

ORDINANCE R- -2005-06

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS
LADIES AND GENTLEMEN: MAJORITY

It is desirous at this time to create language addressing Animal Control.

NOW, THEREFORE, the undersigned members of the Law Enforcement Committee and Legislative/Audit and Human Resources Committee recommend adoption of the following ordinance.

BE IT ORDAINED, that the Outagamie County Board of Supervisors does create section 5.50 of the Outagamie County Code of Ordinances, to read as follows:

5.50 ANIMAL CONTROL

1. Animal Control Officers shall have the powers and duties set forth in sec. 173.07 Wis. Stats.
2. Animal Control Officer shall be a sworn deputy of the Outagamie County Sheriff's Department, appointed by the Sheriff, and shall be certified pursuant to sec. 173.05 Wis. Stats. prior to assuming his or her duties.
3. An Animal Control Officer shall carry out his or her duties throughout Outagamie County, other than within the boundaries of incorporated municipalities whose governing body adopts a resolution withdrawing from county enforcement of humane laws and has transmitted a copy of such resolution to the County Clerk. An Animal Control Officer shall have the duty to investigate alleged violations of statutes and ordinances relating to animals, including but not limited to sec. 95.21, Chs. 174 and 951, Wis. Stats.
4. Animal Control Officers are authorized to issue abatement orders pursuant to sec. 173.11 Wis. Stats.
5. The Outagamie County Board of Supervisors hereby designates the Outagamie County Court Commissioner as the official authorized to modify or withdraw abatement orders.
6. An Animal Control Officer is authorized to take an animal or animals into custody if any of the standards of section 173.13(1)(a)(1) through (7), or (9) are met. An Animal Control Officer is also authorized to take an animal or animals into custody if a Wisconsin Licensed veterinarian certifies that an animal or animals is or are mistreated in violation of Ch.951, Wis. Stats. A Veterinarian's reasonable fees, necessarily incurred to determine whether mistreatment has occurred, shall be paid initially by the county. Such payment shall not relieve an individual from reimbursing the county for such veterinary fees under sec. 173.24 Wis. Stats.
7. An Animal Control Officer is authorized to euthanize, or have an animal euthanized, if there are reasonable grounds to believe:
 - (a.) the animal is hopelessly injured beyond any reasonable chance of recovery, or
 - (b.) the animal poses an imminent threat to the health or safety of itself or its custodian.
8. An Animal Control Officer is authorized to euthanize, or have the animal euthanized, if a Wisconsin licensed veterinarian certifies that there are reasonable grounds to believe that:
 - (a.) The animal poses an imminent threat to public health.
 - i. Due to public health and Homeland Security issues, the veterinarian, when certifying the grounds in subs. (a), shall also determine that there are no contagious, zoonotic (diseases that can be passed on to humans) or reportable diseases present. In cases where zoonotic disease is suspect, the veterinarian will order the area quarantined

until local tests and those done by the State or Federal officials are received. If tests are positive for disease, the animal or animals become the responsibility of State and Federal government.

9. Upon seizure of an animal or animals by an Animal Control Officer, as provided above, the sheriff's department shall request that the court order any of the following:

- (a.) Providing for the payment for the custody, care or treatment of the animal.
- (b.) Requiring the owner of the animal to post bond for the costs of custody, care or treatment of the animal pending the outcome of any other proceeding.
- (c.) Authorizing the sale, destruction or other disposal of the animal.

10. The county, it's contracting agency, or an Animal Control Officer who has reasonable grounds to believe that the requirements of subsections (7) above or (8) above are satisfied, or a court order issued under sec. 173.23(3) Wis. Stat. for the euthanization of an animal is immune from liability for damages for the loss of the animal resulting from euthanizing the animal, pursuant to sec. 173.25 Wis. Stat.

, and

BE IT FURTHER ORDAINED, that this ordinance shall be in full effect upon publication in accordance with State Statutes, and

BE IT FINALLY ORDAINED, that the Outagamie County Clerk be directed to forward a copy of this ordinance to the Sheriff and Legislative Services for inclusion in the Outagamie County Code or Ordinances.

Dated this 28th Day of March, 2006.

Respectfully Submitted,

LAW ENFORCEMENT COMMITTEE and

LEGISLATIVE/AUDIT & HUMAN RESOURCES COMMITTEE

Signed: Paul Hirte, Mark McAndrews, Lee W. Hammen, James Mahan, James Duncan, Robert Spahn, Peter Beckley, Dianne Herner

Duly and officially adopted by the County Board on: 3/28/06

Signed: \s\ CLIFF SANDERFOOT \s\ NANCY J. CHRISTENSEN

Board Chairperson

County Clerk

Approved: 3/30/06 Vetoed: _____

Signed: \s\ ROBERT "TOBY" PALTZER

County Executive