



Monica Schultz
City Clerk
City Clerk's Office
414.302.8220
mschultz@westalliswi.gov

Sean and Julie McQuestion
10421 W. Schlinger Ave.
West Allis, WI 53214

June 27, 2017

Subject: Decision by City of West Allis Administrative Appeals Review Board (AARB) in regard to the Appeal of the Dangerous Dog Order for Sean and Julie McQuestion of 10421 W. Schlinger Ave.

Dear Mr. and Ms. McQuestion:

This letter is to formally notify you of the determination made by the City of West Allis Administrative Appeals Review Board (AARB) from its meeting on June 26, 2017 regarding your appeal.

At the meeting, the Board decided unanimously to rescind the Dangerous Dog Order for your dog, Marley.

Thank you for the time you took in making your appeal and attending the meeting. If you have any questions, or need further information or clarification, please feel free to contact me.

Sincerely,

Monica Schultz
City Clerk

Enclosure

cc: Mayor Devine
Health Commissioner
City Attorney
Police Department

City of West Allis

6/7/17

Administrative Review Board

RECEIVED

JUN - 9 2017

**CITY OF WEST ALLIS
CITY CLERK**

In regards to a letter sent May 31, 2017, by Sgt Peter Borree

We would like to submit an appeal for a "Dangerous Dog" order.

The incident in question took place on May 17th, on our driveway @ 10421 W Schlinger Ave

Our dog, Marley, was hooked on her chain in the backyard. She is able to reach our back door on the side of our house as well, and that is where the mailbox "was" located. I believe that what may have happened, is that Marley was in the backyard when the Mail Person came up the drive to deliver our mail. I think Marley heard her at the mailbox, and was startled, came around the corner of the house, and that is when she went after the Mail Person. We truly believe that she was just protecting her house, and my husband. My husband spoke with the Mail Person the next day, and she was worried that she hurt Marley, because she hit her with a newspaper to get away from her. .

To give you a little background about Marley. In October, we rescued her from people that were torturing her. Her back end was sent on fire, these people stamped on her paws, and I don't know what else. She is not a "dangerous dog" she is a scared, mistrusting dog, and we work with her every day to show her that she is now loved, safe, and healthy.

Since October, we have had her to our vet several times, for checkups, and vaccines. We also had her spayed. Because of the abuse that she has suffered, she does not tolerate anyone touching her feet, and therefore needs to be tranquilized to have her nails trimmed. She does not like to be held, or confined in anyway, and I really do not think that she will tolerate being muzzled. Isn't that abusing her more?

We have taken the following steps to make sure that this never happens again. We have relocated our mailbox further down our driveway, where Marley's leash does not reach. We have purchased "Beware of Dog" signs, and have placed them in our front windows. My husband, who is home all day with her due to being disabled, has been paying more attention to the times he lets her out, and the approximate time the mail is delivered.

In closing, Marley is actually a very loving, goofy, girl, with a lot of puppy still in her, in spite of her history. We work with her every day, to show her she is loved and safe, and that not all people are bad, or going to hurt her. We are very sorry that this happened, but do not consider her a "Dangerous Dog".

Thank you for taking the time to read this, and we hope that you will reconsider the "Dangerous Dog" order.

Sincerely,

Sean and Julie McQuestion

262-355-5989

West Allis Health Department Rabies Quarantine Order



Public Health
Prevent. Promote. Protect.
West Allis Health Department

Animal Owner's Name: Sean P. McQuestion

Animal Owner's Address: 10421 W. Schlinger Ave

Animal Owner's Telephone Number: 362-355-5925

Name of Animal: Morty Type of Pet: Dog Cat Other (List) _____

Date Bite Occurred: 05/17/17 Was a person bitten? Y N Did the Bite Break the Skin? Y N

Date of Animal's Rabies Vaccination: _____ Dog/Cat License Tag Number: _____

Per the Revised Municipal Code of the City of West Allis 7.12(5) the animal identified above and owned/harbored by you at the indicated address is hereby ordered confined, under the conditions defined below, for purposes of quarantine for possible rabies exposure.

- This animal has bitten or otherwise potentially exposed a person or other animal to rabies virus and is quarantined for a minimum of **10 days** from the date of the incident.
 - Proof of valid rabies vaccination provided. In home quarantine ordered. See Quarantine conditions below.
 - Proof of valid rabies vaccination is **NOT** provided. Animal is ordered to be impounded at:
 - MADACC
 - Local Veterinarian Clinic: _____
 - Animal owner is responsible for all costs associated with quarantine/impoundment of the animal.
- This animal has bitten or otherwise potentially exposed a person or other animal to rabies virus **AND** is exhibiting symptoms consistent with rabies. This animal is ordered to be euthanized for rabies testing. Animal owner is responsible for all costs associated with euthanization and testing.

Quarantine conditions:

- The animal must be seen by a veterinarian within 24 hours for a health clearance. A copy of the veterinarian's report must be submitted to the West Allis Health Department.
- The animal must be confined at all times in an enclosed space that prevents contact with people, other pets, and wild animals. Animal may only be outside only for purposes of toileting and must be kept on a leash.
- At no time may the animal be removed from the premises without prior written permission of the West Allis Health Department. In an emergency, the animal may be taken to a vet. Immediately notify the Health Department.
- If at any time during the quarantine period the animal becomes ill, shows signs of abnormal behavior, or dies, the West Allis Health Department must be notified immediately.
- The Health Commissioner may authorize, at any time that the animal be euthanized for purposes of laboratory testing for rabies.
- Animals without a valid rabies vaccination must be vaccinated after the quarantine period, prior to being released to the owner.
- If the animal does not have a valid Milwaukee County Animal License the owner must obtain the license and submit proof of license to the West Allis Health Department.
- The animal will be released from quarantine only upon completion of the prescribed requirements and by written authorization of the West Allis Health Department.

I understand and agree to abide by the conditions under which the above named animal, for which I am the responsible owner or custodian, is to be quarantined. I understand that violation of the conditions of this quarantine order, whether by volition or negligence, is punishable under the Revised Municipal Code for the City West Allis.

Sean McQuestion
Animal owner name (print)

Sean McQuestion 5-17-2017
Animal owner signature Date

Robert Tsch
Serving official name (print)

[Signature] 5/17/17
Serving official signature Date

White – Police Department Copy Pink – Health Department Copy Yellow – Owner's Copy

Submit completed report to the Health Department within 24 hours.

7120 W National Ave, West Allis, WI 53214
Fax – 414-302-8628

(6) Harboring Dangerous Dogs.

(a) Dangerous Dogs Regulated.

1. Prohibited dangerous dogs are not allowed in the City. No person may bring into or keep in the city any dog that is a prohibited dangerous dog under this section.
2. No person may harbor or keep a dangerous dog within the city unless all provisions of this section are complied with.
3. No person shall obstruct, provide false information, or otherwise unreasonably interfere with officers of the department in the enforcement section or in the capture of any dog suspected of being dangerous.
4. The issuance of a citation for a violation of this section need not be predicated on a determination that a dog is a dangerous dog.

(b) Registration. The owner of any dog declared dangerous, shall register it with the Police Department upon disposition, and annually thereafter on or before April 1st of each year, by providing a current color photograph of the dog and payment of a seventy-five (\$75.00) registration fee.

(c) Leash and Muzzle.

1. No owner or caretaker, harboring or having the care of a dangerous dog may permit such a dog to go outside its dwelling, kennel or pen unless the dog is securely restrained with a leash no longer than ten (10) feet in length.
2. No person may permit a dangerous dog 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 dog and capable of physically controlling and restraining the dog, is in physical control of the leash.
3. A dangerous dog may be securely leashed or chained to an immovable object, with the owner or caretaker being in the physical presence of the dog at all times when it is so leashed or chained.
4. A dangerous dog outside of the dog's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals.

(d) Confinement.

1. Except when leashed and muzzled, all dangerous dogs 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 dog 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 childproof 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 dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall either have a secure 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 dogs 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 dog 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 dog to exit the building on its own volition. No dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only

obstacles preventing the dog from exiting the structure.

(e) Signs. The owner or caretaker of a dangerous dog 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 dog on the property. A similar sign is required to be posted on the kennel or pen of the dog. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.

(f) Spay and neuter requirements. Within thirty (30) days after a dog has been designated dangerous, the owner or caretaker of the dog shall provide written proof from a licensed veterinarian that the dog has been spayed or neutered.

(g) Microchip Requirements. Within thirty (30) days after dog has been designated dangerous, the owner must provide written proof from a licensed veterinarian that a microchip has been placed in the dog so that the dog can be easily identified. The microchip must be numbered, and the number must be provided to the Police Department within twenty-four (24) hours of placement.

(h) Liability insurance. The owner or caretaker of a dangerous dog shall present to the Health Officer or Humane Officer a certificate of insurance that the owner has procured liability insurance in an amount not less than \$1,000,000.00 for any personal injuries inflicted by the dangerous dog. Whenever such policy is cancelled or not renewed, the insurer and dog's owner or caretaker shall notify the Health Officer or Humane officer of such cancellation or non-renewal in writing by certified mail.

(i) Waiver.

1. Upon request, by the owner or caretaker, the Administrative Review Board may waive any requirement specified in subsections (b) to (h) that is deemed to be inappropriate for a particular dangerous dog.
2. The Health Officer may waive the provisions of subsections (b) to (h) for a military dog, or circuses, zoos or other animal shows or exhibitions, which are properly licensed, upon presentation by the dog's owner or handler of satisfactory arrangement for safe keeping of the dog.

(j) Notification. The owner or caretaker shall notify the Police Department within twenty-four (24) hours if a dangerous dog is unconfined, has attacked another animal, has attacked a human being or has died. The owner or caretaker shall notify the Police Department immediately if a dangerous dog is at large. No person may sell or transfer possession of a dangerous dog to another person without first notifying the person to whom the dangerous dog is being sold or transferred of the fact that such dog is a dangerous dog and of any requirement imposed upon the selling or transferring party by this division. No person may sell or transfer possession of a dangerous dog 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 dog. If the dangerous dog is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the Police Department that he or she has notified the Police Department or other law enforcement agency of the dog's new residence, including the name, address and telephone number of the new owner of the dangerous dog.

(k) Euthanasia.

1. If the owner or caretaker of a dog that has been designated a dangerous dog is unwilling or unable to comply with the regulations for keeping the dog in accordance with this section, he or she may have the dog humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.
2. 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.



**West Allis
Police Department**

Date: May 31, 2017
To: Sean P. McQuestion
From: Sgt. Peter Borree

Mr. McQuestion,

On 05/18/17, your dog Marley was involved in an incident and you were issued a City of West Allis Dangerous Dog Order. You are required to comply with city ordinance 7.126(6), which includes proof of liability insurance, proof of spay/ neuter compliance, a \$75.00 payment for registration of the dog at the West Allis Police Department, and a color photograph of the dog. You must also comply with the leash and muzzle requirements, confinement requirements, and signage requirements. Attached you will find a copy of city ordinance 7.126(6).

You have 30 days from the date of the incident to appeal this order to the City Administrative Review Board. Enclosed is a checklist for you to follow if you wish to keep your dog in the City of West Allis. Please fill out the form and return it to me. If you have chosen to remove the dog from the City of West Allis, you must provide information as to where the dog is now located, or proof of euthanasia.

If you have any questions, Please contact me at 414-302-8000.

(4) 302-8292 office

Thank you,

A handwritten signature in black ink, appearing to read "Peter Borree".

Peter Borree
Desk Sergeant

Oper: WALSBMN Type: CC Drawer: 1
Date: 6/09/17 01 Receipt no: 39820
A1 APPEAL-ARRS
1.00 \$50.00
MARLEY MCQUEEN
10540
DL CLK DOG LIC - ALTERED
1.00 \$12.00
MCQUEEN-MARLEY
CK CHECK PAYMEN 3948 \$62.00
Total tendered \$62.00
Total payment \$62.00

Trans date: 6/09/17 Time: 8:51:33



West Allis Police Department

Incident Report

Date: 05/18/2017
 CFS Code-1: ZTC1866
 Incident Report Number: 17-018164

Incident: Incident Report			
Incident Report Number: 17-018164	Between Date - Time	And/At: Date-Time 5/18/17	10:30
Incident Location: 10421 W Schlinger Ave, West Allis, WI, 53214			
CFS Code-1: ZTC1866	CFS Code-2:	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

V	Name (Last, First, Middle) McKenzie, Tracy L	DOB: 01/21/1964	Race/Sex W/F
Address: (Address, City, State, Zip) 6501 W MITCHELL ST, WEST ALLIS, WI, 53214			Home Phone Number
Employer			Work Phone Number
Employer Address			Cell Phone Number (414) 453-9343
CN	Name (Last, First, Middle) McQuestion, Sean P	DOB: 07/17/1954	Race/Sex W/M
Address: (Address, City, State, Zip) 10421 W Schlinger Ave, West Allis, WI, 53214			Home Phone Number (414) 837-6106
Employer			Work Phone Number
Employer Address			Cell Phone Number (362) 355-5925

SUMMARY

Officer Tuschl reports...

On 05/18/17 at about 1332hrs I responded to 10421 W. Schlinger Ave for a dog bite complaint. Investigation showed US Postal Worker Tracy L. McKenzie (F/W 01/21/64) was bitten on the left leg by a dog at this residence while she was delivering the mail there on today's date at 1030hrs. The owner of the dog, Sean P. Mcquestion (M/W 07/17/54) was issued a Dangerous Dog sheet and a Suspected Rabies report was also filled out.

Vehicle Information: (Year, Make, Model, Style, Color)			
License Number:	State:	Expiration Year:	Vin:
Insurance Company:			NCIC#
Other Vehicle Information:			NCIC#
Reporting Officer(s): Tuschl, Robert		Payroll Number: 9590	Report Date: 05/18/2017
Time Received: 13:32:25	Time Cleared: 14:40:36	Unit(s) Assigned: 135	Pages: 1 Of 3
Reviewed by: Clementi, Todd		Payroll Number: 1866	Copy To

Incident Report Number: 17-018164

West Allis Police Department**Continuation**Incident Report Number
17-018164Incident Location:
10421 W Schlinger Ave, West Allis, WI, 53214Incident Date:
05/18/2017**NARRATIVE**

Officer Tuschl reports...

INITIAL RESPONSE

On 05/18/17 at about 1332hrs I responded to 10421 W. Schlinger Ave for a dog bite complaint. I was advised by W.A.P.D Dispatch that a US Postal worker (later identified as Tracy L. McKenzie F/W, 01/21/64) had been bitten by a dog that resides at 10421 W. Schlinger Ave. Tracy was currently at S. 102nd St and W. Schlinger Ave and I responded to that location to speak with her.

ON- SCENE STATEMENT OF TRACY L. MCKENZIE- VICTIM

Tracy confirmed that she currently works as a US Postal worker and was employed in that capacity during this incident. Tracy stated while on her route she was preparing to deliver mail to 10421 W. Schlinger Ave. Tracy stated at about 1030hrs she called out to the homeowner at 10421 W. Schlinger Ave to take the dog inside the residence. Tracy stated in the past there has been a written notice put on this residence by the Post Office about the dog, due to it being aggressive. Tracy stated she believed the homeowner had put the dog into the residence after she called out for him to do so (in retrospect Tracy believes the dog's owner did not hear her call out for him to take the dog inside due to it being windy). Tracy stated she believed this because she did not see the dog when she started walking onto the property. Tracy while attempting to deliver the mail she observed the dog was hiding behind a bush and then charged at her.

Tracy stated the dog proceeded to bite her twice on her left leg. Tracy stated she was able to get the dog off of her and eventually left the residence. Tracy stated she notified her supervisor about the dog biting her and she was advised to contact the Police Department about this incident. Tracy described the dog that bit her as a "mixed schnauzer." Tracy stated the dog bite broke the skin on her left leg and showed me the bite area. Upon viewing the bite area I observed a very minor red mark and observed a small red circular dot, which Tracy stated was a result of the skin being broken by the dog bite. Tracy stated the dog bite "stung" and she was advised by her supervisor to get a tetanus shot due to it occurring.

Tracy stated she did not want me to issue a citation to the owner of the dog that bite her. Tracy requested that I speak with the owner and advise them to keep the dog inside the residence until the mail has been delivered on that day. I advised Tracy that I would create a Police report for this incident and if she had any other questions to contact me.

LACK OF CONSENT

Reporting Officer(s):

Tuschl, Robert

ID Number
9590

ID Number

Pages:

2 Of 3

West Allis Police Department**Continuation**Incident Report Number
17-018164Incident Location:
10421 W Schlinger Ave, West Allis, WI, 53214Incident Date:
05/18/2017

Tracy stated no permission was given to any dog to bite her.

ON-SCENE STATEMENT OF SEAN P. MCQUESTION- CONTACT

After speaking with Tracy I responded to 10421 W. Schlinger Ave where I made contact with the owner of the dog that bit Tracy, Sean P. McQuestion (M/W 017/54). I advised Sean of this complaint and he stated he was unaware that his dog had bitten Tracy. Sean described his dog as a Terrier mix and its name is Marley. Sean stated for whatever reason Marley is an aggressive dog whenever it sees people. Sean stated that Marley is currently up to date on its rabies shots and had the appropriate paperwork which indicated that.

I advised Sean about the dog quarantine process and he was further advised to keep Marley inside his residence until he receives mail on that day.

SUSPECT RABIES FORM

I filled out the suspect rabies form and gave Sean a copy of it.

ORDER DANGEROUS DOG FORM

I filled out the order dangerous dog form and gave Sean a copy of it.

CASE DISPOSITION

Tracy L. McKenzie, a US Postal worker was bitten by a dog that resides at 10421 W. Schlinger Ave while delivering mail there on today's date. As a result of the dog bite, it broke the skin on Tracy's left leg. Tracy did not want a citation issued to the owner of the dog but advised. I subsequently spoke with the dog's owner, Sean P. McQuestion and advised him of the complaint. Sean was unaware that his dog had bitten Tracy and indicated the dog was up to date on his rabies shots. Sean was given a copy of the suspect rabies form and the order dangerous dog form.

Reporting Officer(s):
Tuschl, RobertID Number
9590

ID Number

Pages:
3 Of 3

