

Ordinance No. 375A

AMENDING IOWA COUNTY ORDINANCE 375: ANIMAL REGULATIONS AND TREATMENT

Iowa County, by its duly elected Board of Supervisors, does ordain as follows:

Section 1. Subsection 375.01(23) is repealed and recreated as follows:

375.01(23) Humane Officer. A person certified by the State of Wisconsin and appointed by the Iowa County Board of Supervisors pursuant to Wis. Stat. § 173.03(1) to enforce county ordinances and state statutes as they pertain to animal control and welfare. Humane Officer appointments under this Ordinance shall be for a term of three years or such other length as determined by the Iowa County Board of Supervisors at the time of appointment. Termination of Humane Officer appointments shall be at the discretion of the Iowa County Sheriff.

Section 2. Subsection 375.07A: Abatement of Violations is repealed and recreated as follows:

375.07A: Abatement of Violations

1. Abatement Order. Pursuant to Wis. Stat. § 173.11(11), if a humane officer or law enforcement officer after investigation has reasonable grounds to believe that violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons. The form Abatement Order, as appended to this Ordinance, shall contain all of the information prescribed by Wis. Stat. § 173.11(1m). An official designated in an ordinance under Wis. Stat. § 173.03(2) may not participate in the decision to issue the order or in any activity leading to that decision.
2. Designation of Reviewing Official. Pursuant to Wis. Stat. § 173.03(2), the Iowa County Sheriff or his/her designee is hereby designated to affirm, modify, or withdraw abatement orders issued by the Iowa County Humane Officer or a law enforcement officer under Wis. Stat. § 173.11.
3. Hearing. Pursuant to Wis. Stat. § 173.11(2), any person named in an abatement order issued under this ordinance pursuant to Wis. Stat. § 173.11(1) may, within the 10-day period following service of the order, request a hearing before the official designated in Subsection 2 above. The request for a hearing must be delivered to the attention of the Iowa County Sheriff at 1205 N. Bequette St., Dodgeville, WI 53533. The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.
4. Decision. Pursuant to Wis. Stat. § 173.11(3), within 10 days after a hearing under Subsection 3 above, the official who conducts the hearing shall affirm the order, modify and affirm the order, or withdraw the order.
5. Appeal. Pursuant to Wis. Stat. § 173.11(4), any person adversely affected by a decision under Subsection 4 above may seek judicial review by commencing an action in circuit court within 30 days after the date on which the decision is issued.

Section 3. Subsection 375.15: is repealed and recreated as follows:

375.15 Enforcement

1. Statutory Offenses Adopted. Wis. Stat. § 95.21, Ch. 173, Ch. 174, and Ch. 951 are hereby adopted by reference and made a part of this Ordinance.
2. Citation Authority. Pursuant to Wis. Stat. §§ 173.07(4) and 66.0113(2)(a), in addition to law enforcement officers of the Iowa County Sheriff's Office, the designated Humane Officer(s) for Iowa County are hereby authorized to issue citations for any violation of Iowa County Ordinance 375: Animal Regulations and Treatment, including those portions of the ordinance for which a statutory counterpart exists. Any citation so issued shall conform with the requirements of Wis. Stat. § 66.0113.
3. A portion of all civil forfeitures from Ordinance 375 will be deposited in a low-cost spay/neuter assistance program for low income, senior, or disabled Iowa County pet owners.
4. The Iowa County Sheriff's Office or other persons authorized by the Iowa County Sheriff's Office, including the designated Humane Officer(s) for Iowa County, are authorized to seize and withhold animals as permitted by Wis. Stat. §§ 173.13 and 173.21, with review of such seizure or withholding governed by the procedures set forth in Wis. Stat. § 173.22. Any individual seizing and withholding such an animal shall complete and serve upon the owner of the animal the Notification to Owner of Seizure and Withholding of Animal appended to this Ordinance.

Section 4. The following form documents, copies of which are attached hereto and incorporated by reference as part of this amendatory ordinance, are hereby adopted and shall be utilized in the enforcement of Ordinance 375:

- (1) Order of Abatement
- (2) Notification to Owner of Seizure and Withholding of Animal
- (3) Written Statement by Owner(s) to Treat Animal(s) as Unclaimed Pursuant to Wis. Stat. § 173.13(3)(c)

Section 5. All other provisions of Iowa County Ordinance 375 shall remain in full force and effect.

Section 6. This amendatory ordinance shall be effective upon passage.

I, the undersigned Iowa County Clerk, hereby certify that this Ordinance was passed by the Iowa County Board of Supervisors on August 15, 2017.

Greg Klusendorf
Iowa County Clerk Date:_____

ORDER OF ABATEMENT UNDER WIS. STAT. § 173.11

TO: Print Name: _____
Address: _____

Phone No.: _____

After investigation, the undersigned Iowa County Humane Officer or law enforcement officer finds that he/she has reasonable grounds to believe that a violation of statute or ordinance is occurring and that the violation is causing or has the potential to cause injury to an animal. The pertinent facts and circumstances supporting this finding are as follows:

in violation of the following state statute(s) or local ordinance(s):

The remedial measures necessary to correct the alleged violation are as follows:

Immediate institution, diligent and continuous performance, and timely completion of the above-described remedial measures is required. **You are hereby directed to correct the violations and completed the required remedial measures by or before the following date:** _____

The hearing and appeal provisions with regard to this Abatement Order are set forth in Wis. Stat. §§ 173.11(2), (3), and (4) as follows:

- **HEARING:** Pursuant to Wis. Stat. § 173.11(2), any person named in an abatement order issued under Wis. Stat. § 173.11(1) may, within the 10-day period following service of the order, request a hearing before an official designated in an ordinance under Wis. Stat. § 173.03(2). For purposes of this order, the request for a hearing must be delivered to the Iowa County Sheriff. The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.
- **DECISION:** Pursuant to Wis. Stat. § 173.11(3), within 10 days after a hearing under Wis. Stat. § 173.11(2), the official who conducts the hearing shall affirm the order, modify and affirm the order, or withdraw the order.

- APPEAL: Pursuant to Wis. Stat. § 173.11(4), any person adversely affected by a decision under Wis. Stat. § 173.11(3) may seek judicial review by commencing an action in circuit court within 30 days after the day that the decision is issued.

The above procedures and time limits must be strictly followed. Further violations are strictly prohibited.

This Abatement Order shall remain in effect for three (3) years from the date of signing and shall remain in full force and effect, even if appealed, until stayed, modified, or withdrawn.

Please contact the undersigned if you have any questions, comments, or concerns regarding the contents of this Abatement Order.

Dated this ____ day of _____, 20__.

Signature of Humane Officer or Law Enforcement Officer Issuing Abatement Order

Print Name of Humane Officer or Law Enforcement Officer Issuing Abatement Order

Phone Number Humane Officer or Law Enforcement Officer Issuing Abatement Order

**NOTIFICATION TO OWNER OF SEIZURE
AND WITHOLDING OF ANIMALS**

TO: Print Name: _____
Address: _____

Phone No.: _____

DESCRIPTION OF ANIMALS SEIZED:

NOTIFICATION

This notification is intended to satisfy the requirements for notification under Wis. Stat. §§ 173.13(3)(a) or (b). The above-described animal(s) was/were taken into custody by the undersigned humane officer or law enforcement officer on the following date: _____ . The animal(s) is/are in the custody of and being cared for and treated by the Iowa County Humane Society. The reason(s) for taking the animal(s) into custody is/are as follows:

There are reasonable grounds to believe that the animal(s) is/are:

- An abandoned or stray animal (Wis. Stat. § 173.13(1)(a)1))
- An unwanted animal delivered to the humane officer or law enforcement (Wis. Stat. § 173.13(1)(a)2))
- A dog not tagged as required by Wis. Stat. Ch. 174 (Wis. Stat. § 173.13(1)(a)3))
- An animal not licensed in compliance with any ordinance (Wis. Stat. § 173.13(1)(a)4))
- An animal not confined as required by a quarantine order under any statute, rule, or ordinance relating to the control of animal disease (Wis. Stat. § 173.13(1)(a)5))
- An animal that has caused damage to person or property (Wis. Stat. § 173.13(1)(a)6))
- An animal used in any crime under Wis. Stat. Ch. 951 or an animal that constitutes evidence of a crime under Wis. Stat. Ch. 951 (Wis. Stat. § 173.13(1)(a)8))
- An animal delivered by a veterinarian under Wis. Stat. § 173.13(2) (Wis. Stat. § 173.13(1)(a)9))

There are reasonable grounds to believe that the person(s) owning or responsible for the animal(s) has/have:

- Mistreated the animal(s) contrary to Wis. Stat. § 951.02
- Instigated fighting between animal(s) contrary to Wis. Stat. § 951.08
- Failed to provide proper food and water as prescribed in Wis. Stat. § 951.13

- Failed to provide proper shelter as prescribed in Wis. Stat. § 951.14
- Abandoned the animal(s) contrary to Wis. Stat. § 951.15
- Other: _____

Iowa County intends to withhold the animal(s) from you on the following grounds pursuant to Wis. Stat. § 173.21(1):

- There are reasonable grounds to believe that the owner has used the animal in a crime under Wis. Stat. Ch. 951 or that the animal constitutes evidence of a crime under Wis. Stat. Ch. 951
- There are reasonable grounds to believe that the animal poses a significant threat to public health, safety, or welfare.
- A court has ordered the animal withheld for the following reason(s):

LIEN NOTIFICATION REQUIREMENT

As an owner of the seized animal(s), you must notify any person with a lien on the animal(s) that the animal(s) has/have been taken into custody.

REVIEW OF SEIZURE OR WITHHOLDING

The procedure by which you may seek return of the animal is set forth in Wis. Stat. § 173.22.

Please note that a person claiming that an animal he/she owns was improperly taken into custody under Wis. Stat. §§ 173.13(1)(a)3, 4, 5, or 6 or is wrongfully withheld under Wis. Stat. § 173.21(1)(b) or (d) may seek return of the animal by petitioning for an order from the circuit court in which the animal was taken into custody or in which it was withheld pursuant to Wis. Stat. §§ 173.22(1) to (3).

Please note that, pursuant to Wis. Stat. § 173.22(4), an owner of an animal taken into custody under Wis. Stat. § 173.13(1)(a)8 or withheld under Wis. Stat. § 173.21(1)(a) may apply for the animal’s return to the circuit court for the county in which the animal was taken into custody. No application under this paragraph may be made more than 30 days after the animal was seized. The court shall hold a hearing within 20 days after a timely application is filed, and the hearing shall be given preference.

In the hearing under Wis. Stat. § 173.22(4), the court shall determine if the animal is needed as evidence or if there is reason to believe the animal was involved in any crime under Wis. Stat. Ch. 951. If the court determines that the animal is needed as evidence or that there is reason to believe that the animal was involved in any crime under Wis. Stat. Ch. 951, the court shall order the animal to be retained in custody. If the court determines that the animal is not needed as evidence and that there is not reason to believe that the animal was involved in a crime under Wis. Stat. Ch. 951, the court shall order the animal returned.

If you file a timely application under Wis. Stat. § 173.22(4)(a) and the court orders the animal to be retained in custody under Wis. Stat. § 173.22(4)(b), no payment is due under Wis. Stat. § 173.22(4)(f) until 30 days after the court order. If the court orders an animal to be returned to you, under Wis. Stat. § 173.22(4)(b), no payment is due under Wis. Stat. § 173.22(4)(f).

LIABILITY AND DEMAND FOR PAYMENT

Subject to Wis. Stat. §§ 173.22(4)(f) and (g), you, as the owner of an animal taken into custody under Wis. Stat. § 173.22(1)(a)8 or withheld under Wis. Stat. § 173.21(1)(a) are personally liable to Iowa County for the cost of the custody, care, and treatment of the animal. This is intended as written notice that you must pay the outstanding costs of custody, care, or treatment of the animal upon demand.

ANIMAL CONSIDERED UNCLAIMED/OPTION TO NOT CLAIM THE ANIMAL

As provided in Wis. Stat. § 173.19(1), Iowa County may treat any animal taken into custody under Wis. Stat. § 173.13(1)(a)1 as an unclaimed animal that is subject to Wis. Stat. § 173.23(1m) if, within 4 days after custody is taken of the animal it is not claimed by and returned to its owner under Wis. Stat. § 173.23(1).

As provided in Wis. Stat. § 173.19(2), Iowa County may treat any animal taken into custody under Wis. Stat. §§ 173.13(1)(a)3, 4, or 9 as an unclaimed animal that is subject to Wis. Stat. § 173.23(1m) if, within 7 days after custody is taken of the animal it is not claimed by and returned to its owner under Wis. Stat. § 173.23(1), except that an animal taken into custody under Wis. Stat. §§ 173.13(1)(a)3 or 4 may not be treated as unclaimed if its owner files a petition under Wis. Stat. § 173.22(1) within 7 days after custody is taken. As provided in Wis. Stat. § 173.19(3), if an animal is taken into custody under Wis. Stat. §§ 173.13(1)(a)3, 4, or 9 and also taken into custody under Wis. Stat. § 173.13(10(a)1, then only Wis. Stat. § 173.19(1) applies to that animal.

You may, pursuant to Wis. Stat. § 173.13(3)(c) decide not to claim the animal. In that event, the animal will be treated as unclaimed under Wis. Stat. § 173.23(1m). Attached is a Written Statement to Treat Animals as Unclaimed. If you voluntarily wish to treat the animal as unclaimed, you must sign and date that Written Statement.

Dated this ____ day of _____, 20____.

Signature of Individual Seizing Animal

Print Name of Individual Seizing Animal

- Iowa County Humane Officer
- Law Enforcement Officer (Agency:_____)

**WRITTEN STATEMENT BY OWNER(S) TO TREAT ANIMAL(S)
AS UNCLAIMED PURSUANT TO WIS. STAT. § 173.13(3)(c)**

I, the undersigned animal(s) owner, hereby acknowledge the following:

- (1) Animal(s) owned by me have been taken into custody and withheld under Wis. Stat. §§ 173.13 and/or 173.21.
- (2) I was provided, have read, and understand the form entitled Notification to Owner of Seizure and Withholding of Animals.
- (3) I have notified any person with a lien on the seized animal(s) that the animal(s) has/have been taken into custody and is/are being withheld.
- (4) I knowingly and voluntarily affirm that:
 - a. I will NOT claim the animal(s) listed below;
 - b. I do NOT want the animal(s) listed below returned to me; and
 - c. It is my wish that the animal(s) listed below be treated as unclaimed under Wis. Stat. § 173.23(1m).

| Type of Unclaimed Animal | Description of Unclaimed Animal |
|--------------------------|---------------------------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

BY SIGNING BELOW, I CERTIFY THAT I HAVE READ AND UNDERSTAND THE MEANING AND INTENT OF THIS WRITTEN STATEMENT AND THE FORM ENTITLED NOTIFICATION TO OWNER OF SEIZURE AND WITHHOLDING OF ANIMALS.

ANIMAL(S) OWNER:

Owner Signature

Print name: _____

Address: _____

Phone No. _____