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### AMENDED AGENDA NOTICE (3/6/2024)

THE PLANNING COMMISSION OF THE CITY OF EAGLE RIVER WILL HOLD A MEETING ON THURSDAY, MARCH 7, 2024, AT 5:00 P.M. AT CITY HALL, 525 E. MAPLE STREET IN EAGLE RIVER.

- 1) Call to Order.
- 2) Roll Call.
- 3) Approval of minutes
- 4) Discussion and possible action on the following agenda item(s):
  - a) Tamarack Street Extension
    - i) Update on findings requested by Planning Commission regarding Discontinuance of a portion of West Tamarack St described as:
      - (1) Commencing at the northwest corner of said Section 33; thence S24°42'32"E for a distance of 1293.48 feet to the southeast corner of that parcel of land described in Document No. 534919, the **PLACE OF BEGINNING**. Thence S03°07'21"W for a distance of 20.00 feet; thence N86°52'39"W for a distance of 120.02 feet; thence N03°07'21"E for a distance of 20.00 feet to the southwest corner of said parcel; thence along the south line of said parcel, S86°52'39"E for a distance of 120.02 feet to the **PLACE OF BEGINNING**. The above-described parcel is to be attached to the adjoining parcel to the north described in Document No. 534919 and is not to be conveyed separately unless in compliance with the City of Eagle River zoning ordinances.
      - (2) Commencing at the northwest corner of said Section 33; thence S24°42'32"E for a distance of 1293.48 feet to the southwest corner of that parcel of land described in Document No. 598042, the **PLACE OF BEGINNING**. Thence along the south line of said parcel, S86°52'39"E for a distance of 120.02 feet to the southeast corner of said parcel; thence leaving said south line, S03°07'21"W for a distance of 20.00 feet; thence N86°52'39"W for a distance of 120.02 feet; thence N03°07'21"E for a distance of 20.00 feet to the **PLACE OF BEGINNING**. The above-described parcel is to be attached to the adjoining parcel to the north described in Document No. 598042 and is not to be conveyed separately unless in compliance with the City of Eagle River zoning ordinances.
    - ii) Request for quit claim from property owner Charles Goldsworthy for that portion of West Tamarack in proposed discontinuance.
    - iii) Sale of that portion of West Tamarack in proposed discontinuance to RDC Eagle River, LLC
  - b) Control of Dogs and Cats: Draft changes to Ordinance 10-4. Issue referred to the Planning Commission from the City of Eagle River Common Council for consideration and recommendation development.
- 5) Adjournment

Robin Ginner, City Administrator

**Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services, or provide a video link for meetings. For additional information to request this service, please contact the City Clerk's Office at 715-479-8682 ext. 224, 525 E. Maple Street, P.O. Box 1269, Eagle River WI 54521.**



January 4, 2024

A meeting of the Plan Commission of the City of Eagle River was called to order at 5:00pm by Mayor Jeff Hyslop

Roll Call: Adam Grassl, John Hletko, Kim Schaffer, Mike Adamovich, and Deb Brown. Also in attendance; Robin Ginner and Becky Bolte

*Motion by Grassl, 2<sup>nd</sup> by Hletko to approve the minutes of the 12/5/23 meeting as presented. Carried, all.*

**PLUBLIC HEARING: Proposed action to commence discontinuance of a portion of the following-described City Street, a copy of said legal description attached as Exhibit A, which discontinuance has been initiated by a Resolution of the City Council of the City of Eagle River under Section 66.1003(4) of the Wisconsin Statutes.**

The public hearing was called to order at 5:03PM. Documentation of Resolution 1020; A resolution to discontinue a portion of West Tamarack Street, the published notice of hearing, the recorded Amended Lis Pendens with the legal description of the property being discussed, and list of either registered mail or ERPD service notification to all adjacent property owners was provided by Ginner. Dallas Trzcinski of DJ's Automotive LLC, located at 322 E Pine Street was in attendance and stated that he would also like to gain a portion of this property that abuts to his. Mr. Trzcinski was instructed on how to start the process with Robin Ginner. Ginner then read public comments received in her office into record:

1. 12/7/2023 - A condo owner, Richard Gehrke, from Cranberry Estates called simply wanting more information. He was not concerned about the discontinuance or the building project by Carl Ruedebusch, he had just called for more of an explanation.
2. 1/3/2024 - Spoke to Mark Ratty from the DOT. He said a concerned citizen called him about the project. I explained the project and the amount of property that would be left over should a street need to be constructed in the future. I also forwarded the meeting information that was sent by certified mail to the DOT office in Rhinelander so he could review. As of 1-4-24 at 4 pm, Ginner had not received any objection or comment from the DOT opposing the discontinuance.
3. 1/4/2024 - Kevin Penkert – owner of Eagle Estates on Raspberry Lane – called to talk about traffic issues in the area. His main concern was the traffic that's coming out of the back of businesses along Pine Street that are cutting through to Tamarack Street, and to let me know that upon occasion people are driving down the ATV/snowmobile trail. He also expressed concern about snowmobile traffic. He wanted to make sure that, should a road need to be built in the future, that there's still enough width to make that happen. I told him the property sale will still leave 33' of width, which would be enough to build a two-lane side street.
  - a. Examples of side street widths around town:
    - i. Walnut Street is 22' wide
    - ii. Birch Street is 28' wide
    - iii. Eighth Street is 19' wide
    - iv. Capich is 16' wide
    - v. Wall Street (downtown) is 23' wide excluding parking

With no other comments to be heard, Mayor Hyslop closed the public hearing at 5:09PM.

**Discontinuance of a portion of West Tamarack Street:** A letter dated 8/14/2006 from the WI Division of Transportation, regarding an old agreement for the City of Eagle River to develop a public street giving

direct access to Pine Street at this area, was supplied to all Commissioners by Deb Brown. Mayor Hyslop reported the City went to Sundstein and Sundstein is a feeder road, so this road was not needed. He stated he would like to see a written release from the DOT August 14, 2006 letter. Ginner read into record a letter from Attorney Garbowicz stating he doesn't see a problem, but if the DOT objects, it ends there. After an extensive discussion that led to many questions, *Motion by Brown, 2<sup>nd</sup> by Hletko to postpone to a later date, Nays: Grassl, Schaffer, Adamovich. Motion failed.*

After another lengthy discussion, the Commission would like the following questions answers before moving forward with any recommendation to the Common Council:

- Why is the discontinuance being done before the quit claim with Charlie Goldsworthy? The concern is what if Charlie decides he doesn't want to give the quit claim – then we've gone through all of this for nothing. The Commissioners are looking for why it's being done this way instead of asking Charlie for the quit-claim first?
- How will the deed be handled? Is the restriction only being lifted for that 33' deep strip of property? Or for the entire Tamarack Street extension property? How are we removing the restrictions on the deed filed on 8/28/2007 (Doc #458785)?
- Property abutting vacated streets – Debbie Brown said that statute dictates that if a street is vacated that half goes to each landowner on each side of the vacated street. There was some disagreement because the street was never built. Does this apply since the street was never constructed?
- Does it make sense to vacate the entire parcel, or just the portion to potentially be sold? Does that have any bearing on the above statute?
- If Ruedebusch development doesn't happen, can the vacation and subsequent sale of the property be dependent on the development happening?
- The Commission asked for a more detailed survey from Greg Maines that shows the width of the narrow section of the property and how much would still belong to the City if/when the sale is completed.
- The Commission has requested that Ginner reach back out to the DOT to get something in writing releasing the City from any agreement presented in the DOT letter sent in August 2006. There was some disagreement because we're past the 10 years dictated in the letter, but Mayor Hyslop said it's probably best to get something in writing for our files.
- Ginner to pull from the City archives the research that REI did on the development of the road and provide that to MSA for review and opinion on the future of building a road on that parcel.
- The Commission is requesting from Ruedebusch, a Developer's Plan for the property, showing the housing development (placement, how big, how many units, how many individuals to be housed, confirmation of who will be living there – J1 Visa? - etc), along with a request that the plan clearly shows the intention for use in the proposed discontinued street.
- The Commission requests information on what the plan is for the two properties and the existing buildings abutting the property to be acquired.

*Motion by Hletko, 2<sup>nd</sup> by Adamovich to direct Ginner to gather more information to explore questions that have arisen before bringing the discontinuance of a portion of West Tamarack Street back to the Planning Commission. Carried, all.*

*Motion by Hletko, 2<sup>nd</sup> by Grassl to adjourn at 6:05pm.*

- They want to know why the discontinuance is being done before the quit claim with Charlie Goldsworthy? I know I had asked you about it before, but you just said it would be done in conjunction. Their concern is what if Charlie decides he doesn't want to give the quit claim – then we've gone through all of this for nothing. So they are looking for why it's being done this way instead of asking Charlie for the quit-claim first? (Kim confirmed that per her underwriter only Charlie would need to sign the quit-claim.)
  - How will the deed be handled? Is the restriction only being lifted for that 33' deep strip of property? Or for the entire Tamarack Street extension property? How are we removing the restrictions on the deed filed on 8/28/2007 (Doc #458785)
  - **FROM STEVE G:** First of all, with regard to the Charlie Goldsworthy deed, I suppose we could proceed to get that right now and there really is no reason why we haven't other than I wanted to make sure that the discontinuance was actually going to move forward. I doubt that Charlie even remembers this deed and the fact that it is in existence but to clear title, yes, we will have to get a deed from him that will release his restriction or reservation. I would draft the deed and I thought that Jerry Burkett was going to get the signature since I think they are neighbors but I believe now Charlie is in Florida so I don't know how we would do that.
- Property abutting vacated streets – Debbie Brown said that statute dictates that if a street is vacated that half goes to each landowner on each side of the vacated street. There was some disagreement because the street was never built, nor are we vacating the entire street – just a small strip. Does this apply since the street was never constructed?
  - **FROM STEVE G:** As to vacating the street and distributing the land, if we discontinued the entire street I would agree with what Debbie is indicating that it be distributed to the adjoining parcels. However, we are not doing that. We are only discontinuing that portion that abuts the property owned by Carl. Therefore, once it is discontinued, the Order of Discontinuance will attach it to Carl's property.
 

At this point, I hesitate to discontinue the entire street because we would have to start the process all over again and given the length of time that we have already spent, I would prefer that we just deal with the portion that Carl has requested. In the future, if the City ever decides that it wishes to discontinue Tamarack Street extended, then certainly we could proceed with that discontinuance. For future reference, I would tell you that I would need a legal description for the entire length of Tamarack Street extended if we don't have that already.
- If Carl's development doesn't happen, can the vacation and subsequent sale of the property be dependent on the development happening?
  - **FROM STEVE G:** With regard to your question on the development not happening and the subsequent contingency on its development, I don't believe I can make a discontinuance of a street contingent on some event occurring. The issue is to discontinue a street not make it contingent on some other event happening. I don't believe that would be legal.
- Also, the couple that bought the Goodyear car clinic next to the Ruedebusch properties attended and wanted to know if we are selling land to Carl, can they purchase a strip of land as well. So I'm wondering if this is going to open a can of worms. Thoughts on future land sales of that strip?

- **FROM STEVE G:** As to the Goodyear people, the process for discontinuing a strip of land for them would be the same as we just went through for Carl. You can inform them that they would need a survey of the area and then file the petition, etc.
- The Commission asked for a more detailed survey from Greg Maines that shows the width of the more narrow section of the property and how much would still belong to the City if/when the sale is completed. I talked to Greg this morning and he'll be working on that in the next week or two.
  - **FROM STEVE G:** I'm not sure I understand the survey the Commission asked for from Greg Maines. We do have the survey and the legal description for the area to be discontinued
- They've also asked for me to reach back out to the gentleman at the DOT that I talked to earlier this week to get something in writing from them releasing the City from a letter they sent in August 2006 (attached). Again there was some disagreement because we're past the 10 years dictated in the letter, but the Mayor said it's probably best to get something in writing for our files. So I'll ask them to provide a letter releasing us from the development.
  - **FROM STEVE G:** As to getting a letter from DOT, that really is not necessary because DOT received notice of the hearing which they choose not to attend or ignore. The fact that they sent a letter 17 years ago does not bind anybody at this point and time. I don't know that I would be continuously calling the individual from DOT because clearly if they have not responded I don't believe it is something they have an interest in.
- I need to pull the research from our archives that REI did on development of the road and provide that to MSA for review and opinion on the future of building a road on that parcel.
  - **FROM PHIL K** (per my Feb 2024 monthly report): I met with Phil regarding the Tamarack Street Extension/Reudebusch sale. In regard to whether the road project is a viable project, technically, yes; however, the cost would be at least triple what REI estimated in 2008, making it a minimum of \$2.1 million. In addition to the cost, there are significant wetlands on the property that would need to be filled in, which would be very expensive, and could undermine the stability of the roadway in high water years. While the road *could be* built, it's not recommended by MSA. They feel there's absolutely no advantage to building this road now or in the future given the cost and the environmental challenges. Additionally, Mike Sanborn is still on the fence as to whether he's comfortable giving up any future utility right-of-way. So, between the plans for the property in flux with the developer, and the utility department not really wanting to cede that property, it seems like the sale of the strip of land to Mr. Reudebusch is not a favored action. That said, I believe we do still want to pursue the quit-claim on the property so it remains under the control of the City, but not pursue sale of any portion of the property to Mr. Reudebusch or any other private property owner that abuts the parcel.

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- **Sec. 10-4. - Control of dogs ~~and cats~~.**

(a) *At large*. No person shall permit any dog ~~or cat~~ to be at large in the city at any time. A dog ~~or cat~~ is at large when the animal is on any public street, alley, park or other public grounds, **or when otherwise off the premises occupied by the owner or person who has custody of such dog or cat,** and is not constrained by a leash ~~or otherwise~~ **and** under the immediate control of the owner or the person who has custody of such dog ~~or cat~~.

(b) *Prohibition against animals in public grounds and facilities*. No owner or person having control of any dog, ~~cat~~ or other animal shall permit such dog, ~~cat~~ or other animal to enter into or be upon any public park, school grounds, public building or other public grounds, ~~even if~~ **unless** such animal is leashed **and** within the immediate control of the owner or custodian of the animal, **and where the public grounds and facilities are not otherwise signed prohibiting animals.**

(c) *Removal of animal feces*. No owner or person having custody of any dog, cat or other animal shall permit such dog, cat or other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or private property within the city, other than the premises of the owner or person having custody of such dog, cat or other animal, unless such feces is immediately removed by the owner or other person having custody of such animal.

(d) *Exhibition and amusement*. Notwithstanding any restrictions or prohibitions contained in this section, **individuals or companies possessing** animals of any kind and in any number ~~may be~~ kept for exhibition or amusement purposes, temporarily, by a carnival or circus offering exhibitions within the city limits **must obtain a permit through the City of Eagle River to exhibit said animals;** ~~however, -a~~ All animal defecation shall be cleaned up and removed by the owners and/or operators of such circus or carnival.

(e) *Exceptions*. The provisions of this section shall not be applicable to any ~~guide dog~~ **service animal** owned or controlled by any ~~visually handicapped~~ disabled person or law enforcement dogs. **Service animals are not exempt from leash and immediate control unless the work of the animal requires that they be un-leashed; however, the animal must always be under the immediate control of the owner or person who has custody of the animal.**

(Code 1972, § 9.19)



## Chapter 10 ANIMALS

### Sec. 10-1. State regulations.

Wis. Stats. ch. 174 and § 951.16 shall apply in the city so far as applicable.

(Code 1972, § 12.05(3))

### Sec. 10-2. Noisy animals or fowl.

The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city is declared a nuisance.

(Code 1972, § 10.05(10))

### Sec. 10-3. Animals and poultry, keeping of.

No person having in his possession or under his control any animal or fowl shall allow the animal or fowl to run at large within the city. No person shall keep within the city any animals or fowl, except domesticated pets, without a permit issued by the city. In issuing a permit for other animals such as horses, cows, pigs, pigeons and the like, the city shall consider the number of such animals expected to be kept, the location, and the likelihood of a public or private nuisance being created.

(Code 1972, § 9.08)

### Sec. 10-4. Control of dogs and cats.

- (a) ***At large.*** No person shall permit any dog or cat to be at large in the city at any time. A dog or cat is at large when the animal is on any public street, alley, park or other public grounds, or when otherwise off the premises of the owner or person who has custody of such dog or cat, and not constrained by a leash or otherwise under the immediate control of the owner or the person who has custody of such dog or cat.
- (b) ***Prohibition against animals in public grounds and facilities.*** No owner or person having control of any dog, cat or other animal shall permit such dog, cat or other animal to enter into or be upon any public park, school grounds, public building or other public grounds, even if such animal is leashed and within the immediate control of the owner or custodian of the animal.
- (c) ***Removal of animal feces.*** No owner or person having custody of any dog, cat or other animal shall permit such dog, cat or other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or private property within the city, other than the premises of the owner or person having custody of such dog, cat or other animal, unless such feces is immediately removed by the owner or other person having custody of such animal.

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**(d) *Exhibition and amusement.* Notwithstanding any restrictions or prohibitions contained in this section, animals of any kind and in any number may be kept for exhibition or amusement purposes, temporarily, by a carnival or circus offering exhibitions within the city limits; however, all animal defecation shall be cleaned up and removed by the owners and/or operators of such circus or carnival.**

**(e) *Exceptions.* The provisions of this section shall not be applicable to any guide dog owned or controlled by any visually handicapped person or law enforcement dogs.**

**(Code 1972, § 9.19)**

### **Sec. 10-5. Dogs and cats, licensing and regulation of.**

- (a) *Required.* Every person residing in the city who owns a dog or cat which is more than six months of age on January 1 of any year shall, annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license for such dog or cat, upon payment of a fee set by the council pursuant to subsection (b) of this section for each neutered male or spayed female and a fee set by the council pursuant to subsection (b) of this section for each unneutered male or unspayed female.
- (b) *Fees.* Such owners shall pay the city treasurer a fee as stated in subsection (a) of this section.
- (c) *Issuance of license.* Upon payment to the city treasurer of the required fee, the treasurer shall issue to such person a license to keep such dog or cat for one year; and such person shall, upon procuring the license, place upon the dog or cat a collar with a tag furnished to him by the city treasurer or the county clerk.
- (d) *Harboring certain dogs or cats prohibited.* No person shall own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway.
  - (2) Assaults or attacks any person.
  - (3) Is vicious. A showing that a dog or cat has bitten, attacked or injured any person shall constitute prima facie showing that such dog or cat is vicious.
  - (4) Habitually barks, howls or cries to the annoyance of any two or more other persons.
- (e) *Dog and cat pound.*
- (1) *Confinement of dogs and cats.* The police department or any other officer appointed by the council shall apprehend any dog or cat running at large within the city or which does any of the things prohibited under subsection (d) of this section and confine the animal in a suitable dog and cat pound.
  - (2) *Enforcement.* The council shall from time to time appoint a qualified officer to apprehend and confine dogs and cats in a pound as provided in this subsection; and such officer shall apprehend and confine dogs and cats as provided in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the city. Such officer shall be paid such compensation as the council shall determine by resolution.
  - (3) *Disposition of unclaimed dogs or cats.* The keeper of the pound shall keep all dogs and cats apprehended as provided in this section for a period of seven days at the dog and cat pound unless sooner claimed by the owner or keeper; and if any dog or cat is not reclaimed by the rightful owner within such time, the dog or cat may be sold for the amount incurred in apprehending, keeping and care for the dog or cat or it may be destroyed in a proper and humane manner.

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- (4) *Owner or keeper to post bail.* The owner or keeper of any dog or cat confined shall, in addition to any costs required to be paid under subsection (e)(3) of this section, be required to post bail in the amounts set by the council prior to reclaiming such dog or cat.

(Code 1972, §§ 12.01(7), 12.05(1)—(3), (6)—(8); Ord. No. 507, 9-13-2011)

## **Sec. 10-6. Vicious dogs.**

- (a) *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.

*Vicious dog* means:

- (1) Any dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
  - (2) Any dog which attacks a human being or another domestic animal without provocation.
  - (3) Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.
- (b) *Penalties.* Any person who violates any provision of this chapter shall, upon conviction, be subject to the payment of a forfeiture, as provided in the Code of Ordinances of the City of Eagle River. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.
- (c) *Prohibited generally.*
- (1) Except as provided in this section, no person shall harbor or keep a vicious dog within the city. A dog is deemed to be vicious when it has attacked or bitten any person or when a propensity to attack or bite persons exists and is known or reasonably should be known to the owner. Any vicious dog which is found off the premises or on the premises of its owner may be seized by any police officer upon the establishment of the vicious character of the dog. If a dog is determined to be vicious by either a police officer or a representative of the Vilas County Animal Shelter, said dog may be seized by the officer or the employee of the Vilas County Animal Shelter and held at the Vilas County Animal Shelter until such time as a determination can be made that the dog is vicious and what course of action should be pursued by the City of Eagle River. Any expenses related to the seizure of the dog and the dog being held at the Vilas County Animal Shelter shall be the responsibility of the owner.
  - (2) Notwithstanding subsection (1) of this section, a police officer or humane officer may kill or tranquilize a vicious dog if they determine that it is necessary to take such action to prevent real and immediate personal injury to any person, including themselves or, if the vicious dog is in the process of attacking another animal.
- (d) *Requirements and prohibitions.*
- (1) *Leash and muzzle.* No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts or buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the police chief.

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- (2) *Confinement generally.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed or muzzled as provided in subsection (d)(1) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
  - (3) *Confinement indoors.* No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog 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 dog from existing the structure.
  - (4) *Prohibited in multiple dwellings.* No vicious dog may be kept within any portion of any multiple dwelling.
  - (5) *Signs.* All owners, keepers or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public, with letters not less than two inches in height, stating: "Danger — Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.
  - (6) *Insurance.* All owners, keepers or harborers of vicious dogs or hybrid dogs shall provide proof to the constable of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or for damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs or hybrid dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten-day written notice is first given to the police chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This subsection does not apply to dogs kept by law enforcement agencies.
- (e) *Determination of status; appeal.*
- (1) The police department shall investigate every dog complaint and make a determination as to whether or not such dog is vicious as defined in subsection (a). If the police department makes a determination that a dog is vicious, he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this section.
  - (2) Any person aggrieved by the determination of the police department, provided in subsection (e)(1) above, may appeal such determination, to the Circuit Court of Vilas County.
- (f) *Compliance with division provisions.* Within ten days of the determination that a dog is vicious, as provided in subsection (e)(1), or ten days after an unsuccessful appeal under subsection (e)(2), the owner of a vicious dog shall either comply with all provisions of the section or dispose of such dog.
- (g) *Disposition.* Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a law enforcement officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(Ord. No. 445, §§ 1—7, 6-12-2007)

## **Sec. 10-7. Keeping of wild and exotic animals regulated.**

No person shall keep, maintain or have in such person's possession or under such person's control any poisonous reptile, dangerous or wild animal or insect, including, but not limited to, poisonous insects and arachnids, all venomous snakes, constrictor snakes, any snake exceeding four feet in length, monitor lizards, non-

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human primates, bears, crocodiles, alligators, coyotes, elephants, gamecocks and other fighting birds, bats, hippopotami, hyenas, jaguars, leopards, lions, lynx, pumas, cougars, mountain lions, panthers, ocelots, tigers or other wild feline species, wolves, prairie dogs, and wild and domestic animal hybrids such as coyote/dog.

- (1) *Exceptions.* The prohibitions set forth above shall not apply to: residents of the city who possessed one or more of the prohibited species prior to the effective date of this section and who registered same with the office of the city clerk within 60 days of the effective date; licensed veterinary clinics; licensed animal rehabilitation homes, municipal zoos or those accredited by the Association of Zoos and Aquariums; public or private educational institutions; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; circuses, traveling exhibits, fair exhibitions, petting zoos that are currently licensed under the Federal Animal Welfare Act and also licensed by the USDA provided that:
  - a. Their location conforms to the zoning requirements of the Zoning Code of the Municipal Code of Eagle River.
  - b. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
  - c. Animals are maintained in quarters so constructed as to prevent their escape.
- (2) Any resident who shall claim exemption under subsection (1) above shall furnish satisfactory evidence in the form of a bill of sale, veterinary records, or other proof satisfactory to the clerk, which demonstrates ownership of the otherwise prohibited species prior to the effective date of this section. All such animals shall be photographed and micro chipped for identification.
- (3) Any person found to be harboring an animal in violation of this section shall relinquish possession of the wild and exotic animal to the Vilas County Animal Shelter. If surrender of the animal described herein does not occur, the animal may be seized by the Vilas County Animal Shelter and held there at the owner's expense until such time as the animal may be disposed of.

(Ord. No. 446, § 1, 6-12-2007)