

April 3rd 2024

Austin Nikstad

RE: DECLARATION AND ORDER OF DANGEROUS ANIMAL

Dear Austin

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: ACE, AUSTRALIAN SHEPARD, WHITE/BLACK, M, V+ (235357 - COUNTRYSIDE VET) L+ #831 2024, 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 # A24014752: On 4/2/2024 the animal known as ACE attacked a child multiple times as he was riding his bike on the side walk. The injuries sustained by the child needed medical attention at a hospital. This attack was determined to be an Unprovoked attack and ACE was at large at the time of the attack not under the control of its owner. A citation for unprovoked animal attack 2nd offense and animal at large 2nd offense was issued to Austin.

Incident # A24006737: On 2/12/24 the animal known as ACE attacked a child biting a child's hand. The attack was determined to be unprovoked, and ACE was at large at the time of the attack. A citation for unprovoked animal attack and animal at large was given to Austin.

Due to Ace's repeated unprovoked attacks vs children that have caused bodily harm and having a known propensity to attack, the animal known as: ACE, AUSTRALIAN SHEPARD, WHITE/BLACK, M, V+ (235357 - COUNTRYSIDE VET) L+ #831 2024, 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.

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

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

CITY OF APPLETON
A Wisconsin Municipal Corporation

Petitioner,

v.

Austin Nikstad as owner of: ACE, AUSTALIAN SHEPARD, WHITE/BLACK, M, V+ (235357
- COUNTRYSIDE VET) L+ #831 2024
 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.

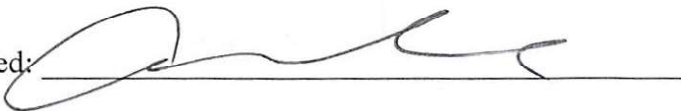
Because the animal has been declared dangerous, you are further notified that you must immediately comply with leashing, muzzling, and confinement requirements of City of Appleton Municipal Code Section 3-132. You must, within thirty (30) days, comply with all other requirements of City of Appleton Municipal 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 April 3rd 2024


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

I, AUSTIN NIKSTAD (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: 4/3/24 10:30 AM