

ENROLLED ORDINANCE 179-73

REPEAL AND RECREATE ARTICLES IX AND XII, CHAPTER 14 OF THE WAUKESHA COUNTY CODE TO DISCONTINUE THE COUNTYWIDE HUMANE OFFICER PROGRAM, AND TO CONTINUE THE RABIES CONTROL PROGRAM AND THE REGULATION OF DANGEROUS AND PROHIBITED DANGEROUS ANIMALS

WHEREAS, Waukesha County has enacted a Countywide Humane Officer Program pursuant to Chapter 173 of the Wisconsin State Statutes through Sec. 14-450 of the Waukesha County Code since 2004; and

WHEREAS, the Humane Officer Program is a non-mandated program that allows non-law enforcement personnel who have been appointed as humane officers by a local government to investigate complaints of animal abuse and neglect; and

WHEREAS, the humane officers employed by Waukesha County also administer the duties of Chapter 95.21 Rabies Control through Sec. 14-400 of the Waukesha County Code and the regulation of Dangerous and Prohibited Dangerous Animals as specified in Sec. 14-453 of the Waukesha County Code; and

WHEREAS, the Year 2025 Waukesha County Budget identifies the reduction in services provided under the Waukesha County Humane Animal Program due to safety concerns, funding limitations, and capacity limitations; and

WHEREAS, local law enforcement officers share the responsibility of investigating animal abuse and neglect and violations of animal laws; and

WHEREAS, discontinuation of the Countywide Humane Officer Program will result in all animal abuse and neglect cases being handled through law enforcement officers; and

WHEREAS, continuing the regulation of Dangerous and Prohibited Dangerous Animals is appropriate as it relates to animal bites reported as part of the Rabies Control Program, a countywide collection point for such incidents; and

WHEREAS, it is desirable to move the language in Sections 14-400 and 14-401, Article IX regarding the Rabies Control Program to Article XII to be consistent and uniform.
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Countywide Humane Officer Program shall be discontinued.

BE IT FURTHER ORDAINED that Article XII, Chapter 14 of the Waukesha County Code be repealed and recreated to read as follows:

ARTICLE XII. ANIMALS

Division 1. Rabies Control

Sec. 14-450 Rabies control program adopted.

Section 95.21, "Rabies Control Program," Wisconsin Statutes, as from time to time amended, is hereby adopted by reference and made part of this Code.

(Ord. No. 148-72, 10-26-93)

Sec. 14-451 Administration

The provisions of the Rabies Control Program shall be administered by the Manager of the Environmental Health Division of the Department of Parks and Land Use or his / her designees.

Sec. 14-452 Current license required for dogs under quarantine.

Any dog quarantined under the authority of Section 95.21, Wisconsin Statutes, which does not have a current license from an appropriate local municipality, may subject the owner of the dog to a fifty dollar (\$50.00) late payment fee, payable to the local treasury of the appropriate town, village or city, if the owner does not license the dog by the end of the period of quarantine.

(Ord. No. 148-72, 10-26-93)

Secs. 14-402 - 14-409 Reserved.

Division 2. Dangerous and Prohibited Dangerous Animals

Sec. 14-453 Purpose and Intent.

The regulation of dangerous and prohibited dangerous animals is of public interest to preserve the safety and welfare of residents and visitors to Waukesha County. The purpose of this article is to reduce the risk of attacks or injuries by placing conditions on the keeping of dangerous animals and prohibiting the harboring of prohibited dangerous animals.

Sec. 14-454 Statutory Authority.

This article is adopted under the authority of Wis. Stat. §§ 59.51 and 59.54(6).

Sec. 14-455 Definitions.

In this article:

(a) "Administrative Officer" means the Department of Parks and Land Use, Environmental Health Manager or his/her designee.

(b) "Bodily Harm" means physical pain or injury or any impairment of physical condition.

(c) "Bite" means injury caused by the teeth or jaws that results in a person sustaining any break or abrasion of the skin.

(d) "Dangerous Animal" means any animal that bites, attacks, or otherwise injures humans without provocation, causing bodily harm.

(e) "Direct Control" means immediate and continuous physical control of an animal at all times; such as by means of a fence, leash, cord, or chain of sufficient strength to restrain said animal (excluding herding dogs, dogs in process of hunting, police dogs, dogs participating in a registered field trial, obedience training or trial, or on its owner's property).

(f) "Owner" means any person or entity owning, keeping, harboring or having control of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) or more consecutive days. Any implied owner will also be construed as being the owner of an animal. An animal owner is responsible for keeping their animals under direct control at all times and will be held accountable for any violation of this ordinance.

(g) "Prohibited Dangerous Animal" means any animal that has been declared dangerous or vicious or equivalent by another municipality, county, or state or any animal trained for fighting, or any dog subject to be destroyed under sec. 174.02(3), Wis. Stats. or any animal which inflicts severe bodily harm or death to a human.

(h) "Secure Enclosure" means confinement of an animal with a fence, structure, or in a building that renders such animal inaccessible to any other animal or people and escape.

(i) "Severe Bodily Harm" means any physical injury to a human that results in muscle tears, disfiguring lacerations, multiple deep punctures, significant tissue damage requiring sutures and/or surgery, significant blood loss, significant loss of function of a body part, loss of an appendage or body part, or death.

Sec. 14-456 Determination and Declaration

(a) The Administrative Officer shall investigate incidents reported as part of the Rabies Control Program in which there are reasonable grounds to believe an animal is dangerous or prohibited dangerous.

(b) After considering appropriate evidence, the Administrative Officer may declare an animal to be a Dangerous or Prohibited Dangerous Animal pursuant to the definitions in Sec. 14-455. A declaration will be issued through a written determination and order placing conditions on the animal or prohibiting the animal from residing in the county.

(c) A reasonable attempt shall be made to personally notify the Owner of the pendency of the investigation and the Owner shall be notified in writing of the determination and order. Notice shall be provided to the Owner as follows:

- 1- Mailing the determination and order to the Owner's last known address; or
- 2- Email to an address provided by the Owner; or
- 3- Personally delivering a copy to the Owner

(d) If the Owner wishes to dispute the declaration, he / she must submit a written objection within thirty (30) days of the date of the written determination and order to Waukesha County for administrative review under Sec. 18-154.

Sec. 14-457 Dangerous Animals

(a) An Owner of an animal declared to be a Dangerous Animal shall meet the following conditions:

1. Any animal declared to be a Dangerous Animal shall be confined in a secure enclosure while on the premises of the Owner.
2. No Dangerous Animal shall be allowed off the premises of the Owner unless such animal remains:
 - a. Inside a secure animal carrier; or
 - b. Under the Direct Control of such Owner and securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds.

(b) Within thirty (30) days of the determination and order, the Owner of any animal declared to be a Dangerous Animal shall comply with all of the following requirements and provide documentation evidencing such compliance to the Administrative Officer:

1. Proof of liability insurance specifying coverage for personal injuries inflicted by the Dangerous Animal,
2. Have a microchip implanted in the Dangerous Animal,
3. Provide a current color photograph of the Dangerous Animal, and
4. Further conditions established by the Administrative Officer on a case-by-case basis.

(c) If the Owner chooses not to keep any animal declared to be a Dangerous Animal; within thirty (30) days of the determination and order, the Owner shall provide documentation evidencing compliance with one of the following:

1. Proof of euthanasia of an animal declared to be a Dangerous Animal; or
2. Transfer of ownership of Dangerous Animal: name and address of new Owner and microchip information for the Dangerous Animal. Owner must provide this information a minimum of twenty-four (24) hours prior to transfer of ownership.

(d) Failure to provide documentation evidencing compliance with the requirements of Sec. 14-457(b) or Sec. 14-457(c) within thirty (30) days may subject the Owner to citation penalties.

(e) An animal declared to be a Dangerous Animal that is involved in another qualifying incident may be subject to citation penalties for violation of the conditions specified in Sec. 14-457(a) and a Prohibited Dangerous Animal declaration.

(f) The Owner of a Dangerous Animal shall report in writing the name and address of the new Owner to the Administrative Officer a minimum of twenty-four (24) hours prior to transfer of ownership or custody of such animal.

(g) The Owner of a Dangerous Animal shall report in writing or by telephone the death of such animal within 24 hours to the Administrative Officer. The death of such animal shall be verified by a licensed veterinarian, Humane Officer, law enforcement officer, or a representative of a humane society.

Section 14-458 Prohibited Dangerous Animals

(a) Any animal declared to be a Prohibited Dangerous Animal is not allowed in Waukesha County.

(b) Within thirty (30) days of the determination and order, the Owner of any animal declared to be a Prohibited Dangerous Animal shall provide documentation evidencing compliance with one of the following:

1. Proof of euthanasia of an animal declared to be a Prohibited Dangerous Animal; or
2. Transfer of ownership of Prohibited Dangerous Animal: name and address of new Owner and microchip information for the Prohibited Dangerous Animal. Owner must provide this information a minimum of twenty-four (24) hours prior to transfer of ownership.

(c) If the owner of a Prohibited Dangerous Animal chooses to dispute the declaration through the administrative review process under Sec. 18-154 the animal shall be held under the conditions required of a Dangerous Animal pursuant to Sec. 14-457(a) until the case is completed.

(d) Failure to provide documentation evidencing compliance as specified in Sec. 14-458(b) within thirty (30) days of declaration or administrative review or court determination may result in citation penalties or a judgment to euthanize the animal may be requested of a court if a legal order is not already established.

Sec. 14-459 Exemptions

(a) No animal shall be classified as a Dangerous Animal or Prohibited Dangerous Animal if the injury was sustained by a person who, at the time, was committing or attempting to commit a crime upon the Owner of the animal or who was committing a willful trespass upon premises occupied by the Owner of the animal, or who was teasing, tormenting, provoking, abusing or assaulting the animal or its Owner.

(b) Law enforcement canine officers are exempt from this ordinance while on duty.

(c) Under Wisconsin State Statute section 173.21, animals can be held for cause if they pose a significant threat to public health, safety, and welfare. (Ord. 170-11, 04/28/15.)

Sec. 14-460 Officers and Administrators Not Responsible for Accident or Disease to Any Animal.

Anyone enforcing the provisions of this article shall not be held responsible for any accident or disease that may happen to any animal.

Sec. 14-461 Citation Constitutes Warning to Household.

Issuance of a citation or warning to an adult member of the household in which an animal resides shall be deemed notice of the citation or warning to all members of the household.

Sec. 14-462 Citation Authority.

(a) Pursuant to Sec. 66.0113, Wis. Stats., the County of Waukesha adopts and authorizes the use of a citation to be issued for violation of ordinances, including ordinances for which a statutory counterpart exists.

(b) The Director of Parks and Land Use Department has the authority to issue citations for violations under this section. In addition, the Director of Parks and Land Use may designate to employees under his or her direction the authority to issue citations as authorized under this section.

(c) The schedule of cash deposits including the penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse assessment or consumer information assessments for use with citations issued under this section is adopted and is on file in the Offices of the Sheriff, Parks and Land Use, County Clerk and Clerk of Courts. Receipts shall be given for cash deposits.

(d) The procedures contained in Section 66.0113(3) of the Wisconsin Statutes, as it is from time to time amended, relating to the options of an alleged violator and default are adopted and incorporated herein by reference.

(e) This section does not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(Ord. No. 158-55, 08/26/03; Ord. No. 160-26, 7-26-05.)

Sec. 14-463 Penalties.

(a) Any person who violates s. 95.21(2), Wis. Stats. shall forfeit not less than \$50 or more than \$100 and costs of prosecution for each violation.

(b) Any person who violates s. 174.05(1), Wis. Stats. shall forfeit not less than \$100 nor more than \$500 and costs of prosecution for each violation.

(c) An owner who refuses to comply with an order issued under s.95.21, Wis. Stats. to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000 or imprisoned not more than 60 days or both.

(d) Any person who fails to comply with the provisions of this chapter relating to the regulation of dangerous and prohibited dangerous animals in violation of the provisions of this chapter shall forfeit not less than \$20.00 nor more than \$500.00 and costs of prosecution for each violation.

(Ord. No. 162-53, 10/09/07.)

Sec. 14-464 Each Day a Separate Offense.

Each day a violation exists shall constitute a separate violation.

Sec. 14-465 Effective Date.

The provisions of this Article shall take effect subsequent to publication, on January 1, 2004.

(Article XII was created by Ord. No. 158-55, 08/26/03)

Sec. 14-466 - 14-500. Reserved

BE IT FURTHER ORDAINED that Article IX, Sections 14-400 through 14-401 be repealed and reserved for future use.

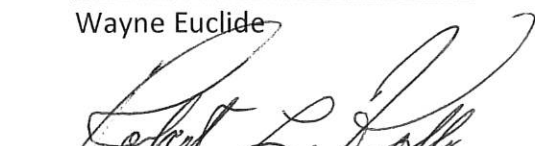
REPEAL AND RECREATE ARTICLES IX AND XII, CHAPTER 14 OF THE WAUKESHA COUNTY CODE TO DISCONTINUE THE COUNTYWIDE HUMANE OFFICER PROGRAM, AND TO CONTINUE THE RABIES CONTROL PROGRAM AND THE REGULATION OF DANGEROUS AND PROHIBITED DANGEROUS ANIMALS

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair

Absent


Wayne Euclide


Robert L. Kolb


Johnny Koremenos

Absent

Brian Meier


Richard Morris


Steve Styza

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 2/28/25, 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 3/4/2025, 
Paul Farrow, County Executive

FORFEITURE SCHEDULE

CHAPTER 14, ARTICLE XII. ANIMALS WAUKESHA COUNTY CODE OF ORDINANCES

Base forfeiture amounts are in accordance with WCC Chapter 14 Sec. 14-463 and Wis. Stats ss 95.21

Authority	Offense	Base Forfeiture	Penalty Assess	Court Cost	Crime Lab/DEA	Justice Info Fee	Jail Assess	Court Services	Total
WCC Chapter 14 Article XII Sec. 14-457 (b) and (c)	Failure to provide documentation evidencing compliance with the requirements of Sec. 14-457(b) or Sec. 14-457(c) within (30) days.	\$200	\$52	\$25	\$13	\$21.50	\$10	\$68	\$389.50
WCC Chapter 14 Article XII Sec. 14-457 (e)	Declared Dangerous Animal in violation of conditions specified in 14-457(a) and involved in another qualifying event.	\$250	\$65	\$25	\$13	\$21.50	\$10	\$68	\$452.50
WCC Chapter 14 Article XII Sec. 14-458 (b)	Failure to provide documentation evidencing compliance as specified in Sec. 14-458(b) within 30 days of declaration or administrative review or court determination.	\$250	\$65	\$25	\$13	\$21.50	\$10	\$68	\$452.50
WCC Chapter 14 Article XII Sec. 14-463(a) Wis. Stats 95.21(10)(a)	Refusal to comply with rabies vaccination requirements under s. 95.21 (2), Wis. Stats.	\$50	\$13	\$25	\$13	\$21.50	\$10	\$68	\$200.50
WCC Chapter 14 Article XII Sec. 14-463(c) Wis. Stats 95.21(10)(b)	Refusal to comply with order or quarantine issued under s.95.21, Wis. Stats.	\$150	\$39	\$25	\$13	\$21.50	\$10	\$68	\$326.50

VOTE RESULTS

21 YES

0 NO

0 ABSTAIN

4 ABSENT

Ordinance 179-O-077

Ordinance 179-O-077: Repeal And Recreate Articles IX And XII, Chapter 14 Of The Waukesha County Code To Program, And To Continue The Rabies Control Program And The Regulation Of Dangerous And Prohibited Dangerous Animals

 **Passed By Majority Vote**

D1 - Styza	AYE	D10 - Thieme	ABSENT	D19 - Enriquez	AYE
D2 - Euclide	ABSENT	D11 - Howard	M AYE	D20 - Schellinger	AYE
D3 - Morris	S AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	AYE
D7 - LaFontain	ABSENT	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	ABSENT		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

12th Meeting, 179th Year of the County Board of Supervisors - February 24 2025 07:05 PM

February 24, 2025

1 REPEAL AND RECREATE ARTICLES IX AND XII, CHAPTER 14 OF THE WAUKESHA
2 COUNTY CODE TO DISCONTINUE THE COUNTYWIDE HUMANE OFFICER
3 PROGRAM, AND TO CONTINUE THE RABIES CONTROL PROGRAM AND THE
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7 Chapter 173 of the Wisconsin State Statutes through Sec. 14-450 of the Waukesha County Code
8 since 2004; and
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12 investigate complaints of animal abuse and neglect; and
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17 Waukesha County Code; and
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41 **ARTICLE XII. ANIMALS**
42

43 **Division 1. Rabies Control**
44

45 **Sec. 14-450 Rabies control program adopted.**
46

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(Ord. No. 148-72, 10-26-93)

Sec. 14-451 Administration

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Secs. 14-402 - 14-409 Reserved.

Division 2. Dangerous and Prohibited Dangerous Animals

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This article is adopted under the authority of Wis. Stat. §§ 59.51 and 59.54(6).

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(g) "Prohibited Dangerous Animal" means any animal that has been declared dangerous or vicious or equivalent by another municipality, county, or state or any animal trained for fighting, or any dog subject to be destroyed under sec. 174.02(3), Wis. Stats. or any animal which inflicts severe bodily harm or death to a human.

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- 1- Mailing the determination and order to the Owner's last known address; or
- 2- Email to an address provided by the Owner; or
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(d) If the Owner wishes to dispute the declaration, he / she must submit a written objection within thirty (30) days of the date of the written determination and order to Waukesha County for administrative review under Sec. 18-154.

Sec. 14-457 Dangerous Animals

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 - a. Inside a secure animal carrier; or
 - b. Under the Direct Control of such Owner and securely muzzled and restrained by a chain with a minimum tensile strength of three hundred (300) pounds.

(b) Within thirty (30) days of the determination and order, the Owner of any animal declared to be a Dangerous Animal shall comply with all of the following requirements and provide documentation evidencing such compliance to the Administrative Officer:

1. Proof of liability insurance specifying coverage for personal injuries inflicted by the Dangerous Animal,
2. Have a microchip implanted in the Dangerous Animal,
3. Provide a current color photograph of the Dangerous Animal, and
4. Further conditions established by the Administrative Officer on a case-by-case basis.

(c) If the Owner chooses not to keep any animal declared to be a Dangerous Animal; within thirty (30) days of the determination and order, the Owner shall provide documentation evidencing compliance with one of the following:

1. Proof of euthanasia of an animal declared to be a Dangerous Animal; or
2. Transfer of ownership of Dangerous Animal: name and address of new Owner and microchip information for the Dangerous Animal. Owner must provide this information a minimum of twenty-four (24) hours prior to transfer of ownership.

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(b) Law enforcement canine officers are exempt from this ordinance while on duty.

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Issuance of a citation or warning to an adult member of the household in which an animal resides shall be deemed notice of the citation or warning to all members of the household.

238 **Sec. 14-462 Citation Authority.**

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249 (c) The schedule of cash deposits including the penalty assessment, jail assessment, crime lab
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276 or imprisoned not more than 60 days or both.

277
278 (d) Any person who fails to comply with the provisions of this chapter relating to the regulation
279 of dangerous and prohibited dangerous animals in violation of the provisions of this chapter shall
280 forfeit not less than \$20.00 nor more than \$500.00 and costs of prosecution for each violation.

281
282 (Ord. No. 162-53, 10/09/07.)

286 **Sec. 14-464 Each Day a Separate Offense.**

287

288 Each day a violation exists shall constitute a separate violation.

289

290 **Sec. 14-465 Effective Date.**

291

292 The provisions of this Article shall take effect subsequent to publication, on January 1, 2004.

293

294 (Article XII was created by Ord. No. 158-55, 08/26/03)

295

296 Sec. 14-466 - 14-500. Reserved

297

298 BE IT FURTHER ORDAINED that Article IX, Sections 14-400 through 14-401 be repealed and
299 reserved for future use.