

SHEBOYGAN COUNTY ORDINANCE NO. 20 (2006/07)

Re: **Creating Abatement Orders Regarding Humane Treatment of Animals**

WHEREAS, the proper care and treatment of animals is a matter of county-wide importance,
and

WHEREAS, Wis. Stat. § 173.11 provides a method by which animal control and care problems can be addressed swiftly and without unnecessary involvement of the Court system;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Changing Title**. The title of Chapter 32 shall be "Miscellaneous Animal Regulations."

Section 2. **Designating Humane Officer**. Section 32.03 is hereby created to read as follows:

Any law enforcement officer as defined at Wis. Stat. § 165.85(2)(c) employed by Sheboygan County under the Sheriff's Table of Organization under Chapter 40 of this Code who is designated as a humane officer by the Sheriff and who satisfactorily obtains and maintains a certification as a humane officer as required under Wis. Stat. § 173.05 shall be appointed as a Sheboygan County Humane Officer. The Sheriff or the Sheriff's designee may modify or withdraw any Abatement Order issued under Section 32.04 of this Code.

Section 3. **Creating Abatement Orders**. Section 32.04 of the Sheboygan County Code of Ordinances is hereby created to read as follows:

32.04 ABATEMENT OF VIOLATIONS.

- (1) Jurisdiction. Pursuant to Wis. Stat. § 173.03(3), these provisions shall apply throughout Sheboygan County other than within the boundaries of any City or Village whose governing body adopts a Resolution withdrawing from Sheboygan County enforcement of humane laws and transmits a copy of the Resolution to Sheboygan County.

- (2) Issuance of Order. If a Sheboygan County humane officer under Section 32.03 of this Code or a law enforcement officer employed by Sheboygan County after investigation has reasonable grounds to believe that a 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 Sheriff or the Sheriff's designee, as the official empowered to modify or withdraw Abatement Orders, may not participate in the decision to issue the Order or in any activity leading to that decision.

- (3) Content of Order. An Abatement Order issued under Subsection (2), above, shall contain all of the following:
 - (a) The name and address of the person to whom directed;
 - (b) The state or ordinance alleged to be violated;
 - (c) A prohibition on further violations;
 - (d) A description of measures necessary to correct the alleged violation;
 - (e) A description of the hearing and appeal provisions under Subsections (4) and (5).
- (4) Hearing. Any person named in an Abatement Order issued under Subsection (2) may within the ten-day period following service of the Order, request a hearing before the Sheriff or the Sheriff's designee by filing a request for a hearing with the Sheriff's office. The hearing shall be held within ten (10) days after the request is made unless the requester agrees to a later date. The hearing shall be informal in nature.
- (5) Decision. Within ten (10) days after a hearing under Subsection (3), above, the Sheriff or the Sheriff's designee who conducts the hearing shall affirm the Order, modify and affirm the Order, or withdraw the Order.
- (6) Appeal. Any person adversely affected by a decision under Subsection 4, above, may seek judicial review by commencing an action in Circuit Court within thirty (30) days after the day that the decision is issued.

Section 4. **Creating Penalty Provision.** Section 32.05 of the Sheboygan County Code of Ordinances is hereby created to read as follows:

32.05 PENALTY. Pursuant to Wis. Stat. § 951.18, any person who violates the provisions of an Abatement Order issued under Section 32.04 of this Code within three (3) years of the issuance of the Abatement Order shall be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00) or, in default of payment thereof, imprisonment of not more than ten (10) days.

Section 5. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 20th day of March, 2007.

LAW COMMITTEE

Glen Markus

Glen Markus, Chairperson

Brian C. Hoffmann

Brian C. Hoffmann, Vice-Chairperson

George Marthenze

George Marthenze, Secretary

Jacob Van Dixhorn

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Mark S. Winkel

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ENACTED 4.17.2007

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