

TABLE OF CONTENTS
HUMANE OFFICERS ORDINANCE FOR WOOD COUNTY

280.01 PURPOSE280-1

280.02 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE.....280-1

280.03 PENALTIES280-1

280.04 ENFORCEMENT280-1

280.05 REVIEW OF ORDERS280-2

280.06 DANGEROUS ANIMALS REGULATED 280-2

**WOOD COUNTY ORDINANCE #280
HUMANE OFFICERS ORDINANCE FOR WOOD COUNTY**

SECTION 1. Wood County Ordinance #280 is hereby repealed and recreated to read as follows:

Chapter 280 .01 PURPOSE

To authorize humane officers to issue citations for violation of certain state statutes, which are adopted by reference herein.

Chapter 280 .02 PROVISIONS OF STATE LAW ADOPTED BY REFERENCE

Pursuant to Wisconsin Statutes, sections 95.21, 95.50, 66.0113, 66.0119(2) and all provisions of Chapters 173, 174 and 951 of the State Statutes, including fines and forfeitures to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Ordinance as if fully set forth herein, except as otherwise specifically provided in this Code.

Any act required to be performed or prohibited by the Statutes incorporated herein by reference is required or prohibited by this Ordinance.

Any further amendments, revisions, modifications, or newly-created provisions of the Wisconsin Statutes, incorporated herein, are intended to be made part of this Chapter in order to secure uniform statewide regulation and are incorporated herein.

The Wood County Health Department's Rabies Control Policy and Procedure, as periodically updated by the Health and Human Service Committee, in conjunction with Wis. Stat. s. 95.21, Rabies Control Program, as updated, are hereby adopted by reference. The penalty provisions set forth in Wis. Stat. s. 95.21(1), as updated, are applicable to any violation of the Rabies Control Policy and Procedure.

Chapter 280 .03 PENALTIES

The penalty provisions as set forth in Wisconsin Statutes shall apply to a violation of this Ordinance.

Chapter 280 .04 REVIEW OF ORDERS

Pursuant to sec. 173.03(2), stats., Wood County Sheriff's Department lieutenants are authorized to review and then affirm, modify, or withdraw abatement orders issued by humane officers designated under chapter 173, Wisconsin Statutes.

Chapter 280 .05 ENFORCEMENT

It is within the authority of the Wood County Humane Officers as well as the Wood County Sheriff's Department to enforce the provisions of this Chapter. Humane Officers and sworn law enforcement officers at all levels within the County shall have authority to issue citations for violations of this Chapter.

SECTION 2. All ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Chapter 280 .06 DANGEROUS ANIMALS REGULATED

1) *Purpose and intent.* It is hereby declared that regulation of dangerous animals is a matter of public interest pertaining to the health, safety and welfare of residents of Wood County. It is further declared that owning, keeping or harboring of dangerous animals is a public nuisance. With that in mind, Wood County recognizes that animals are property of their owner; therefore this ordinance provides an owner with the ability to appeal a determination that an animal is 'dangerous.'

(2) *Grant of Authority.* Wood County Humane Officers and Wood County Sheriff's deputies shall have the authority to apply and enforce this ordinance. This ordinance is enacted under the authority of section 59.03 and 59.54(6) of the Wisconsin Statutes.

(3) *Applicability.* This ordinance shall apply in all areas of Wood County except in any city or village whose governing body has adopted a resolution per s.173.03(3), stat., withdrawing from county enforcement of humane laws and has transmitted a copy of the resolution to the county.

(4) *Definitions.* For purposes of this section, the following definitions shall apply:

- (a) *Animal* includes livestock, Dogs and cats.
- (b) *Department* means the Wood County Sheriff's department. *Officer* means either a Wood County Humane Officer or the Wood County Sheriff or one of his/her deputies.
- (c) *Dog* means either a female or male canine.
- (d) *Impoundment* means the confinement of an Animal in a Department-approved, supervised facility such as a veterinarian's kennel, commercially operated kennel or an Officer approved Humane Society.
- (e) *Officer* means either a Wood County Humane Officer or the Wood County Sheriff or one of his/her deputies.
- (f) *Owner* means the owner, custodian or person(s) having charge, care or custody of an Animal, or a person who knowingly permits an animal to remain on or about any premises owned or controlled by the person.
- (g) *Owner's real property* means any real property owned or leased by the Owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development.

(5) *Impoundment of biting or attacking animal.*

- (a) An Officer shall have the authority to summarily and immediately impound an Animal whenever there are reasonable grounds pursuant to sub. (6) to believe that the Animal is a Dangerous Animal or any Animal found or kept with dogs that have been trained to fight or are presumed to have been trained to fight. A warrant may be obtained to allow an Officer to go onto any property and take custody of any animal for which there is probable cause to believe it is a Dangerous Animal. In addition, the Court may, through its contempt power, compel the Owner or possessor of any Animal to surrender the Animal to an Officer. The Animal may remain impounded during the entire determination process. If the Animal is determined to be dangerous, it shall remain impounded until released by the Officer pursuant to the terms of this ordinance. The Owner of the Animal shall be liable for the costs and expenses of impounding and keeping said Animal, unless the Officer fails to declare the Animal dangerous or the Officer's determination of dangerousness is ultimately overturned by a reviewing court.
- (b) In lieu of impoundment, the Officer may permit the Animal to be confined at the Owner's residence provided that the Owner complies with conditions set forth by the Officer.
- (c) The Owner of an Animal confined under sub. (b), above, shall immediately notify the Department if said Animal is loose, unconfined, has attacked or bitten or injured another animal or has attacked, bitten or injured a human being, or has died.
- (d) The Animal shall not be euthanized, sold or given away during the period of Impoundment or confinement without written consent of the investigating Officer.
- (e) No person shall remove or attempt to remove an Animal from the custody of the Officer or any animal shelter at which the animal is impounded under the provisions of this section, unless the Officer or a court of appropriate jurisdiction expressly authorizes the release of the Animal.

(6) *Determination.* An Officer shall investigate situations in which there are reasonable grounds to believe an Animal is dangerous. As used in this section, "dangerous animal" shall mean and include any of the following:

- (a) The Animal has attacked, bitten or injured a domesticated animal or human being engaged in a lawful activity, or
- (b) The Animal has without provocation and off the real property of its Owner, chased, confronted or approached a person in a menacing fashion such as would put an average person in fear of attack, or
- (c) The Animal has been trained for fighting or attacking and is being handled, kept, or maintained in a manner that poses a threat to public health and safety, or
- (d) The Animal has acted in any manner that poses a threat to public health and safety, or
- (e) In the case of a Dog, the Animal has been trained to fight and possesses physical attributes such as size, build, or bite strength to inflict serious injury to a human being. The following shall be presumed to have been trained to fight:
 - 1. A Dog involved in a staged fight,

2. A Dog exhibiting wounds or bodily disfigurements commonly associated with dog fighting,
3. A Dog found or kept on premises at which equipment is located that is commonly associated with training dogs to fight,
4. A Dog found or kept with other dogs that have been trained to fight or are presumed to have been trained to fight,
5. A dog that, because of its disposition and physical attributes, such as size, build, or bite strength, poses a substantial threat to life and safety of the public or emergency response personnel (such as officers or fire fighters and paramedics) who are seeking or may seek lawful access to any property in order to perform their duties, or
6. A Dog that has the propensity, tendency or disposition to attack a human being without provocation and possesses physical attributes such as size, build, or bite strength to inflict severe injury to a human being.

(7) *Declaration of dangerous animal.*

- (a) An Officer, after considering appropriate evidence, may declare an Animal to be a Dangerous Animal. The Officer shall make a reasonable attempt to personally notify the Owner of the pendency of the Officer's investigation and shall notify the Owner in writing of his/her determination. Mailing a certified letter with the copy of the determination to the Owner's last known address shall satisfy this notice requirement.
- (b) The Officer may, in his or her discretion, cause any person(s) who is knowledgeable in identifying animals trained to fight, or who is trained or certified at evaluating animal temperament, including, but not limited to, appropriate representatives of the South Wood County Humane Society, to examine an Animal and render an opinion as to whether the Animal is dangerous, with the person(s) examining and rendering the opinion to be chosen by the Officer requesting the examination.

(8) *Dangerous Animal disposition.*

- (a) It shall be unlawful for any person to own, possess, harbor or keep any Animal declared by an Officer to be a Dangerous Animal in the County of Wood, except as provided in (5)(b) during the appeal process or as allowed in (b) below.
- (b) Any animal declared by an Officer to be a Dangerous Animal shall be humanely destroyed, placed under restrictions as set forth in this sub. (9), or permanently removed from the County after being micro-chipped, as set forth in sub (9)(b).

(9) *Dangerous Animal restrictions and regulations.* Any Owner of an Animal that has been declared a Dangerous Animal and placed under restrictions must comply with the restrictions set forth below, unless modified by the Officer in writing, as well as any additional restrictions imposed by the Officer. The Owner must provide documentation to the officer of compliance with said restrictions. Said documentation must be provided within thirty (30) days of the animal being declared dangerous.

- (a) The Owner of the Animal must provide written proof from a licensed veterinarian that the Animal has been spayed or neutered.

- (b) Identification. The Owner must provide written proof from a licensed veterinarian that a microchip has been placed in the Animal so that the animal can be easily identified. The microchip must contain the following information:
 - 1. The name of the Animal,
 - 2. The name and address of the Owner, and
 - 3. The following language "Dangerous Animal, contact Wood County at (715) 421-8700."
- (c) The Owner must provide written proof from a licensed veterinarian that the Animal is current with rabies vaccinations.
- (d) The Animal must be in compliance with all license requirements.
- (e) The Owner must post signs no smaller than eight (8) inches by eleven (11) inches, made of metal or plastic, bearing the wording "Warning Dangerous Animal" or "Beware of Dog," in lettering no smaller than three (3) inches high. These signs shall be posted at each entrance to the building in which the dangerous animal is kept and at each entrance through a fence and at such locations as to be viewable from the public right-of-way to ensure adequate warning and visibility to anyone approaching said building or fence.
- (f) A Dangerous Animal must be securely and humanely confined indoors, or when outside but still on the owner or caretakers real property, the Dangerous Animal must be supervised by a competent adult and physically restrained at all times to prevent the Animal from leaving the real property. The leash cannot be attached to an inanimate object. If the Officer determines that the Animal may be kept in a secure kennel or pen, hereinafter referred to as "structure," and not under the direct supervision of an adult, the Officer may require that the structure be constructed under the following guidelines:
 - 1. The structure shall be constructed of strong metal fencing to prevent the Animal from exiting on its own volition;
 - 2. The structure shall be secure on all sides and have a secure top attached;
 - 3. The structure shall have a secure bottom or floor attached to the sides of the structure or the sides of the structure shall be embedded in the ground no less than two (2) feet;
 - 4. The structure shall be kept locked at all times with a key or combination lock;
 - 5. The structure shall be appropriate for the size of the Animal, and provide adequate light, ventilation and shelter from the environment for the animal;
 - 6. The structure shall be maintained in a clean and sanitary condition; and
 - 7. The structure must be in compliance with all other building and zoning ordinances.
- (g) While off the Owner's real property, the Dangerous Animal shall be muzzled and leashed at all times. The muzzle must be made in a manner that will not cause injury to the Animal but that will prevent it from biting any person or animal. The leash shall be attached to a secure collar that is of sufficient strength to restrain the Animal. The leash shall be no longer than four (4) feet in length and must be secured by and under the direct control and supervision of a competent adult.
- (h) Prior to a Dangerous Animal being sold or given away, the current Owner must provide the name, address and telephone number of the proposed new Owner to the

department. Prior to taking physical custody of the dangerous animal, the new Owner must comply with all requirements of this ordinance and any other restriction the Department determines to be appropriate to ensure the public's safety. The person taking ownership or possession of the Animal shall notify the Department and the issuing officer within 48 hours of the Animal's change of address and their knowledge of the dangerous animal determination.

- (i) To ensure compliance with this ordinance, the Owner of a dangerous animal shall allow an Officer, on an annual basis and at any other reasonable time, the opportunity to inspect the property where the Dangerous Animal is kept.

(10) *Exemptions.*

- (a) No animal shall be considered dangerous under (6)(a) if, at the time the injury was sustained on a human being, the human being was:
 1. assaulting the owner of the dog, provided the owner was not the aggressor; or
 2. committing a willful trespass upon the real property of the owner of the dog;or
 3. provoking, tormenting, abusing, or assaulting the dog.
- (b) No dog shall be considered dangerous if it is owned by a Law Enforcement agency and used for law enforcement purposes.

(11) *Subsequent determination.*

- (a) An Officer may make a new determination on the dangerousness of an Animal if an Owner fails to comply with the terms, conditions or restrictions imposed in the 'Dangerous Animal Restrictions.'
- (b) In the discretion of the issuing Officer; a Dangerous Animal may be reevaluated periodically and may have the designation modified or removed in appropriate circumstances. For example, following a satisfactory completion of obedience training and certification by the American Kennel Club (AKC) as a 'canine good citizen.'

(12) *Appeal.*

- (a) The owner of an animal determined to be dangerous has the right to appeal the determination by requesting a hearing. The request for a hearing must be delivered to a Wood County Sheriff's Department Lieutenant within 10 days following the service of the order that determines the animal to be dangerous. The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing is to be informal in nature. Within 10 days after the hearing the conducting official shall affirm the order, modify and affirm the order or withdraw the order. Order remains in effect, even if appealed, until modified or withdrawn. Any person adversely affected by a decision of the reviewing official may seek judicial review within 30 days of the receipt of the decision.
- (b) Any Owner aggrieved by a determination that an Animal is a Dangerous Animal or by the restrictions placed on the Owner of a Dangerous Animal may appeal such determination to the circuit court by a writ of certiorari within ten (10) business days of notification of such determination. An appeal will not stay the Officer's order.

(c) If an appeal is timely and properly filed, the Court shall schedule a hearing on whether to affirm, conditionally affirm or reject the determination within thirty (30) days, but not sooner than five (5) days, and shall make reasonable efforts to notify the Owner, bite or attack victims and their representatives, if any, witnesses and other interested parties of such hearing and the opportunity to present evidence and testimony to the Court. The Court shall, within a reasonable period of time after the hearing, issue its decision in writing and serve a copy of the same by first class mail upon the Owner and all parties requesting the same.

(13) *Penalties for Violations.* A person who violates any provision of this ordinance shall be subject to a forfeiture from \$500 to \$5,000 per violation, plus the cost of prosecution.

(14) Every day that one or more violation(s) of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including, but not limited to; investigation, shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.

(15) *Prosecution.* An investigation or determination under this section shall not prohibit the county from:

- (a) Prosecuting the same Owner for other animal control violations relating to the same animal or another animal.
- (b) Prosecuting the same Owner under state statute 174.02: Owner's Liability for damage caused by dog, penalties; court order to kill a dog.

(16) *Prohibitions.* No person shall offer for sale or attempt to buy any Dangerous Animal within the County of Wood. It shall be unlawful for an Owner of an Animal declared dangerous or vicious in another municipality, county or state, to bring the Animal into the County of Wood.

(17) *Severability.* If any provision of this ordinance is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this ordinance.