



CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

August 18, 2025

TO: Members of the Public Safety Committee

FROM: Eric Nycz, City Attorney

Re: Determination of a Prohibited Dangerous Animal

Law

Manitowoc Municipal Code 14.020(2)(c) states as follows:

Dangerous Animals Prohibited. No person may bring into or keep within the corporate limits of the City, either temporarily or permanently, a prohibited dangerous animal. **Prohibited dangerous animal** means any of the following:

1. Any animal that, while off the owner's or caretaker's property, has inflicted serious injury to or killed a domesticated animal without provocation;
2. Any animal that inflicts bodily harm to a person on public or private property;
3. Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction;
4. Any animal that is subject to being destroyed under Wis. Stat. § [174.02\(3\)](#);
5. Any dog trained, owned, or harbored for the purpose of dog fighting.

There are several provisions that exempt an animal from the consequences of this section:

(e) Exemptions.

1. The Chief of Police may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.
2. No animal may be declared dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land or criminal trespass on the dwelling upon premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

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3. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

The determination of whether an animal meets the definition of a Prohibited Dangerous Animal is made by the Chief of Police (See MMC 14.020(3)). If the animal meets the definition, he orders the animal out of the city. The owner may object and the determination is reviewed by the Public Safety Committee. Manitowoc's ordinance states only the following regarding review by the Public Safety Committee:

The Public Safety Committee shall act as a quasi-judicial body, allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.

While not explicitly stated, this procedure is required in order to provide the owner of the animal due process with regard to the animal's ban from the city.

Procedure During the Hearing

A "quasi-judicial body" is tasked with assuming the traditional roles of judge and jury during the hearing. The Chair of the Committee acts as the judge while the Committee as a whole acts as the jury. Further, all members of the Committee are allowed to ask questions, subject to approval and recognition by the Chair.

The hearing begins by laying the groundwork for the conduct of the Hearing. The Chair should **declare the following at the beginning of the hearing:**

"The public hearing will proceed as follows. The City will first make a presentation of evidence. I will then ask the Board members whether they have questions for the City (and its witnesses, if any), and the City will respond. I will then allow the contesting party to ask questions of the City (and its witnesses, if any), and the City will respond. We will then allow the contesting party to make a presentation of evidence. I will then ask the Board members whether they have questions for the contesting party (and its witnesses, if any), and the contesting party will respond. I will then allow the City to ask questions of the contesting party (and its witnesses, if any), and the contesting party will respond. Each party shall then have a brief time to summarize their positions – similar to a "closing" in a judicial trial – but I will immediately end your summation if you stray from the facts of the matter and engage in irrelevant discussion. The Board will then discuss whether it agrees with the Chief of Police's determination and vote to uphold the determination or reverse the determination. If the determination is upheld, the Board will determine the Facts and Law of the matter and close the hearing."



The hearing and any deliberations are conducted in public. The Committee members are free to ask questions of legal counsel, if present. There is no need to swear anyone in. Additionally, the Chair of the Committee must maintain complete control of the hearing, as the testimony of the contesting party can spiral out of control pretty fast. The Committee Chair will generally use the phrase “Stick to the issue at hand” during these hearings.