



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appletonwi.gov

Meeting Agenda - Final Board of Health

Wednesday, February 12, 2025

7:00 AM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

4. Approval of minutes from previous meeting

[25-0039](#) 11.13.2024 Board of Health Meeting Minutes

Attachments: [11.13.2024 Board of Health Meeting Minutes.pdf](#)

5. **Public Hearing/Appearances**

6. **Action Items**

[25-0035](#) Approve ordinance changes to Chapter 12, Article IV, Noise, as identified in the attached document.

Attachments: [Memo NoiseOrdinanceProposal.pdf](#)

[Noise Ord - Redlined - 2025-01-30.pdf](#)

[25-0036](#) Approve Schedule of Deposits changes to Chapter 12, Article IV, Noise, as identified in the attached document.

Attachments: [Memo ScheduleofDepositsProposal.pdf](#)

[25-0034](#) Hearing of Appeal of Dangerous Animal Declaration
The Board of Health may go into closed session according to Wis. Stat. § 19.85(1)(a) for the purpose of deliberating an appeal of a prohibited dangerous animal declaration and then reconvene into open session.

Attachments: [01162025 DangerousAnimalDeclaration Chewy.pdf](#)

[01162025 DangerousAnimalAppeal Chewy.pdf](#)

[A24059979 Narrative Redacted and Images.pdf](#)

7. **Information Items**

[25-0037](#) Q4 Health Department Quarterly Report

Attachments: [Q4 2024 Quarterly Report.pdf](#)

[25-0038](#) Health Department Newsletter

Attachments: [January 2025 Newsletter.pdf](#)

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final Board of Health

Wednesday, November 13, 2024

7:00 AM

Council Chambers, 6th Floor

1. Call meeting to order

Chair Person Cathy Spears calls the meeting to order at 7:00am.

2. Pledge of Allegiance

The Board of Health membership is led in the Pledge of Allegiance by Chair Cathy Spears.

3. Roll call of membership

Present: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane

4. Approval of minutes from previous meeting

*Alderperson Jones moved, seconded by Werth, that the October 9, 2024 Board of Health Meeting Minutes be approved. Motion carried by the following vote:
approved*

Aye: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane

[24-1434](#)

10.09.2024 Board of Health Meeting Minutes

Attachments: [10.09.2024 Board of Health Meeting Minutes.pdf](#)

5. Public Hearing/Appearances

Theresa Moks, MD and Daniel Soderlund, MD are in attendance from Mosaic Family Health.

6. Action Items

[24-1436](#)

Appeal of Prohibited Dangerous Animal Declaration

Attachments: [11132024_BoH Prohibited Dangerous Animal Determination.pdf](#)
[10.25.2024_ProhibitedAnimalObjection_BearTheDog.pdf](#)
[24-1436 Prohibited Dangerous Animal Documentation.pdf](#)
[10.23.2024_ProhibitedAnimalDeclaration_BearTheDog.pdf](#)
[11.14.23_DangerousAnimalDeclaration_BearTheDog.pdf](#)

John Prost, owner of animal, failed to appear to appeal the Prohibited Dangerous Animal Declaration.

Testimony provided by Matthew Fillebrown, Certified Humane Officer and CSO Lead. Also present Assistant City Attorneys Darrin Glad and Zak Buruin.

The appeal of the prohibited dangerous animal declaration was not upheld. The Board voted 7/0 to determine the animal is a prohibited dangerous animal.
approved

Aye: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane

[24-1446](#)

The Board of Health may go into closed session according to Wis. Stat. § 19.85(1)(a) for the purpose of deliberating an appeal of a prohibited dangerous animal declaration and then reconvene into open session.

[24-1430](#)

EM_500_0_Succession of Delegation of Authority_PENDING

Attachments: [EM_500_0_Succession of Delegation of Authority_PENDING.pdf](#)

Presented by Health Officer, Charles Sepers.

Alderperson Jones moved, seconded by Vogel, that the EM_500_0_Succession of Delegation of Authority_PENDING be recommended for approval. Motion carried by the following vote:

recommended for approval

Aye: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane

[24-1432](#)

AHD_101_0_Creation and Maintenance of Policies_PENDING

Attachments: [AHD_101_0_Creation and Maintenance of Policies_PENDING.pdf](#)

Presented by Health Officer, Charles Sepers.

Alderperson Jones moved, seconded by Wolff, that the AHD_101_0_Creation and Maintenance of Policies_PENDING be recommended for approval. Motion carried by the following vote:

recommended for approval

Aye: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane

[24-1433](#)

AHD_102_0_Creation and Maintenance of Procedures_PENDING

Attachments: [AHD_102_0_Creation and Maintenance of Procedures_PENDING.pdf](#)

Presented by Health Officer, Charles Sepers.

Alderperson Jones moved, seconded by Wolff, that the AHD_102_0_Creation and Maintenance of Procedures_PENDING be recommended for approval. Motion carried by the following vote:

recommended for approval

Aye: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane

7. Information Items

[24-1440](#)

2025 Health Department and Grants Budgets

Attachments: [2025 Health Department Budget.pdf](#)
[2025 Health Grants Budget.pdf](#)

Presented by Health Officer, Charles Sepers.

[24-1437](#)

Health Department Newsletter

Attachments: [October 2024 Newsletter_0.pdf](#)

Presented by Health Officer, Charles Sepers.

[24-1439](#)

Q3 Quarterly Report

Attachments: [Q3 2024 Quarterly Report.pdf](#)

Presented by Health Officer, Charles Sepers.

[24-1435](#)

Director's Report

Presented by Health Officer, Charles Sepers.

8. Adjournment

Vogel moved, seconded by Wolff, that the Board of Health Meeting be adjourned at 8:01am. Motion carried by the following vote:
adjourned

Aye: 7 - Spears, Fuchs, Werth, Vogel, Alderperson Jones, Mayor Woodford and Wolff

Excused: 1 - Kane



CITY OF APPLETON

MEMORANDUM

Date: 2/4/2025

To: Board of Health and Common Council

From: Charles E Sepers, Jr, PhD, Health Officer/Director; Darrin Glad, Assistant City Attorney

Subject: Noise Ordinance Proposal

Purpose and Background

The Appleton Health Department, in collaboration with the Appleton Police Department and Legal Services, has conducted a comprehensive review of the city's noise ordinance to enhance clarity, enforceability, and efficiency. The proposed updates are designed to modernize the ordinance and align it with current practices, while also improving its effectiveness in addressing noise-related concerns in our community.

Key Changes

1. Improved Noise Variance Process

- The revised ordinance provides clearer guidelines for requesting, granting, and appealing noise variances.
- The Health Officer is given authority to grant certain event-based variances without requiring full Board of Health approval, streamlining the process for community events.

2. Removal of Light Motor Vehicle Noise Regulations

- The previous ordinance language contained provisions regulating light motor vehicle noise, which have now been removed to comply with existing Wisconsin state laws.

3. Clarification of Muffler Violations

- The ordinance now explicitly adopts Wisconsin Statutes §347.39 (2023-24), ensuring that violations related to mufflers are clearly defined and enforceable.
- The changes prevent conflicts with state law while ensuring that excessive or unnecessary vehicle noise remains subject to penalties.

4. Enhanced Enforcement Provisions

- The enforcement section has been revised to reflect current enforcement practices by the Health Department and the Appleton Police Department.

- Improved language clarifies the authority of enforcement officers and provides better guidance for addressing repeat offenders.

5. General Language and Structural Improvements

- Definitions have been refined to reduce ambiguity and ensure consistency throughout the ordinance.
- The layout and language of the ordinance have been modernized to improve readability and accessibility for residents and businesses.

Recommendation

We request that the Common Council, by way of the Board of Health adopt the proposed changes to the City of Appleton Municipal Code. By enhancing the clarity of the noise ordinance, streamlining allowable noise limits, and providing staff with clearer enforcement discretion, this update is expected to improve overall compliance and enforceability.

ARTICLE IV. NOISE*

Sec. 12-76. Definitions.

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

ANSI means American National Standards Institute or its successor bodies.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Ambient noise means the ~~all-encompassing~~all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

Background noise level means the sound from all sources, with a single source in question removed.

Commercial area means any area of the city designated on the Official Zoning Map C-O, C-1, C-2 or [Central Business District \(CBD\)](#).

Conditional variance means a regulatory exemption granted that permits elevated noise levels beyond standard noise control limits for industrial, construction, or similar applications.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

Daytime means the hours between 7:00 a.m. and 10:00 p.m. central standard or daylight savings time when in effect.

Decibel or dB means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

Demolition means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Fluctuating sound means a sound whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

Frequency means the reciprocal of the primitive period of a function periodic in time. The unit is the cycle per unit time and must be specified; typically this unit will be hertz (hz), i.e., cycles per second.

~~*Gross vehicle weight rating or GVWR* means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.~~

Industrial area means any area of the city designated on the Official Zoning Map M-1 or M-2.

~~*Light motor vehicle* means any automobile, van, motorcycle, motor driven cycle, motor scooter or light truck with~~

~~a gross vehicular weight of less than eight thousand (8,000) pounds.~~

Motor vehicle has the meaning given in Wisconsin Statutes §340.01(35) (2023-24) as amended from time to time.

~~means a vehicle which is self propelled, including, but not limited to, cars, trucks, motorcycles, motorbuses, motorhomes, snowmobiles, truck trailers, and motor bicycles.~~

Muffler has the meaning given in Wisconsin Statutes §347.39(3) (2023-24) as amended from time to time. ~~or sound dissipative device means a device for abating the sound of escaping gases of an internal combustion engine.~~

Nighttime means the hours between 10:00 p.m. and 7:00 a.m., standard time or daylight savings time when in effect.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

Public property means any real property or structures thereon which are owned or controlled by a governmental entity, including, but not limited to, parks, streets and alleys.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

Residential area means any area of the city designated on the Official Zoning Map AG, R-1A, R-1B, R-1C, R-2, R-3, P-I and NC.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 – 1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, output meter, and weighting networks used to measure sound pressure levels.

Special Variance means a regulatory exemption granted that permits amplified sound or elevated noise levels beyond standard noise control limits for entertainment events and private gatherings.

(Code 1965, §22.09(2); Ord 69-07, §1, 3-27-07)

Cross reference(s) – Definitions and rules of construction generally, §1-2. Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

State law reference(s) – Boat noises, W.S.A. §30.62; noises generally, automobiles, W.S.A. §347.38; snowmobiles, W.S.A. §350.10

Sec. 12-77. Applicability of article; administration and enforcement.

Noise is a serious hazard to the public health, welfare, safety and quality of life. A substantial body of science and technology exists by which excessive sound may be substantially abated. The people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life. This article shall apply to the control of noise originating within the corporate limits of the city, including vehicular noise. It is the policy of the city to prevent noise that may jeopardize the health and welfare or safety of its citizens or degrade the quality of life. It shall be the duty of the Health Department or the Police Department to administer and enforce the provisions of this article.

Sec. 12-78. Penalty for violation of article; abatement of noise disturbance.

Any person who shall violate any provisions of this article shall be subject to penalty as provided in §1-1876. In addition to forfeiture, this article may be enforced by injunction, nuisance abatement or other appropriate legal or equitable action. Noise as defined in this article, together with specific prohibited acts of noise disturbance, are hereby deemed and declared to be a public nuisance subject to nuisance abatement proceedings.
(Code 1965, §22.09(9))

Sec. 12-79. Noise measurement methods.

(a) Measurement shall be made at ~~or a point approximately but not less than 25 feet~~ beyond the property line of the property on which such noise is generated or ~~at or within the property line of the property on which such noise is perceived, as appropriate~~. Measurement shall be done approximately four (4) feet above the ground and at least three (3) feet from large reflecting surfaces such as building walls.

(b) Measurement of sound shall be made using either subjective or objective measurement, or a combination of subject and objective measurement. Subjective measurement will be determined by personnel that are proficient trained to operate hardware and software into for identifying noise levels. Objective measurement should be made with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI S1.6 19600 or any subsequent nationally adopted standards superseding the above standards.- In both cases, the instruments should be maintained in calibration and good working order.

(c) When a sound level meter is used, it shall be set to the A-weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth in ~~Tables I and II. An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations. When an octave band analyzer is used, a standard octave band analysis shall be conducted that spans the frequency range set forth in Tables I and II.~~

Sec. 12-80. Disturbing noise generally and prohibited acts.

(a) No person shall make or cause to be made any loud, disturbing, fluctuating or unnecessary sounds or noises such as may tend to annoy or disturb a reasonable person.

(Code 1965, §8.02(3); Ord 139-94, §1, 11-16-94)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

~~Sec. 12-81. Prohibited acts.~~

~~(a)(b)~~ No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set ~~for the zone categories in Table I; provided however, that when sound is emitted from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone, the limits set forth in Table II shall apply.~~

~~(c)(b)~~ No person shall operate, use, or allow the operation or use of any device—including but not limited to radios, televisions, music players, musical instruments, or electronic sound systems—in a manner that creates a noise disturbance.~~play, or permit the operation or playing of any radio, television, phonograph, musical instrument, sound~~

~~amplifier or similar device in such a manner as to create a noise disturbance.~~

(d)(e) No person shall own, possess or harbor any animal or bird which frequently or for continued duration makes sound which creates a noise disturbance.

(e)(d) No person shall operate or permit the operation of any mechanical power saw, drill, sander, grinder, lawn or garden tool, lawnmower, snow removal equipment or any similar device, necessary for the maintenance of property, in a manner which creates a noise disturbance. Such devices that are kept in good repair and, when new, would not comply with the standards set forth in this article, shall be exempt provided they are reasonably used for property maintenance. No such equipment, except snow removal equipment, shall be operated at night.

(f)(e) No person shall sound or permit the outdoor sounding of any fire alarm, burglar alarm, civil defense alarm, siren, horn, whistle or similar emergency signaling device, except for emergency purposes or for testing. Any testing shall be performed during the day.

(f)(g) Unlawful muffler noise. ~~No person shall operate any motor vehicle unless such motor vehicle is equipped with an adequate muffler in constant operation and property maintained to prevent excessive or unusual noise.~~ The provisions of ~~W.S.A. Wisconsin Statutes: §347.39 (2023-24), and as amended from time to time,~~ are hereby adopted by reference and made a part of this section. Violations of this subsection can also be enforced as a violation of § 19-1, the adopted state traffic laws.

(h)(e) No operator shall accelerate a motor vehicle in such a manner as to create unnecessary noise, including but not limited to loud or excessive engine revving, tire squealing caused by friction with the roadway surface, or causing tires to throw stones or gravel while accelerating, so as to emit an unnecessary noise as a result of the friction caused between the tire and the surface on which the vehicle travels or to cause the tires to throw stones or gravel when in the process of accelerating.
(Code 1965, §8.03(3)(a); §22.09(5))

(hi) It shall be unlawful for any vehicle equipped with a compression braking device (jake brakes) to use this device to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute and the vehicle's speed, except in cases of extreme emergency.

(hj) **Exemptions.** The following activities shall be exempt from the regulations of this section:

- (1) The daytime criteria, as set forth in Tables I ~~and H~~, shall not apply to construction sites, demolition sites, public utilities, and public works projects and operations during daytime hours ~~Monday through Saturday, inclusive~~; however, the noise production shall be minimized through proper equipment operations and maintenance. Stationary equipment on construction projects lasting more than ten (10) days within residential districts shall ~~be shielded or located~~ utilize strategies to prevent unnecessary noise.
- (2) Emergency short term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility, ~~and~~ public works operations, and personal generators operated in residential areas during power loss.
- (3) Essential operations and noises required by law enforcement relating to the public health, safety and welfare, including, but not limited to, law enforcement, firefighting and rescue and sanitation activities.
- (4) When the background noise level is above a noise limitation, a source may add no more than 2 dB to the background level.—Youth sports activities and other sanctioned youth events conducted by recognized community or; school; or non-profit organizations. These activities shall be permitted to generate noise incidental to their normal operations and events, provided that such noise is reasonable in duration and is limited to the scheduled event times.

(Code 1965, §22.09(3), (7); Ord 171-01, §1, 10-8-01)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; traffic and vehicles, ch. 19

TABLE I
 Maximum Permissible Sound Pressure Level
 (Levels in Decibels re .0002 Microbars)

~~7:00 A.M. to 10:00 P.M.~~

<u>Octave Band Center Frequency (Hz)</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
<u>Noise Limit</u>			
31.5	70	80	86
63	69	79	85
125	64	73	80
250	58	65	75
500	52	59	69
1000	47	53	63
2000	42	47	58
4000	38	42	54
8000	35	40	51
<u>A-scale levels</u>			
<u>Daytime</u>	<u>60</u> 57 dB (A)	<u>70</u> 60 dB (A)	<u>75</u> 02 dB-(A)
<u>Nighttime</u>	<u>50</u> dB(A)	<u>55</u> dB(A)	<u>70</u> 65 dB(A)

~~10:00 P.M. to 7:00 A.M.~~

<u>Octave Band Center Frequency (Hz)</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
31.5	69	72	81
63	68	71	80
125	62	66	75
250	54	60	70
500	48	54	64
1000	42	49	58
2000	36	44	53
4000	31	40	49
8000	29	37	46
<u>A-scale levels</u>	<u>52</u> dB-(A)	<u>58</u> dB-(A)	<u>67</u> dB-(A)

TABLE II
 Maximum Permissible Sound Pressure
 (Levels in decibels re .0002 Microbars)

~~7:00 A.M. to 10:00 P.M.~~

Octave Band Center Frequency (Hz)	Ind. Into <u>Commercial</u>	Ind. Into <u>Residential</u>	<u>Commercial</u> Into <u>Residential</u>
31.5	80	79	75
63	79	78	74
125	74	73	69
250	69	67	64
500	63	61	58
1000	57	55	52
2000	52	50	47
4000	48	46	43
8000	45	43	40
A-scale levels	66 dB (A)	64 dB (A)	61 dB (A)

10:00 P.M. to 7:00 A.M.

Octave Band Center Frequency (Hz)	Ind. Into <u>Commercial</u>	Ind. Into <u>Residential</u>	<u>Commercial</u> Into <u>Residential</u>
31.5	75	74	72
63	74	73	71
125	69	68	65
250	64	63	57
500	58	57	51
1000	52	51	45
2000	47	46	39
4000	43	42	34
8000	40	39	32
A-scale levels	61 dB(A)	60 dB (A)	55 dB (A)

Sec. 12-81 – 12-82.

Light motor vehicle noiseReserved.

No person shall cause noise levels from the operation of a light motor vehicle and motorcycles in excess of the sound levels set forth in tables III and IV below.

TABLE III

Passby Vehicle Sound Limits

Weighted and sound level limits for operation on roadways specified at fifty (50) feet from the centerline of the

vehicle travel lane:

~~Automobiles, Vans — On Highway~~
~~Light Trucks GVWR — Motorcycles~~

Posted Speed Zone

Greater than 45 mph	78 dB	82 dB
45 mph or less	72 dB	78 dB
35 mph or less, level road- ways, constant speed cruise, 200 feet or more from inter- section	70 dB	74 dB

TABLE IV

Stationary Vehicle Sound Limits

~~Weighted sound level limits for stationary vehicles. Vehicle exhaust noise tests measurements at twenty (20) inches from exhaust outlet:~~

Automobile, Vans, Light Trucks, GVWR 8,000 lbs.	95 dB
On-highway motorcycles	99 dB

~~Add 2 dB for rear and mid engine vehicles.~~

~~Tests shall be conducted at an engine test speed of 3,000 RPM or one-half the indicated engine red line.
(Code 1965, §22.09(6))~~

Sec. 12-83. Variances.

~~—The City of Appleton Board of Health, upon final approval by the Common Council, shall have the authority, consistent with this section, to grant variances in accordance with the following provisions:~~

(a) **Special Variance Permits.**

~~(1) **General.** A special variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health or welfare and reasonable steps are taken to keep such noise at the lowest practical level.~~

~~(2) **Special Community Events.**—A variance may be issued for special events and similar gatherings, festivals, presentations and the like, which are limited in duration and are generally acceptable to the people of the community provided that precautions are taken to maintain the noises produced at the lowest practical level. The Health Officer, or designee, is authorized to issue a variance pursuant to this section upon receiving a complete application for an event meeting this section’s criteria. Applications that are not approved shall, upon timely request of the applicant, be reviewed by the Board of Health at their next regularly scheduled meeting.~~

~~(2) **Application.** An application for a variance permits under this subsection must be submitted in writing to the Health Officer or their designee. The application shall include the specific grounds for requesting the variance and the proposed timeline for the activity. The Health Officer shall provide public notice of the receipt of a variance permit application within a reasonable period. Application fees will be established and maintained on file at the Health Department.~~

~~(3) **Procedures.** Any person seeking a special variance permit pursuant to this section shall file an application with the Health Officer, ~~to be submitted to the Board of Health, forty five~~seven (745) days~~

prior to commencement of the event or activity for which the variance permit is requested. The ~~Board of Health~~ Health Officer, however, may waive the time limit when compliance therewith is impractical. The application must be made in writing and shall contain all the following pertinent information:

- a. Dates required.
 - b. Time and place of operation.
 - c. Equipment operation involved.
 - d. Necessity for such permit.
 - e. Steps to be taken to minimize noise.
 - f. Name of responsible person who will be present at the operation site while the noise is produced, including contact information.
- (4) **Issuance.** Upon final approval by the ~~Common Council~~ Health Officer, a special variance permit shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by applicant. Noncompliance with any condition of these special variance permits shall terminate the permit and subject the person holding it to compliance with this article, including remittance of applicable fees.
- (5) **Extension or modification.** Application or extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (6) Appeals. Any applicant or other person aggrieved by the decision of the Health Officer or designee may seek an appeal to the Board of Health. Requests for appeal shall be made in writing to the Health Officer, to be submitted to the Board of Health. Applications that are not approved shall, upon timely request of the applicant, be reviewed by the Board of Health at their next regularly scheduled meeting.

(b) **Conditional Variances.**

- (1) It may not be technically or economically feasible for certain commercial, ~~or industrial, or construction~~ sources of sound to comply with the standards set forth herein. Therefore, the Board of Health may grant variances from this subsection if it finds that strict compliance is unreasonable because:
 - a. Conditions are beyond the control of the person requesting such variance.
 - b. Special circumstances exist which would render strict compliance impractical.
 - c. Strict compliance would result in substantial curtailment or closing down of a business, plant, operation or the like.
 - d. Control technology is unavailable or available only at a prohibitive cost.
 - e. No other alternative facility or method is available.
- (2) **Application.** Application for a variance permit under this subsection shall be made in writing to the Health Officer for submittal to the Board of Health. The application shall include the specific grounds for requesting the variance and the proposed timeline for the activity. Such application shall specify the grounds upon which the variance permit is sought and the date by which the source of any excess noise for which the variance is sought shall be brought into compliance with this section. An application for a variance permit shall be considered timely made if filed within thirty (30) days ~~following due~~

~~notification that it is in violation of this section~~ before the date for which the variance is sought. The proper filing of an application within such time shall toll all penalties provided in this section for any such violation until a final decision has been issued on the merits of such application. The Board of Health, within a reasonable amount of time, shall give public notice of the receipt of an application for a variance permit.

- (3) **Permit.** Within a reasonable time following receipt of an application for a variance permit and after public notice thereof has been given, the Board shall grant such permit to an applicant if the Board finds that immediate compliance with the noise limitations as set forth in this section would result in unnecessary hardship to the applicant. In making the determination, the Board of Health shall balance the hardship to the applicant, the community, and other persons of not granting the variance, against the adverse impact on health, safety, and welfare of persons affected, the adverse effect on property affected and any other adverse impacts of granting the variance. Any person who claims to be adversely affected by the allowance of the variance permit may file a statement with the Board of Health containing information to support the claim. The Board of Health may require the applicant to submit information not contained in the application which may be necessary for making a determination under this subsection. Within five (5) days following the determination, the Board of Health shall place on file with the City Clerk a copy of the decision which shall specify the reasons for denying or granting the variance permit.
- (4) **Conditions.** Upon final approval by the Common Council, the Health Officer shall issue a variance permit under such conditions as are necessary to protect the public health, safety, and welfare, including a schedule for achieving compliance with noise limitations. Variances exceeding two (2) years may be granted only in exceptional cases, including those for which, in the opinion of the Board of Health, control technology is unavailable or available only at a prohibitive cost. Non-compliance with any conditions imposed on the variance shall terminate the variance and subject the person holding it to those provisions of this section for which the variance permit was granted.
- (5) **Extension and Modification.** Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like applications for an initial variance, except that the Board of Health must find that the need for such extension or modification clearly outweighs any adverse impacts of granting the extension or modification.
- (6) **Appeals.** Any applicant or other person aggrieved by the decision of the Board of Health or Common Council may seek such other legal relief as may be available.

(Ord 173-08, §1, 11-25-08)

Cross reference(s) – Board of Health, §2-76, et seq.

Sec. 12-84. Sounding locomotive whistle.

No railroad company or any of its agents, servants or employees shall blow any whistle on any engine within the limits of the city, except in those cases prescribed and designated by ~~federal or state law~~ the laws of Wisconsin. This section does not prohibit the blowing of any whistle as a signal warning in cases of peril, fire or collision or other imminent danger.

(Code 1965, §8.02(3); Ord 137-92, §1, 12-16-92, Ord 84-00, §1, 10-7-00)

Sec. 12-85. Adoption of state law regarding sound-producing devices; impoundment; seizure and forfeiture.

W.S.A. §66.0411 regarding impoundment, seizure and forfeiture of sound-producing devices in violation of this article is hereby adopted by reference and made an offense punishable as a violation of this code.

(Ord 89-96, §1, 9-18-96)

Sec. 12-86. Commercial and industrial construction

New or substantially modified structures on land used or zoned as commercial or industrial shall be subject to site plan review to evaluate compliance with the provisions of this code.

Sec. 12-87. Radio or other electric sound amplification device – prohibited.

No person or business may use a radio or other similar electric sound amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet.

(Ord 84-05, §1, 8-23-05)

Secs. 12-88 – 12-100. Reserved.



CITY OF APPLETON

MEMORANDUM

Date: 1/30/2025

To: Board of Health and Common Council

From: Charles E Sepers, Jr, PhD, Health Officer/Director; Darrin Glad, Assistant City Attorney

Subject: Schedule of Deposits Proposal

City staff recommends that the Common Council update the Schedule of Deposits related to Noise violations. Violations of noise ordinances currently carry the following total costs:

§ 12-80 (Loud and Unnecessary Noise)	\$263.50 for a first offense, and \$389.50 for a second offense.
§ 12-81 (Squealing tires and throwing gravel)	\$200.50
§ 12-87 (Radio or other sound amplification prohibited)	\$200.50

If passed, the proposed updates to the ordinances will require the Schedule of Deposits to be amended to correspond to the new ordinance sections (e.g. §12-81 is being moved to §12-80). City staff recommend that the Schedule of Deposits be further updated to reflect the consistent treatment of all noise violations such that all violations of Chapter 12, Article IV. will have a \$100 fine for a first offense (\$263.50 inclusive of current court costs), \$200 fine for a second offense (\$389.50 inclusive of current court costs), and \$500 fine for third and subsequent offenses (\$767.50 inclusive of current court costs).

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

January 3rd 2025

Steven Jenkins

RE: DECLARATION AND ORDER OF 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: CHEWEY: MALE, BLACK, LAB-MIX, L-, R- 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 # A24059979: On 12/31/2024 the family dog known as CHEWEY, was reported to be next to a family member in a bedroom. It was reported that CHEWEY, attacked this child causing severe facial damage that needed stitches to close the wounds at a hospital. This attack was determined to be an unprovoked animal attack.

Due to CHEWEY being involved in a unprovoked animal attack that caused bodily harm to a child that resulted in stitches, the animal known as: CHEWEY: MALE, BLACK, LAB-MIX, L-, R- is being declared as a 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.

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

CITY OF APPLETON
A Wisconsin Municipal Corporation

Petitioner,

v.

Steven Jenkins

as owner of: CHEWEY: MALE, BLACK, LAB-MIX, L-, R-
Respondent.

ORDER DECLARING ANIMAL DANGEROUS

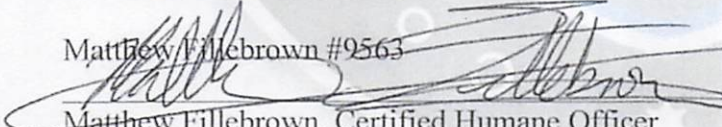
As the owner and/or caretaker of *the above-named ANIMAL*, you are hereby notified that the City of Appleton has declared that *the above-named ANIMAL* AS dangerous pursuant to the City of Appleton's Municipal Code 3-131.

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.

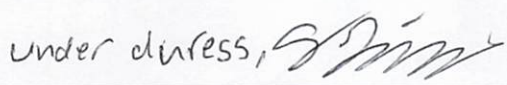
This order remains in effect, even if appealed, until modified or withdrawn. This order is in effect for the lifetime of the animals.

SO ORDERED on 01/13/2025

Matthew Fillebrown #9563


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

I, Steven J. Jenkins (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: under duress, 

Date: 1/13/2025 12:30pm

Formal Statement: Defense Against Allegation of Unprovoked Dog Bite

Subject: Incident on 12/31/24

To Whom It May Concern,

I am writing to formally address the incident involving my dog, Chewy, which occurred on 12/31/24 at my home. I would like to provide a detailed account of the events leading up to the bite and present evidence demonstrating that Chewy was provoked into reacting defensively. In addition, I will show that Matt Fillebrown is not a reliable source in reporting the facts.

Incident Description and Evidence of Provocation

At approximately 19:30, Chewy was in (our 12 year old son) Noah's bedroom along with our youngest son, Tucker (5 years old). Noah was playing a video game and Tucker was standing next to Chewy who was sitting on the floor:

- Through peripheral vision, Noah observed Tucker strike Chewy hard in the nose.
- It startled Chewy and he responded by biting Tucker in the face as that was the closest (and at the same level) part of Tucker's body near Chewy. Tucker fell to the floor crying and Chewy laid down on the floor visibly shaken by what had occurred.
- Chewy had responded in a natural canine way to the provocative strike on the nose and was in no way the aggressor in this situation.
- The teeth marks on Tucker's face show clear evidence that this was a singular, defensive bite and not a mauling or prolonged attack. There is no evidence of a secondary bite.

Character Evidence for Chewy

- Chewy has no prior history of aggression. Even when Tucker has been rough with Chewy in the past, Chewy has not responded with aggression whatsoever. This includes Tucker randomly hitting Chewy, blowing hard into his ear and even trying to insert objects into his nostril.
- Chewy received obedience training during his time with his previous owner. Chewy has been a part of our family for 4 years and we think that he is somewhere around 6 or 7 years old.

- In the 4 years of having Chewy, myself, my wife and our four sons have enjoyed his companionship and appreciated his calm and well-behaved demeanor. This incident was most certainly out of character during all his time with us.
- We have taken Chewy to the groomer numerous times over the last four years and have never received any complaints or negative comments regarding his behavior or demeanor.
- We frequently travel with Chewy and take him with us on vacations and family visits. Chewy adjusts well to new environments and people without issue, including being around other small children and pets.

Relevant Legal Context

- Provocation is recognized as a valid defense in cases involving dog bites.
- Matt Fillebrown inserted himself into the situation days after the incident claiming that after reviewing the report of CSO Yang that he would need to become involved.
- Matt Fillebrown then proceeded to issue a report containing false statements (such as stating the children were asleep), began making accusations with no basis (such as the bite being unprovoked), and attempted to sensationalize this defensive bite as a “mauling”.
- Matt Fillebrown persistently attempted to gaslight me during phone conversations and spoke in a threatening manner giving ultimatums to include forcing Chewy to be euthanized, issuing costly citations, or permanently labeling Chewy as an aggressive animal which comes with associated consequences that can be overwhelming.

Steps Taken Post-Incident

To prevent any future incidents, I have:

- Complied with the order to keep Chewy quarantined for 10 days.
- Cooperated with the process of having Chewy participate in 3 required observations by professionals (please see attached letter from Fox Valley Humane Association regarding those observations).
- Enhanced my vigilance in closely supervising Chewy when interacting with people.
- Maintained diligence in teaching my son, Tucker, to interact with animals appropriately.

Conclusion

Chewy acted out of self-defense in response to provocation. Evidence clearly shows that this was a provoked bite and in no way a representation of Chewy's normal behavior before or since the incident.

I respectfully request that this evidence be carefully considered in evaluating the incident. I am committed to ensuring the safety of those around me while maintaining responsible ownership of my pet.

All parties involved see the evidence and conclusive facts to show that this was a one-off incident brought on by my son Tucker pushing the limits just a little bit too far one time. The only person who sees this incident differently is Matt Fillebrown who seems to be on a power trip toward incorrectly labeling a family pet as a Dangerous Animal to bring dire consequences - for what purposes I am unsure.

My family, CSO Yang and Outgamie County Humane Officer Vicki Prey all agree that Matt has missed the mark on this one and see no evidence that would warrant the actions Matt Fillebrown is intent on taking. We plead with you to reject the action of declaring Chewy a dangerous animal from a single, provoked incident. Our family has suffered enough and we do not want to further the pain by losing our beloved pet or seeing him muzzled every time he goes outside.

Please do not hesitate to contact me for further information or clarification. I am also willing to cooperate fully with any investigation into this matter.

Sincerely,

Steve Jenkins
1625 N. Racine St.
Appleton, WI 54911-3845
508-494-0903
steven.jenkins.1225@gmail.com





January 14, 2025

To Whom It May Concern,

Chewy was seen at Fox Valley Humane Association for his 3 required observations after he bit a member of the family and was ordered to be quarantined.

I saw Chewy for his first 2 observations and was present when the FVHA Veterinarian did the final observation.

Observation 1: Upon arrival Chewy was hesitant to enter the building. I took a seat away from Chewy and spoke to him in a normal voice. His body then relaxed and he sat next to his owner Steven. He was calm and quiet during the remainder of the observation.

Observation 2: Chewy entered the building confidently, wagging his tail while I spoke to him. He sat quietly and calmly next to his owner for the remainder of the observation.

Final Observation: Chewy entered the building confidently and was interested in the new person in his presence, Dr. Nelson, DVM. He wagged his tail and exhibited normal dog curiosity as she was speaking to him. There was no change in his behavior as she squatted down to get a better look at Chewy.

It is important to understand that dogs communicate through their behavior, and after Steven explained what led up to the bite to his son, it is likely that this was a defensive response rather than aggression.

Respectively submitted,

Vicki

Vicki Prey

Outagamie County Humane Officer

Fox Valley Humane Association

N115 Two Mile Rd.

Appleton, WI 54914

920-733-1717 ext 113

humaneofficer@foxvalleypets.org



APPLETON POLICE DEPT

Incident #: A24059979

Reporting Officer: 9562 BENJAMIN YANG

Report Time: 12/31/2024 21:31:37

Incident

Incident Nature
Animal Bite

Address
1625 N RACINE ST; at Theda
Appleton ER room 7
APPLETON, Wisconsin 54911

Occurred From

12/31/2024 21:31:31

Occurred To
12/31/2024 21:32:50

Received By
9508 MARY JANSSEN

How Received
Telephone

Contact
ER nurse Art

Disposition
Active

Disposition Date

Cleared

Intrnl Inc. Sts

Cleared Date

Clearance
REPORT

Cargo Theft Related

Responding Officer(s)
9562 BENJAMIN YANG

Offenses

All Other Offenses

Completed?

Method Of Entry

Gambling Motivated?

Premises Entered?

Location Type

Cargo Theft Related?

Statute
AC 3-18

Description
ANIMAL RABIES
VACCINATION REQUIRED

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

Non UCR Reportable


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

Persons

JENKINS, STEVEN J Adult Offender

Address 1625 N RACINE ST APPLETON Wisconsin 54911	Phone (508)494-0903	DOB 12/25/1986
Race White	Sex Male	Ethnicity Unknown
Height 5'08"	Weight 200	

TJ Victim

Address  APPLETON Wisconsin 54911	Phone	DOB 07/04/2019
Race White	Sex Male	Ethnicity Unknown
Height	Weight 0	

NDJ

Contact

Address	Phone	DOB
██████████ APPLETON Wisconsin 54911		09/27/2012
Race	Sex	Ethnicity
White	Male	Unknown
Height	Weight	
	0	

Narratives**Original Narrative****01/23/2025 11:07:19**

On 12/31/2024 at approximately 21:32 hours I, CSO Yang #9562 responded to an animal bite at the address of 1625 North Racine Street; Thedacare Appleton ER room 7. The CAD notes indicated a 5 year old male with dog bite in ER #7.

Upon arrival at Thedacare Appleton ER room #7, I was met by the victim and his father "Steven Jenkins" (12/25/1986). As I introduced myself to Steven, he began informing me what happened in today's incident. Steven helped me identify the victim involved today as his son "██████████ TJ Jenkins" (07/04/2019). Steven insisted that he wasn't home during the time ██████████ TJ was bit, but he was told that ██████████ TJ was in his brother's room with him when it happened. The dog involved in today's incident is the family dog named "Chewie". Steven notably added that ██████████ TJ will frequently bother Chewie to the point where the Chewie will nip back at ██████████ TJ but in a defensive/reactive manner. Steven strongly believed that today's animal bite was an accident as the dog has never showed aggressive behavior in the past. ██████████ TJ and Chewie get along perfectly whenever ██████████ TJ isn't physically bothering him.

With this, I asked Steven if I could speak to the brother that was in the same room as ██████████ TJ during the bite. Steven agreed for me to speak with the brother and called his wife over the phone as the brother was with her. I spoke to the brother involved who I only identified as "Noah Jenkins", over the phone. I asked Noah what had happened today. Noah confirmed ██████████ TJ was in his room along with Chewie. Noah laid on his bed while ██████████ TJ was with Chewie on the floor. Noah stated he didn't hear or see anything until after the bite occurred because the room lights were off. Noah had only thought maybe ██████████ TJ and Chewie were playing. This left no witnesses for the incident and only reasonable belief that ██████████ TJ had been bothering Chewie as always.

While observing ██████████ TJ, I noticed approximately 7 total laceration wounds on his face. Three near the right eye (two above and one below left side of right eye), three scratches above the left eye, and one near the top left of his forehead. As it's unclear if the dog bit or scratched ██████████ TJ, due to my training experience as an animal control officer, I believe the dog had bit Tucker near his right eye and scratched ██████████ TJ on his left side of the face. The wounds would match as the punctures around his right eye are deeper and stretched where as the punctures to his left side are longer and not as deep.

As I confirmed with Steven about the high possibility of ██████████ TJ provoking Chewie today, Steven made it clear that this was the determining factor of either euthanizing or surrendering Chewie. I informed Steven of the order to quarantine process for Chewie. Steven lastly stated that they had moved from another state earlier this year and wasn't sure if he had documentation of Chewie's rabies vaccination. Steven had no further questions as he plans on not having Chewie anymore.

In the case that there is no substantial evidence that this bite was unprovoked due to the given

statements, I believe that [REDACTED] TJ was provoking Chewie as he usually would. Pictures of the dog and victim wounds has been uploaded to AXON CAPTURE. Attached to the files is the APD order to quarantine form. I will follow up with this case during my next shifts.

RECORDING DEVICE:

Axon on

INVOLVEMENTS:

"Steven Jenkins" (12/25/1986)

"Tucker Jenkins" TJ (07/04/2019)

"Noah Jenkins" NJ

DOG INFORMATION:

Name: Chewie, Gender: Male, Breed: Lab mix, R? L?

END OF REPORT

CSO Yang #9562

Transit 1049

**Supplemental
Narrative**

01/02/2025 19:31:02 9562 BENJAMIN YANG

On 01/02/2025 during my 15:00 hour shift I, CSO Yang #9562 followed up on this animal bite after receiving two missed phone calls from "Steven Jenkins".

I made phone contact with Steven and he advised that he was able to get "Chewie" seen at FVHA. FVHA allowed Chewie to stay home and finish the quarantine due to boarding issues at FVHA. At this time, Steven wasn't sure what he would do with Chewie and he still needs time to find a solution for him. In the case that Steven keeps Chewie after the quarantine is finished, I will follow up on this incident to ensure rabies vaccination and licensing is done with the city of Appleton WI. Further follow up will be done during my next shifts.

RECORDING DEVICE:

Axon on

END OF SUPPLEMENT

CSO Yang #9562

Transit 1049

**Supplemental
Narrative**

**01/03/2025 13:30:56 9563 MATTHEW
FILLEBROWN**

INTRO

On 1/3/2025 while working as the Lead Community Service Officer and Humane Officer for the City of Appleton I followed up on this animal attack incident, to determine if it indeed was a provoked animal attack due to the severity of the victim's wounds.

EXAM OF FACIAL INJURIES

Upon looking at the pictures provided by CSO Yang, I could see that the victim sustained multiple

facial injuries during this animal attack. The victim, [REDACTED] TJ, in the wound pictures showed blood stains dripping from both of his closed eyes. I could see from the picture uploaded by CSO Yang, that [REDACTED] TJ had sustained a laceration under his right eye. This laceration appeared to be still fresh, which appeared to be the cause of the blood streaking down from [REDACTED] TJ's Face. [REDACTED] TJ also sustained an addition laceration mark and what appeared to be a puncture wound, above his right eye. [REDACTED] TJ in addition sustained an approximate 3-4 lacerations close to his left eye. While looking at the wound pictures I also noticed that [REDACTED] TJ sustained a laceration near the left side of his temple and what appeared to be a large laceration on the top left hand side of [REDACTED] TJ's head by his hair line. [REDACTED] TJ's face was red and puffy from a few scratch marks as well. [REDACTED] TJ's shirt was stained what appeared to be blood near his shoulders and his chest area.

ELEMENTS OF THE ATTACK

In CSO Yang's interview with Steven, Steven mentioned to CSO Yang that he was at work and did not witness the attack. Steven told CSO Yang that [REDACTED] TJ has a history of hitting their dog. Steven mentioned that their dog does a good job of not reacting to these interactions. Steven said that [REDACTED] TJ has slugged Chewy in the past and that Chewy would run away until [REDACTED] TJ would corner him. Steven then said that his other son was in the room when this attack happened and that older son believes that [REDACTED] TJ probably did something to Chewy. During the conversation with CSO Yang it was never mentioned that [REDACTED] TJ or Chewy were not allowed to be next to each other.

CSO Yang then talked with Noah with Steven Present. Noah said that he saw [REDACTED] TJ standing in front of Chewy. Noah then said something to the effect of "I didn't see the whole thing, but I saw [REDACTED] TJ fall back and that's all I saw". CSO Yang asked if he heard any sounds leading up to the attack and Noah said no. CSO Yang asked Noah if he believes that [REDACTED] TJ touched the dog in a way that would lead to bite him and Noah said no. Noah then said that he did not see anything because the room was dark. CSO Yang then verified that this happened in Noah's room and he said yes. During CSO Yang's conversation with Noah I could hear an adult female voice in the background with Noah.

UNPROVOKED DECLARATION

The facts of the investigation show that Chewy and [REDACTED] TJ are familiar with each other. They are allowed to interact with each other and it is not uncommon for [REDACTED] TJ to hit Chewy. The witness, Noah, indicated that he did not see [REDACTED] TJ hit Chewy or Abuse Chewy at the moment of the animal attack nor did he hear any whimpering or growling from Chewy. The wounds sustained by [REDACTED] TJ from Chewy needed medical treatment at a hospital. With the information provided by CSO Yang's investigation, I am deeming this attack to be unprovoked. The act of standing next to the family dog, with no witnessed account of [REDACTED] TJ hitting or abusing Chewy at the time of the attack, is not justification for a family dog to bite a child in the face with such force to cause severe injuries needing stitches. This declaration is based off of the interview provided by CSO Yang.

CONTACT WITH FATHER, STEVEN.

I then made contact with Steven, on my recorded phone line. I introduced myself to Steven and explained to him the reason for my phone call. I told Steven that I was calling in regards to the severity of this attack that I was finding to be unprovoked. I went over the report with Steven and asked if [REDACTED] TJ was sleeping with Chewy on the ground. Steven told me that was incorrect. Steven said that his other son, Noah, was playing video games in his room and that [REDACTED] TJ was standing next to Chewy who was sitting. Steven then said that next thing Noah told him was that he heard a sound and then saw [REDACTED] TJ fall back onto the floor. Steven then told me that his son Noah told him that he thinks [REDACTED] TJ punched Chewy in the nose again.

I informed Steven that these statements of [REDACTED] TJ's interaction with Chewy did not justify the mauling that [REDACTED] TJ received from Chewy. Steven did not like that I had used the word Mauling to describe the wounds that his son had received. I then asked Steven if [REDACTED] TJ's wounds needed stiches to close them, to which he replied, yes. For clarification, WI state statue classifies Substantial Bodily Harm as bodily injury that causes a laceration that requires stitches. Steven and I then talked about dog owner ship and the ups and down that goes with it. Steven told me that Chewy has in the past run away from [REDACTED] TJ and they have worked with [REDACTED] TJ to stop harassing Chewy.

I then informed Steven that this animal attack would be deemed as a unprovoked animal attack. I explained what that meant and that a ticket would most likely be issued. I explained to Steven that if Chewy was put down the City would not Cite or do a Dangerous Animal Declaration. I then explained to Steven that if Chewy was removed, which was fine, that a Dangerous Animal Declaration would happen. Steven asked me what the cost of the citations would be and I explained to him how much those were.

Steven and I then discussed the quarantine process and where they were with it. During my conversation with Steven, he was not sure his dog was vaccinated and that it had been a few years since he had the Rabies Vaccination Shot.

The next topic that was discussed was what Steven had planned for Chewy after the quarantine was completed. Steven mentioned that he would have Chewy Euthanized or rehomed. I informed Steven that if Chewy was rehomed that the City of Appleton would follow up on the Dangerous Animal Declaration and Tickets being issued for this unprovoked animal attack. I then told Steven that if Chewy was euthanized that the case would be closed as exceptionally cleared, as Chewy has been put down. Steven said he understood and that I would be following up on the 9th of January.

CONCLUSION

This animal attack has been declared as a unprovoked animal attack. The act of a familiar family member standing next to the family dog while not being reported to be taunting or teasing the family dog is not considered to be provocation for an attack. The act of causing serious bodily harm to a child that resulted from a unprovoked animal attack is justification for declaring Chewy as a Dangerous Animal.

FOLLOW UP WITH STEVEN

I called Steven back on my recorded phone line and followed up with him to see what he would be doing with Chewy after the quarantine. Steven said that I should just send him the tickets and that he would be pushing back. Steven said money would not be an issue for him and that he would push back. I then asked Steven if we could meet on Monday to meet with him to go over the paper work that would be involved with the Dangerous Animal Declaration. Steven said that he is only free on Fridays. Steven and I then decided that email each other would work best. I then went over some information about what would need to be done with the Dangerous Animal Declaration. Steven then asked for my supervisor's information and I provided him with Captain Lewis' information. I then sent Steven his Dangerous Animal Declaration for Chewy and informed the Board of Health of this declaration.

ARREST CUSTODY INFORMATION

STEVEN J JENKINS 12/25/1986 will be cited for AC 3-15(b) Unprovoked Attack and AC 3-18 (Rabies Vaccination Required).

Fillebrown #9563

Supplemental Narrative

**01/24/2025 10:28:33 9159 MITCHELL
MARTINEZ**

INVESTIGATION:

I, Officer Martinez #9159, was working in plain clothes as a school resource officer and sensitive crimes investigator for the City of Appleton Police Department on 01-22-25. I was asked to assist with an animal investigation by Lead Community Service Officer and Humane officer Fillebrown. I was asked to speak with Noah Jenkins regarding what he may have seen from the incident. I spoke with him at Huntley Elementary School.

CONVERSATION WITH NOAH JENKINS AT HUNTLEY ELEMENTARY SCHOOL ON 01-22-25:

Noah explained to me that his brother [REDACTED] TJ, his dog, and him were all in Noah's room. Noah said he was playing video games with his friends. He also mentioned that his room was dark. [REDACTED] TJ was talking to him, but Noah had his headphones on, so he did not exactly hear what he was saying. Noah saw [REDACTED] TJ and the dog right in front of each other. After that Noah said he "kind of" saw [REDACTED] TJ hit the dog. [REDACTED] TJ fell back and ran to his mom.

Noah explained in more detail the location of everyone in the room at the time. Noah was sitting in a chair facing the TV where he was playing his video games. The TV sat on his dresser/wardrobe across from him. [REDACTED] TJ and the dog were to the right of Noah. The dog and [REDACTED] TJ were facing one another. [REDACTED] TJ had pizza in his hand according to Noah. Noah said [REDACTED] TJ was "probably" making fun of the dog because he likes to do that a lot. Noah said, "I don't know if I actually saw it" as he was talking about [REDACTED] TJ having a pizza "up here". Noah was implying with the motion of his hand that [REDACTED] TJ may have been teasing the dog with pizza.

Based off some of the comments Noah was making such as "kind of", "probably" and "I don't know if I actually saw it", I was not sure if Noah was explaining to me what he saw with his own eyes. Noah also made a comment a little later during our conversation that [REDACTED] TJ "just did whatever he did to my dog". He also said, "he like punched him or something" along with "It's either he like accidentally punched him or he was teasing him". Due to all these statements I wanted to make sure I was following him correctly as well as getting the information correct of what he saw himself, so I went back to break the statement down to get a better understanding.

Noah confirmed that he saw [REDACTED] TJ with pizza in his hand, but he did not see [REDACTED] TJ raise the pizza up or tease him. Noah later said he did not see [REDACTED] TJ punch the dog, but he said, "I think I saw him teasing him with the pizza". I asked Noah after [REDACTED] TJ had the pizza in his hand, the dog was sitting there, and he was playing his game, what was the next thing he saw with his own two eyes. Noah explained [REDACTED] TJ fell back, [REDACTED] TJ was holding his face, and [REDACTED] TJ went to his mom. Noah said there was blood on the basketball hoop that he got from their parents. After that they were in the ER. Noah confirmed that he saw [REDACTED] TJ falling backwards with the pizza, but he did not see what caused the bite to happen.

OTHER INFORMATION:

I attempted to talk to [REDACTED] TJ about the situation at Huntley, but he did not say any words when speaking with him. It appeared [REDACTED] TJ was not ready to open up about the situation.

I updated their parents on the conversations that were had. I advised them that if/when [REDACTED] TJ was ready to discuss what happened with them, that they should reach out to the Police Department to update them.

This ended my involvement with this case.

My Axon body camera was on.

END REPORT:

Ofc Martinez #9159

The following two pages contain images of injuries.





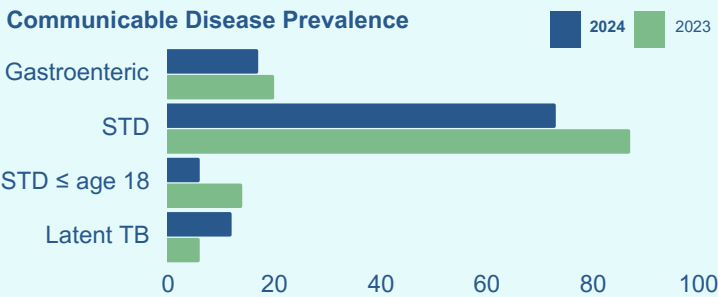
Appleton Health Department

2024 Q4 Report

There are five Foundational Areas in Public Health, also known as Public Health Programs. The Appleton Health Department reports quarterly on quantitative metrics in each program. The data reported here is compared to the data for the same period the previous year.

Communicable Disease Control

A decrease in sexually transmitted disease is observed from 2023 to 2024.



Chronic Disease Control & Injury Prevention

Lead elevations are consistent with the number of elevations reported last year.



Community Health

- Beginning of Internal Communication: Basic Needs Team is meeting with internal city department leaders, including the mayor, to introduce them to the process of referrals.
- Creation of SOP for Coordinated Entry position
- Significant progress on CHA document

Maternal, Child, & Family Health

In Q4, we saw a decrease in Latent Tuberculosis Infections, which has reduced the number of home visits during this period.

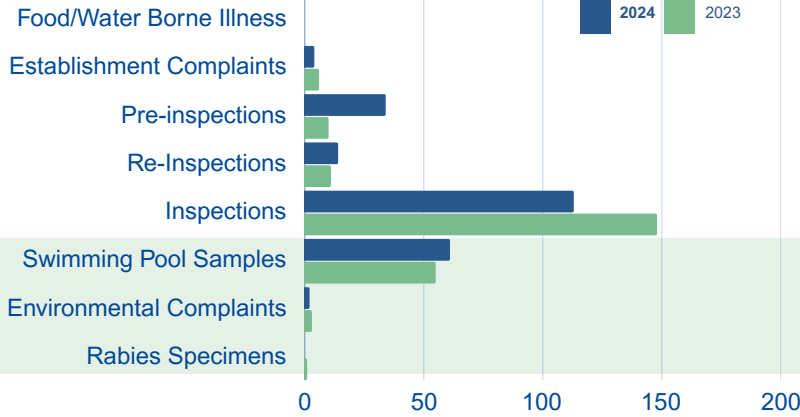
Public Health Nurse visits and revisits



Environmental Public Health

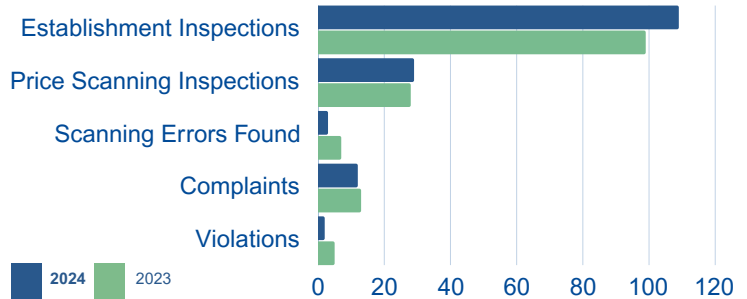
Routine license inspections were lower in Q4, as the inspection schedule was adjusted across all quarters to be responsive to seasonal needs. A large increase in pre-inspections indicates the growth of the Food Truck culture within Appleton.

Licensing



Weights & Measures

Establishment Inspections, Price Scanning Inspections, Complaints, & Violations



Emergency Preparedness & Response

- The Emergency Management Coordinator facilitated three one-hour exercises, to test and evaluate the AtHoc emergency notification system, the activation of the Emergency Operations Center, and identify resources available for deployment by various departments during an emergency.
- Participation in a Community Reception Center exercise.
- Development of Emergency Support Functions, the public health emergency plan, and crisis communication plan. These initiatives are set to continue over the next two years.



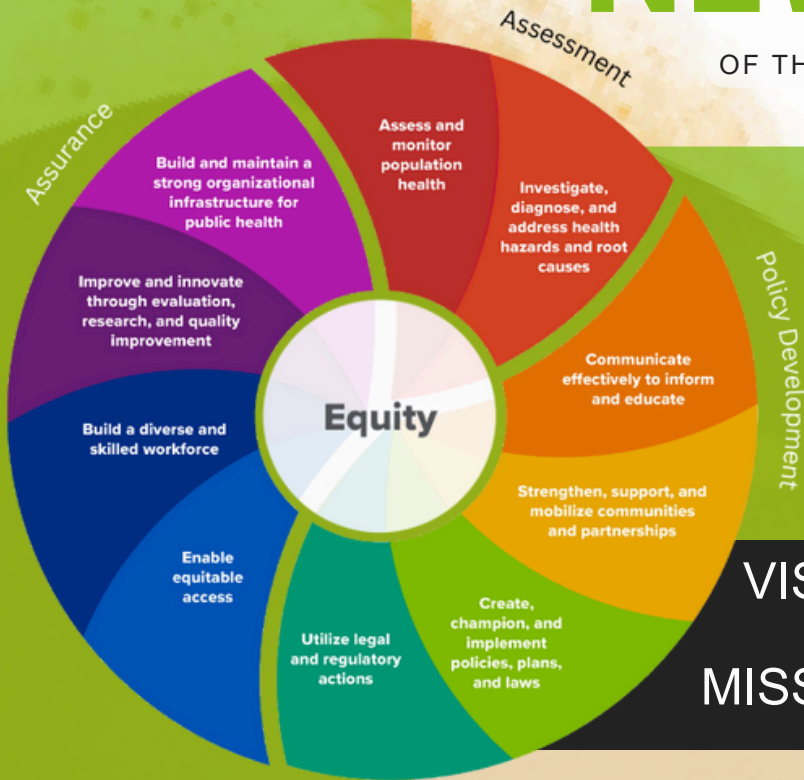
DEPARTMENT OF
PUBLIC HEALTH

01.2025

PUBLIC HEALTH

NEWSLETTER

OF THE APPLETON PUBLIC HEALTH DEPARTMENT



IN THIS ISSUE:

Non-Smoking Area around the Library

Community Partner: Appleton Public Library

Meet Cheryl

VISION: Health for all, together.

MISSION: Facilitate equitable community wellbeing through education, health promotion, and response to public health needs.

10 ESSENTIAL PUBLIC HEALTH SERVICES

Each month, the Appleton Health Department Newsletter features stories about how we are achieving each of the 10 Essential Public Health Services. This month, we focus on:

Essential Public Health Service #5: Create, champion, and implement policies, plans, and laws that impact health

A FRESH START AT APL

One of the ten Essential Public Health Services outlined by the Centers for Disease Control and Prevention (CDC) emphasizes the importance of creating, championing, and implementing policies and laws that positively affect public health. In line with this, the Appleton Public Health Department has undertaken a revision of the Smoking Ban in the Municipal Code to ensure a healthier and more welcoming environment for the community, particularly with the anticipated reopening of the Appleton Public Library in early 2025.

Previously, the Municipal Code included references to areas that no longer exist, such as the Blue Parking Ramp and the Library walkway. By revising the Smoking Ban, the Appleton Public Health Department is not only updating the law to reflect the current layout of the area, but also ensuring that patrons have a clear understanding of where smoking is prohibited, thereby fostering a cleaner and healthier environment for all.

The policy encourages a more inclusive and healthier downtown, creating a comfortable and safe space for everyone. The Appleton Public Library's commitment to inclusivity and accessibility means that children, families, and individuals will be able to enjoy the facility and new outdoor spaces such as the Children's Garden. The Smoking Ban will continue to include the Valley Transit Center block which is already smoke-free.

The revision of the Smoking Ban is an important step towards promoting public health and enhancing the overall experience for visitors to the Appleton Public Library. As the new Library opens its doors in early 2025, the community can look forward to a smoke-free environment where everyone feels welcome and supported.

COMMUNITY PARTNERS

APPLETON PUBLIC LIBRARY: EVERYONE BELONGS HERE



As the Appleton Public Library prepares to reopen in 2025, the Appleton Health Department reflects on how we collaborate to improve community and individual well-being by leveraging all available resources. Public libraries are a necessary, free resource that everyone can use to find essential information and gain equal access to digital resources, making them a great hub for community support. Library programs support lifelong learning, and job searching, as well as a place to gather for workshops, events, and classes. Overall, public libraries play a vital role in enhancing the quality of life in a community.

A trusted, neutral space with expertise in community engagement, libraries are a natural fit to host public health campaigns, sharing information on health topics, disease prevention, and healthy living. The Appleton Public Library is designed with many innovative and flexible spaces that support the Social Determinants of Health including supporting mental and social well-being, youth and family initiatives, culturally relevant services, and access to information/digital equity. With the library's centralized location and proximity to public transit and parking ramp access, more of Appleton's residents will have access to all the library has to offer and closer, in-person collaboration with other City of Appleton staff.

RESOURCES

[CDC-10 Essential Public Health Services -Full](#)

[Appleton Public Library](#)

[Friends of the Appleton Public Library](#)



Public Health
Prevent. Promote. Protect.



MEET CHERYL



Cheryl Schefe, MSW, CAPSW

Cheryl, Community Resource Navigator, has been a Social Worker for the past 20 years and she joined the City of Appleton's newly formed Community Health division in April. "I'm here to help people navigate through [accessing] basic needs. Whether it be help finding housing, clothing, food, a job. I can help walk them through the process of completing applications, navigating through community resources."

Cheryl and her clients get better outcomes through collaboration. "I'm able to walk alongside them, make those calls, make those connections, because when people are in crisis it is a difficult time for them [to do it] alone." Cheryl hopes to use the Appleton Public Library as a comfortable, neutral place to meet with clients in-person.

When she is not at work Cheryl enjoys traveling, hiking, and spending time outdoors with her husband Brian and her two teenaged boys Parker and Preston.

BOARD OF HEALTH CALENDAR