

Ordinance 2019-03

An ordinance (a Local Law) to Amend the Code of the County of Price, Chapter 223 Thereof, Entitled "Animals"; to Reflect Change in Language from Animal Control to Humane Officer and to Add a New Section Providing for the Creation of a County Humane Officer

Be it ordained (enacted) by the Board of Supervisors of Price County, as follows:

Section 1. Sections 19 and 21 of Chapter 223, Animals, of the Code of the County of Price, is hereby amended to change the language from Animal Control to Humane, to read as follows:

§ 223-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HUMANE OFFICER

An individual authorized by local law or by Price County to carry out the duties imposed in this article.

ANIMAL SHELTER

Those facilities designated by Price County for the housing and care of animals pursuant to this article.

§ 223-21. Interference with humane officer.

It shall be unlawful to interfere with any humane officer/law enforcement officer by taking or attempting to take any animal from any vehicle used to transport such animal, or by taking or attempting to take any animal from the animal control impounding areas, or by any other method which would block or hinder any officer referred to in this section from performing his duties.

Section 2. Chapter 223 of the Code of Price County is hereby amended to add a new section following §223-44, to be known as §223-45 – §223-47.

Article III, Humane Officers is created as follows:

§ 223-45. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEPARTMENT

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

HUMANE OFFICER

A person appointed under § 173.03, Wis. Stats. to exercise powers or carry out duties identified under § 173.07, Wis. Stats.

POLITICAL SUBDIVISION

A city, village, town or county.

§223-46. Appointment or termination; area of responsibility.

- A. The Price County Board may appoint or terminate one or more humane officers. Upon appointment of one or more humane officers, the County Clerk shall give written notice to the Department within 30 days of the appointment or termination. The notice shall include all of the following:

- (1) That the appointing political subdivision is Price County.
- (2) The name and address of the humane officer.

(3) The humane officer's certification number if the humane officer is currently certified under Wisconsin Administrative Code Ch. 15 Humane Officer Training and Certification

(4) The date of the appointment or termination.

- B. A humane officer appointed under this Article shall carry out his or her duties throughout Price County, other than within the boundaries of a city or village whose governing body adopts a resolution withdrawing from County enforcement of humane laws and transmits a copy of the resolution to the Price County Clerk.

§223-47. Abatement orders.

- A. The Sheriff or Sheriff's designee is hereby designated and authorized, pursuant to §173.03(2), Wis. Stats. To affirm, modify, or withdraw abatement orders issued under §173.11, Wis. Stats. By any humane officer or law enforcement officer.

- B. Content of abatement order. An abatement order issued under § 173.11, Wis. Stats. Shall contain all of the following:

(1) The name and address of the person to whom the abatement order is directed.

(2) The statute or ordinance alleged to be violated.

(3) A prohibition on further violations.

(4) A description of measures necessary to correct the alleged violation.

(5) A description of the hearing and appeal provisions under Subsection C..

- C. Appealing an abatement order.

(1) Any person named in an abatement order may appeal such order to the Sheriff or Sheriff's designee within 10 days of service of the abatement order.

(2) The notice of appeal must state the grounds for the appeal with specificity.

(3) The Sheriff or Sheriff's designee shall schedule a hearing to be held within 10 days of the receipt of the notice of appeal, unless the appellant agrees to a later date.

(4) The Sheriff or Sheriff's designee shall make reasonable efforts to notify the appellant, the officer issuing the abatement order and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing.

(5) The hearing shall be informal in nature.

(6) Within 10 days after the hearing, the Sheriff or Sheriff's designee shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue its decision in writing and shall serve it upon the appellant and other interested persons.

(7) Any person adversely affected by a decision under Subsection C(6) may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision.

Section 3. This ordinance shall become effective upon passage and publication.

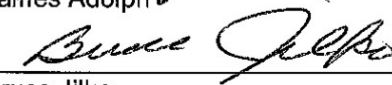
Section 4. The repeal and recreation of any section herein shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding then pending or by virtue of the repealed sections.

Submitted by the Price County Executive Committee.


Robert D. Kopisch, Chair

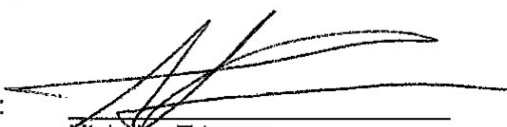

James Adolph


James Hintz

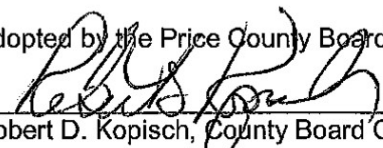

Bruce Jilka

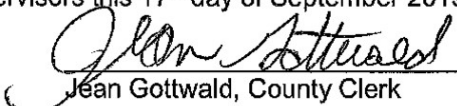

Larry Palecek

Reviewed by County Administrator:


Nicholas Trimner

Adopted by the Price County Board of Supervisors this 17th day of September 2019.


Robert D. Kopisch, County Board Chair


Jean Gottwald, County Clerk

For 13 Against 0