trained, owned or harbored for the purpose of dog fighting.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks persons or animals without provocation when such persons or animals are peacefully conducting themselves in a place where they are lawfully entitled to be;
- (3) Is at large on school grounds, parks or cemeteries;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous or untimely fashion;
- (7) Any animal not having the vaccination as required by §3-18 of the Appleton Municipal Code;
- (8) Is the subject of repeated violations under this chapter.

Render sterile refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. The term includes neutering and spaying.

Restraint means that the animal is secured by a leash not more than eight (8) feet in length and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.

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.

Veterinary hospital or clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

Wild animal means any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the *canis lupis* species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding six (6) feet in length.

(Code 1965, §23.02; Ord 4-93, §1-6-93; Ord 32-97m §1-4-16-97; Ord 116-00, §1, 12-23-00; Ord 58-04, §1, 4-27-04; Ord 17-05, §1, 3-8-05; Ord 13-16, §1, 2-9-16; Ord 50-16, §1, 7-12-16)

Cross reference(s) – Definitions and rules of construction generally, §1-2.

Sec. 3-2. Enforcement and penalties.

(a) The provisions of this chapter shall be enforced by employees of the Health Department, Police Department or other persons authorized by the City Health Officer or Chief of Police. The City Health Officer may grant any exemptions or variances to the enforcement of this chapter for dogs specially trained to lead blind or deaf persons, to provide support for mobility-impaired persons or to assist with emergency search and rescue operations.

(b) Police Department and Health Department personnel are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owner, caretaker or other private property. It shall be a violation of this chapter to interfere with the Health Department, Police Department or other persons authorized by the City Health Officer or Chief of Police in the performance of their duties.

(c) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §1-16. (Code 1965, §23.13; Ord 40-96, §1, 5-1-96; Ord 164-02, §1, 8-27-02; Ord 17-5, §1, 3-8-105)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation. §1-18; health officer §2-261 et seq.; police department, §2-346 et seq.

Sec. 3-3. Authority to order general confinement of dogs and cats.

Whenever the safety of the public shall require it, the Mayor, by notice published in the official paper of the City, shall order that, for a period of twenty (20) days from and after the date of the notice, no dogs or cats shall be

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DIVISION 2. DANGEROUS ANIMALS**Sec. 3-131. Procedure for declaring animal dangerous.**

(a) Upon conducting an investigation the humane or law 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 seventy-two (72) hours after receipt of the order, deliver to the Health Officer 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 Board of Health to be reviewed at the next regular meeting. The Board of Health 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 hearing, the owner or caretaker shall be notified in writing of the Board's determination. If the Board upholds the determination that the animal is dangerous, the owner or caretaker shall comply with the requirements of §3-132. If the owner or caretaker further contests the determination, he or she may, within five (5) days of receiving the panel's decision, seek review of the decision by the Circuit Court.

(c) Upon an animal being declared dangerous, the owner or caretaker shall immediately comply with leashing, muzzling and confinement requirements of §3-132 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 Board of Health.
(Code 1965, §23.06(4)(e); Ord 17-05, §1, 3-8-05 ; Ord 117-07, §1, 7-24-07)

Sec. 3-132. 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 division 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 determination that an animal is a dangerous animal.

(b) **Registration.** The owner of any animal declared dangerous, shall register it with the Police Department 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 seventy-five dollar (\$75.00) 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 four (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 sixteen (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 a 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 two (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

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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 two (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) **Indoor Confinement.** 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 two (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 thirty (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 Health Officer or Humane Officer a certificate of insurance 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 policy is cancelled or not renewed, the insurer and animal's owner or caretaker shall notify the Health Officer or Humane Officer of such cancellation or non renewal in writing by certified mail.

(h) **Waiver by Board of Health.** Upon request, by the owner or caretaker, the Board of Health may waive any requirement specified in subsections (a) through (g) that is deemed to be inappropriate for a particular dangerous animal.

(i) **Notification.** The owner or caretaker shall notify the police department within twenty-four (24) hours if a dangerous animal is at large, is unconfined, has attacked another animal or has attacked a human being or has died. 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 party by this division. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the Police Department in writing, at least three (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 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.

(j) **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.

(k) **Waiver.** The Health 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.
(Ord 17-05, §1, 3-8-05)

Sec. 3-133. Certain animals not be declared dangerous.

Notwithstanding the definition of a dangerous animal in §3-1:

(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.

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(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.

(Code 1965, §23.02(p); Ord 17-05, §1, 3-8-05)

Sec. 3-134. Prohibited dangerous animals.

(a) **Not allowed in city.** No person may bring into or keep in the city any animal that is a prohibited dangerous animal under this section.

(b) Determination of a prohibited dangerous animal.

(1) The Health Officer or Police Department may determine an animal to be a prohibited dangerous animal whenever the Health Officer or Police Department 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 §3-132.

(2) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the Police Department 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 seventy-two (72) hours after receipt of the order, deliver to the Health Officer 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 Board of Health to be reviewed at the next regular meeting. The Board of Health 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 Sec. 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 Board'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 five (5) days after the date of the determination. If the owner or caretaker further contests the determination, he or she may, within five (5) days of

receiving the panel's decision, seek review of the decision by the Circuit Court.

(c) **Destruction.** Any dog that has caused bodily harm to a person, persons or a domestic animal on two (2) separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under sec. 174.02(3), Wis. Stats. The City Attorney may petition an appropriate court to obtain a court order to destroy such a dog.

(d) **Enforcement.** The Health Department and Police Department may make whatever inquiry is deemed necessary to ensure compliance with this section.

(e) **Waiver.** The Health Officer may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

(Ord 17-05, §1, 3-8-05)

(The next page is 267)