

ORDINANCE #311

WAUSHARA COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS; the public health is endangered by the animals at-large and the potential for transmission of diseases such as rabies by said animals; and

WHEREAS; the County has an interest in ensuring that animals in possession of its residents are properly maintained and vaccinated to protect public health; and

WHEREAS; the State of Wisconsin has provided for the regulation and licensing of animals and rabies control programs by virtue of Wis. Stats. sec. 95.21, chapter 174 and chapter 951 and Wis. Administrative Code chapter ATCP 13; and

WHEREAS; section 95.21(9) of the Wisconsin Statutes provides that a county may enact an ordinance that is at least as strict as the statutes establishing a local rabies control program; and

WHEREAS; WATCP Chapter 13.03 of the Wisconsin Administrative Code provides the requirements for an approved local rabies control program;

NOW, THEREFORE, it is ordained by the Waushara County Board of Supervisors as follows:

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1.01 STATE LAWS ADOPTED

This Ordinance hereby adopts the provisions of Section 95.21, Chapter 174 and 951 of the Wisconsin Statutes and ATCP Chapter 13 of the Wisconsin Administrative Code, exclusive of any penalties. Criteria for participation in the Rabies Control Program as approved by the Wisconsin Department of Agriculture, Trade, and Consumer Protection is also hereby adopted.

1.02 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be the minimum requirements and shall be liberally translated in favor of Waushara County and shall not be deemed a limitation of any power granted by the State of Wisconsin Statutes.

1.03 APPLICABILITY

The provisions of this Ordinance shall apply to all areas of Waushara County, except cities, towns, or villages within the County that have local health departments.

1.04 DEFINITIONS

Words or phrases, unless specifically defined, shall be interpreted as having the same meaning as they have in Wisconsin Statutes, Wisconsin Administrative Codes and /or judicially interpreted by Wisconsin Case Law.

- (1) Animal: includes every living warm-blooded mammal except human being.
- (2) Animal at Large: any animal shall be deemed to be at large when off the property of the owner and not under restraint or control.
- (3) Animal Control Officer: means any person designated by a government agency (county or township), to enforce the adopted ordinances of the County and the State Statutes, as they pertain to animal control, except authority restricted to humane officers under section 173.07 Wisconsin Statutes.
- (4) Animal Shelter: means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding and caring for animals held under the authority of this Ordinance or State Law.
- (5) Confined: means the restriction of an animal at all times by the owner or an agent of the owner to an escape proof building, vehicle or other enclosure.

DATCP: means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Domestic Animal: means any animal which normally can be considered tame and converted to home life or livestock.

Dwelling Unit: means a building or portion thereof, designated or used exclusively for residential purposes.

Health Officer: means the person with authority in the County or a municipality for public health law enforcement and the implementation of public health program activities, or duly designated representative of such person.

Kennel: means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs.

Licensing Authority: means the municipal treasurer or its delegated collecting agent.

Owner: means any person who owns, harbors, or keeps a domestic animal. Where a domestic animal is kept by a family, the head of the household shall be responsible for the requirements of this Ordinance. Any animal shall be deemed to be harbored if it is fed and/or sheltered.

Public Nuisance: means any domestic animal or animals which engage in one or more of the following:

Molesting passers-by or passing vehicles;
Attacking persons or animals without provocation when said persons or animals were peacefully conducting themselves, where they were lawfully entitled to be;
Trespassing on school grounds, parks, or cemeteries;
Being repeatedly at-large, where repeatedly means at least two times;
Damaging private or public property; or
Barking, whining or howling in a continuous manner for a time duration of one hour or longer.

(14) Quarantine or Isolation Facility: means a humane society, shelter, veterinary hospital, municipal pound or other place specified by a trained observer, which is equipped with a pen or a cage which isolates one animal from contact with other animals.

(15) Restraint: means any animal secured by a leash, lead, or within the fenced (underground/above ground) property limits of the animal's owner or leashed by a chain or other significant restraining device that limits the animal to the property limits of the owner.

(16) Trained Individual: means a person certified by WDATCP, meeting the qualifications to observe quarantined animals in an isolation facility to determine if the animal exhibits signs of rabies.

(17) Veterinarian: means a person who is currently licensed in the State of Wisconsin to practice veterinary medicine.

(18) Veterinary Hospital / Clinic: means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

(19) Vicious Animal: means any animal that when unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property. Two bite incidents occurring off the owner's property constitutes a vicious animal, EXCEPT:

No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or a criminal trespass of the dwelling upon the premises occupied by the owner of the animal; or was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate any ordinance which protects person or property.

No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teased, tormented, abused or assaulted.

No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity from an unjustified attack or assault.

No animal may be declared vicious for the act committed by said animal, while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

- (20) Wild Animal: means any indigenous, warm blooded mammal which is now or historically has been found in the wild, including raccoon, skunk, fox, wolf, wolf-hybrid, coyote or any other indigenous species meeting the definition of animal.

1.05 ADMINISTRATION

Authority: This animal control ordinance was adopted by the Waushara County Board pursuant to the administrative authority granted for such ordinance by sec. 95.21.Wis. Stats.

Administration: The administration of the Rabies Control Program shall be under the Waushara County Health Officer in cooperation with the Waushara County Sheriff's Department, the Waushara County Board of Supervisors, and the Waushara County Board of Health, which is the committee of jurisdiction.

Quarantine and Enforcement: Quarantine and enforcement shall be under the direction of the Health Officer and/or a trained individual and the Waushara County Sheriff's Department, using written protocols. Unusual cases will necessitate consultation with the veterinary advisor.

1.06 PROGRAM EXPENDITURES SUPPORTED BY LICENSE FEES

Dog License Taxes: The dog license taxes paid to the County Treasurer shall be kept in a separate account and shall be known as the "Dog License Fund," which shall be appropriated and disbursed for the purposes and in the manner following:

- a. On an annual basis after receipt of the same, the County Treasurer shall pay to the State Treasury five percent (5%) of the minimum tax provided for under sec. 174.05(2), Wis. Stats., of all dog license taxes;

Expenses necessarily incurred by the County in purchasing books, forms and other supplies required in the administering of the dog license law;

Expenses incurred by the County under sec. 95.21(4)(b) and (8), Wis. Stats.; and

Expenses incurred by the County Pound, Humane Society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs if the owner of the animal is unknown or the owner is exempted from payment of the costs by the Health Officer, pursuant to Section 1.09(5)(f) below.

2. Surplus Funds: Any amount remaining in the fund after deducting the above expenses shall be made available for and may be used as far as necessary for paying claims allowed by the County to the owners of domestic animals, for damages done by dogs during the license year for which taxes were paid. These claims are limited to One Thousand Dollars (\$1000.00) per incident. In addition, NO claim shall be paid to any person who has failed to obtain a license for a dog that is required to be licensed.

Liability: All claims filed under paragraph 2 above, shall be solely against the dog license fund and shall not create any other liability on the part of the County.

1.07 VETERINARIAN

A local veterinarian shall be designated the public health advisor for the Waushara County Rabies Control Program. The veterinarian shall be responsible for the following:

Conducting an annual review of the Waushara County Rabies Control Program;
Making the final determination in all cases as to whether or not an animal exhibits signs of rabies during quarantine;
Overseeing the trained individuals and determining if said individuals are accurately noting the signs of rabies;
Notifying the Health Officer of suspected rabies cases;
Consulting with the Health Officer and trained individuals requests; and
Reviewing the annual Rabies Control Program report prior to the report being filed with WDATCP; and
Meeting quarterly with trained individuals to refresh observation skills and evaluate performance of trained individuals.

Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the laboratory of hygiene, the local health department, as defined by s. 250.01(4), the officer involved and , if the animal is suspected to have bitten a person, the person's physician.

Any changes to the Waushara County Animal Control Ordinance designated veterinarian must be made with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

1.08 TRAINED INDIVIDUALS

This Ordinance adopts the provisions of ATCP 13.03 of the Wisconsin Administrative Code.

NOTE: A list of current Waushara County trained individuals shall be on file with the Waushara County Health Department.

1.09 DOG LICENSES AND RABIES VACCINATION REQUIREMENT

1. Dog License: Except as provided in sec. 174.054, Wis. Stats., the owner of a dog more than five (5) months of age on January 1st of any year or five (5) months of age within the license year shall annually on or before the date the dog becomes five (5) months of age pay the dog license fee as provided in sec. 174.05, Wis. Stats. and obtain a dog license. Any license-eligible dog obtained during the license period or brought into the County must be licensed within thirty (30) days of obtaining the animal or bringing the animal into the County. The license year commences on January 1st and ends on the following December 31st. Proof of rabies vaccination in the form of a signed certificate from a Veterinarian (see section 1.09(4), below) shall be presented at the time of licensing to the city, village, town treasurer or County Clerk issuing the license pursuant to secs. 174.05 and 174.07, Wis. Stats. The licensing person shall prepare the report to the County Clerk as prescribed in sec. 174.08, Wis. Stats.
2. Kennel License: A single owner having possession of five (5) or more adult dogs shall be required to obtain a Kennel License. Such owner shall pay the license fee as prescribed by the County pursuant to sec. 174.053, Wis. Stats. Issuance of a County Kennel License shall include the requirement for the Local Health Department to conduct an annual sanitary inspection of the premises to ensure that the conditions outlined in Chapter 951, Wis. Stats. are met. The holder of the Kennel License shall be responsible for ensuring that said inspection is conducted prior to the issuance of the license each year. The applicant must present current certificates of rabies vaccination for all dogs and a certificate of completed sanitary inspection prior to license issuance. Tags shall be issued for all dogs pursuant to sec. 174.07, Wis. Stats.
3. Rabies Vaccination:

Initial Vaccination. The owner of a dog shall have the animal vaccinated by a veterinarian by (5) months of age. An owner who imports a dog into Waushara County that has reached (5) months of age, must have the dog vaccinated as evidenced by a current certificate of rabies vaccination from this State or another state. All veterinarians practicing in Waushara County shall adopt the standard legal description for a rabies tag as defined by the National Association of State Public Health Veterinarians.

Re-Vaccination. The owner of a dog shall have the animal re-vaccinated:
Within one (1) year after the initial vaccination;
Before the date that the immunization expires, as stated on the certificate; or
If no expiration date is specified on the certificate, within one (1) year of the previous vaccination.

Rabies Vaccination Certificate:

This Ordinance adopts the provisions of sec. 95.21(2)(b) of the Wisconsin Statutes.

1.10 ANIMAL BITE AND QUARANTINE PROTOCOL

1. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.

An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If the quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates section 2(a), (b) or (c).

An officer who kills an animal shall deliver the carcass to a veterinarian or local health department, as defined in s. 250.01(4) of the Wisconsin Statutes. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus.

Quarantine of a dog or cat.

Delivery to isolation facility or quarantine on premises of owner: An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

Health risk to humans: If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of a isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. "Supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation, and on one intervening day. If the observation period is not extended and the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

Risk to animal health:

If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian or an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after the exposure to a rabid animal.

Sacrifice of a dog or cat exhibiting symptoms or rabies: If a veterinarian determines that a dog or cat exhibits symptoms or rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

NOTE: All suspected animals are assumed to be rabid unless proven negative for rabies by the State Lab of Hygiene.

The owner of any animal involved in a bite/scratch incident is responsible for any expenses incurred in connection with keeping the animal in a isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination, and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Failure of the owner to deliver an animal to a veterinarian or place quarantine as directed within twenty-four (24) hours shall be grounds for a judge to issue an order authorizing the animal control officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.

Any police, trained individual, or animal control officer with reasonable cause to believe an animal has bitten/scratched a person or has bitten/scratched or been bitten/scratched by another animal, shall issue a quarantine. A quarantine may be delivered by personal service, registered mail (with a minimum verbal notice prior, to insure notification of animal owner to have animal examined or quarantined within 24 hours of the incident) or by posting a quarantine sign in a minimum of two (2) conspicuous places on the property.

1.11 LOCAL ALTERNATIVE RABIES CONTROL PROGRAM
ATCP Ch. 13)

(Pursuant to

The Local Alternative Rabies Control Program option shall be utilized only under circumstances approved by the local Health Officer. Circumstances of extreme financial disparity, inability to transport an animal to a veterinarian for observation or other as approved by the local Health Officer. This option is to ensure all animals which have bitten, or are suspected of biting a human, receive at least a minimum of two (2) observations by a certified trained individual. The first observation shall be made within 24 hours of the incident and the second on the tenth (10th) day after the exposure. The quarantine can only be released by the Health Officer. This Program options shall be used only in quarantines of currently vaccinated animals involved in or suspected of being involved in a bite incident.

Local Alternative Rabies Control Protocol pursuant to ATCP Chapter 13

Guidelines:

Investigation of Exposures: There shall be an investigation of all reported human or animal exposures to a known or suspected rabid animal.

Record Keeping: There shall be a record keeping system maintained which enables tracking and follow-up on all reported human or animal exposure incidents by the Administrator or assigned staff.

Quarantine Requirement: There shall be quarantine requirements having conditions equal to the conditions set forth in section 1.10 of this Ordinance except that this Local Rabies Alternative Rabies Control Program requires two (2) examinations of the quarantined animal during a 10 day period and the observations be made by a trained individual.

Vaccination Enforcement: There shall be enforcement of the rabies vaccination requirement for dogs set forth in Wis. Stats. 95.21(2).

Annual Report: An annual report shall be prepared and filed with the Department of Agriculture, Trade, and Consumer Protection no later than February 28th which covers the preceding calendar year. The report shall include:

- a. Number of investigations.
 - b. Number of reported animal bites.
- Number of quarantines issued.
Number of quarantine violations and enforcement actions taken.
Number of animals exhibiting negative signs of rabies during quarantine.
Number of animals exhibiting positive signs of rabies during quarantine.
Number of enforcement actions for violations of vaccination requirements.
Number of animals sacrificed for exhibiting signs of rabies or being suspected of having rabies.

Veterinarian Involvement: Veterinarian involvement in the overall administration of the Local Alternative Rabies Control Program option requires designation of a Wisconsin licenced veterinarian to have direct control over professional decisions involving the practice of veterinary medicine as it relates to the program including, but not limited to:

Making final determination in questionable cases whether an animal is exhibiting positive signs of rabies during the quarantine.

Ascertaining whether prospective trained individuals are capable of carefully observing quarantined animals and accurately noting any exhibited signs.
Immediately notifying the Administrator of suspected rabies cases.
Consulting with Administrator and trained individuals on request.
Meeting quarterly with trained individuals to refresh observation skills and evaluate performance of trained individuals.
Reviewing annual Rabies Control Program report requirement prior to filing the report with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

The current designated veterinarian for Waushara County shall be on file with the County Department of Health and the WDATCP. The WDATCP will be notified of any changes in the designated Veterinarian for Waushara County.

1.12 RESTRAINT

Restraint: All owned animals shall be kept under restraint and shall not be permitted to run at large.

Animal Nuisance: All owners shall exercise care and control of their animals to prevent them from becoming a public nuisance.

Declaration of a Vicious Animal: The Animal Control Officer of the County or township or any Law Enforcement Officer, after conducting an investigation into the circumstances surrounding an unprovoked attack, is hereby empowered to declare an owned animal in question vicious. The owner of the animal shall be served personally or by certified mail, with return receipt requested, with an order declaring the animal vicious. Any owner aggrieved by said order may petition to the Waushara County Board of Health for review of the order. Upon receipt of the petition, the Board shall schedule and conduct a hearing in conformance with Wis. Stat. Ch. 227. After the hearing, the owner shall be notified in writing of the determination. If the owner or caretaker of the animal contests the determination, he/she may (within 30 days) seek review of the decision by the Circuit Court.

When an animal has been declared vicious, the owner shall comply with the following:

- a. While on the owner's or caretakers's property, the animal must be either
 - Securely confined indoors; or
 - In a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure must be constructed with chain link fencing on all four sides and the top. If the pen or structure has no bottom secured to all four sides, the sides of the pen must be imbedded in the ground no less than two feet, or have a concrete pad for the bottom; or
 - Securely confined using a material of sufficient tensile strength to adequately confine the animal without risk of breaking if the animal is large and aggressive.
- While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a suitable chain or leash not exceeding four feet in length and under the control of the owner or the owners immediate family of at least 16 years of age. The muzzle must be made in a manner that will not cause injury to the animal or interfere with it's vision or respiration but must prevent it from biting any person or animal.

All owners or caretakers of vicious animals shall display, in prominent places on their premises, near all entrances to the premises, signs in letters of not less than 2 inches high using the words “**Warning- Vicious Animal**”. A similar sign is required to be posted on the kennel or pen of the animal.

No person shall sell or transfer possession of a “vicious animal” to another person without first notifying the person to whom the “vicious animal” is being sold or transferred of the fact that the animal has been deemed a “vicious animal”.

The owner of a vicious animal shall be required to show the administrator proof of excess liability insurance coverage or proof that their homeowner’s policy will cover future injuries.

1.13 REPORTING OF ANIMAL BITE INCIDENTS

Health care providers, attending physicians, and attending veterinarians are required to report all incidents of suspected and/or confirmed animal bites on persons in Waushara County within twenty four (24) hours to the Waushara County Health Department or the Waushara County Sheriff’s Department so that the case can be appropriately investigated. This includes bites occurring to the owner or immediate family. In the case that no health care providers, physicians, or veterinarians are contacted, the owner is responsible for the reporting the incident within twenty four hours.

1.14 IMPOUNDMENT, QUARANTINE AND VIOLATION NOTICES

Unrestrained Animals: Unrestrained animals shall be taken by a Law Enforcement or Animal Control Officer and impounded in a temporary or permanent animal shelter and confined in a humane manner. Where needed, the officer should seek appropriate court approval.

Public Nuisance: When an animal is causing a public nuisance and it’s owner cannot be contacted at the time of complaint, it may be impounded by a Law Enforcement Officer or a designated Animal Control Officer after an attempt has been made to contact the owner or if the owner is unknown. After impoundment, reasonable attempts shall be made to contact the owner. Animals kept within a premises can only be removed with appropriate court approval.

Lawful Killing of an Animal: A person may kill a dog or domestic animal if that person, or domestic animal owned by that person while on that person’s property, is threatened with serious bodily harm. The animal may be destroyed providing that other restraining actions have failed and /or immediate action is necessary.

Reclaiming an Impounded Animal: An owner reclaiming an impounded animal shall pay the accrued impoundment and boarding fees and comply with the license and vaccination requirements of this Ordinance.

Animals Not Reclaimed: any animal not reclaimed by it’s owner within seven (7) days becomes the property of the local governmental authority and shall be placed for adoption on a suitable home or humanely euthanized, preferably by lethal injection. Cost for impounding and euthanization shall be at the owner’s expense.

NOTE:

An animal owner aggravated by such quarantine may, within thirty (30) days, petition the County Board of Health for a hearing. The Board shall conduct a hearing within ten (10) days after

receiving the petition to determine if the quarantine shall remain in effect or be withdrawn. The Department of Agriculture, Trade, and Consumer Protection, Division of Animal Health, the State of Wisconsin Humane Officer and /or the Wisconsin Department of Health and Family Services, the Division of Health office in charge of the State Rabies Program, or a Wisconsin Licenced Veterinarian shall be consulted for a determination based on the circumstances of the incident and the animal(s) species involved. The quarantine remains in effect until after the hearing unless properly released pursuant to this Ordinance.

1.15 ANIMAL CARE AND NEGLECT

This Ordinance adopts the provisions of Wis. Stats. Ch.951 to address crimes against animals, using clarifications and references provided by the State of Wisconsin Humane Officer as a guideline in making such determinations. The County appointed Humane Officer shall attend, when possible, training as offered by the Wisconsin Department of Agriculture, Trade, and Consumer Protection, the National Animal Control Association, and the American Humane Association directed at individuals investigating complaints. When possible, a Wisconsin Licensed Veterinarian shall accompany complaint investigations of animal abuse, neglect, and mistreatment..

1.16 ANIMAL WASTE

The owner or person having immediate control of an animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon public or private property. This shall be inapplicable in cases in which a person is being assisted by assistance dogs, a seeing-eye-dog, or in the case of the transportation animals or the transport of animals.

All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner as defined by Wis. Stat. 951.14(4). Droppings and manure shall be removed regularly and disposed properly so not to significantly attract insects or rodents.

1.17 DEAD ANIMAL DISPOSAL

All dead domestic animals shall be disposed of in a manner pursuant to Wis. Stat. 95.50. Animals killed by motor vehicles shall not be included in this section. Animals killed by motor vehicles will be disposed of in a manner outlined by any present contracts for removal in place with the Wisconsin Department of Transportation and Waushara County or other arrangements.

1.18 ENFORCEMENT

Civil and Criminal Provisions: This Ordinance shall be enforced by the Waushara County Health Officer, or any other law enforcement persons.

Interference with Officer: Law enforcement agency personnel are authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon non-animal owner private property. It shall be a violation of this Ordinance to interfere with the Animal Control Officer, Law Enforcement Officer, trained individual or Waushara County Health Department employee in the performance of their duties.

Tampering with Signs: Anyone tampering with signs posted pursuant to this Ordinance shall be subject to forfeiture.

Release of Animal: Only authorized persons or persons receiving proper authorization have the authority to release an animal from a pen, cage or holding facility.

Dangerous Animals: A Wisconsin Licenced Veterinarian shall be consulted and /or utilized to assist in tranquilizing or otherwise handling dangerous animals.

Referrals to Authorities: Nothing in this Ordinance shall prevent the Health Officer or designee from referring violations of this Ordinance, State laws, or Federal laws to the appropriate authorities.

1.19 HEALTH OFFICER'S DISTRICT QUARANTINE

Whenever the safety of the public shall require it, the Waushara County Health Officer, by posting notice published in the local papers, may order that for a period of twenty (20) days, from and after the date of the notice, that no dogs shall be permitted to go abroad in any of the streets, roads, lanes, alleys, or public places without being properly muzzled with a secure muzzle, or being led by a chain or other secure fastening.

1.20 PENALTIES

Any person violating any provision of this Ordinance shall be subject to forfeitures as listed below. If any violation continues, each day of continued violation shall be deemed a separate violation.

Vaccination Violation: Vaccination enforcement as set forth in Wis. Stat. 95.21. Any persons having a dog with no verifiable current rabies vaccination shall pay a forfeiture of not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00).

Quarantine Violation: Failure to comply with quarantine or to deliver an animal to an officer or isolation facility or veterinarian, shall be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1000.00) or imprisoned not more than sixty (60) days or both.

Animal at Large: Animal running at large shall be subject to a fine of ten dollars (\$10.00) plus court costs.

Other Violations: Any person who violates any other provision except (1) and (2) above, may be required to forfeit the following.

1 st forfeiture	\$25-\$200 + court costs
2 nd forfeiture	\$50-\$300 + court costs
3 rd forfeiture	\$100-\$400 + court costs
4 th forfeiture	\$200-\$500 + court costs

1.21 CITATION

This Ordinance may be enforced by issuance of citations by the Waushara County Sheriff's Office or the Waushara County Health Officer or trained Health Department designee.

2.02 SEVERABILITY

Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable and if any portion is, or becomes, invalid or unconstitutional for any reason, such determination shall not effect the rest of the Ordinance.

2.03 EFFECTIVE DATE

This Ordinance shall take effect and be enforced immediately after the adoption by the Waushara County Board of Supervisors and its publication as provided by law in the official newspaper of Waushara County.

2.04 REPEAL OF PRIOR ORDINANCES

All prior Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed.

ORDINANCE NO. 311

Ayes_____ Nays_____ Abstain_____ Absent__ { X} Voice Vote

Adopted and Approved on this 9th day of January 2001.

Approved:

/s/ Ruth Zouski
Ruth Zouski
Waushara County Corporation Counsel

/s/ June M. Roehl
June Roehl, Chair
Waushara County Board of Health

/s/ David Kolka
David Kolka, Vice Chair
Waushara County Law Enforcement
Humane Officer and Coroner Committee

Attest:

/s/ John Benz
John Benz
Waushara County Clerk

Signed by:
/s/ George Sorenson
George Sorenson, Chair
Waushara County Board of Supervisors

WAUSHARA COUNTY ANIMAL ORDINANCE ADDENDUM

For the requirement of Wisconsin ATCP Chapter 13 Local Rabies Control Programs, ATCP 13.03(6), Veterinarian Involvement, Waushara County designated veterinarian shall be with the approval of the Wisconsin Department of Agriculture, Trade, and Consumer Protection, Division of Animal Health:

Waushara County designated Veterinarian: DONALD E. NELSON DVM

Licence Number: 1121

Address: N1883 St. Rd 22 Wautoma, WI 54982

Phone Number: 920-787-3991

The Waushara County designated veterinarian has agreed to fulfill the responsibilities set forth in Sec. 1.07 of the Waushara County Rabies Control Ordinance.

Any changes made to the Waushara County Rabies Control Ordinance designated veterinarian must be made with Wisconsin Department of Agriculture, Trade, and Consumer Protection, Division of Animal Health for approval in writing.

We hereby approve the stated Veterinarian to fulfill his/her responsibilities outlined in the Waushara County Local Rabies Control Program.

Approved:

/s/ Ruth Zouski
Ruth Zouski, Corporation Counsel

/s/ June M. Roehl
June Roehl, Chair
Waushara County Board of Health

/s/ Richard J. Reese
Richard Reese, Chair
Waushara County Law Enforcement Committee

Wisconsin Department of Agriculture, Trade, and Consumer Protection, Division of Animal Health approval of local veterinarian:

/s/ Yvonne M. Bellay
Dr. Yvonne M. Bellay, D.V.M., M.S., State Humane Officer/Rabies Epidemiologist
WATCP, Division of Animal Health

ORDINANCE NO. 312

**AN ORDINANCE AMENDING ORDINANCE NO. 311,
WAUSHARA COUNTY ANIMAL CONTROL ORDINANCE**

WHEREAS, the Waushara County Board of Supervisors adopted Ordinance No. 311, Waushara County Animal Control Ordinance on January 9, 2001; and

WHEREAS, the Section numbers relating to Severability, Effective Date and Repeal of Prior Ordinances do not match the Section numbers listed in the Index to Ordinance No. 311.

NOW, THEREFORE, the Waushara County Board of Supervisors do hereby ordain as follows:

Section 2.02 SEVERABILITY shall be renumbered as Section 1.22

Section 2.03 EFFECTIVE DATE shall be renumbered as Section 1.23

Section 2.04 REPEAL OF PRIOR ORDINANCES shall be renumbered as Section 1.24

ORDINANCE NO. 312

Ayes _____ Nays _____ Abstain _____ Absent _____ {X} Voice Vote

Approved and Submitted by:
/s/ Ruth Zouski
Ruth Zouski
Waushara County Corporation Counsel

Signed by:
/s/ George Sorenson
George Sorenson, Chair
Waushara County Board of Supervisors

Attest:
/s/ John Benz
John Benz
Waushara County Clerk

ORDINANCE NO. 325

**AN ORDINANCE AMENDING WAUSHARA COUNTY
ANIMAL CONTROL ORDINANCE NO. 311
(as previously amended by Ordinance No. 312)**

WHEREAS, the Waushara County Animal Control Ordinance No. 311, adopted January 9, 2001 and as amended by Ordinance No. 312, adopted February 13, 2001, does not adequately protect the public health from the dangers of all animals at-large, whether warm-blooded or cold-blooded; and

WHEREAS, Waushara County has an interest in ensuring that all animals, whether warm-blooded or cold-blooded, in possession of its residents are properly maintained and confined to protect public health.

NOW, THEREFORE, the Waushara County Board of Supervisors, does hereby ordain that Waushara County Animal Control Ordinance No. 311, as previously amended by Ordinance No. 312, be amended as follows:

1.04 DEFINITIONS

- (1) Animal: includes every living warm-blooded and cold-blooded creature, except for human beings.

- (12) Owner: means any person who owns, harbors, or keeps a domestic animal or owns or keeps any animal. Where an animal is kept by a family, the head of the household shall be responsible for the requirements of this Ordinance. Any animal shall be deemed to be harbored if it is fed and/or sheltered.

1.07 VETERINARIAN

In this section, the term "animal" shall mean every warm-blooded creature, except for human beings.

A local veterinarian shall be designated the public health advisor for the Waushara County Rabies Control Program. The veterinarian shall be responsible for the following:

1. Conducting an annual review of the Waushara County Rabies Control Program;
2. Making the final determination in all cases as to whether or not an animal exhibits signs of rabies during quarantine;
3. Overseeing the trained individuals and determining if said individuals are accurately noting the signs of rabies;
4. Notifying the Health Officer of suspected rabies cases;
5. Consulting with the Health Officer and trained individuals requests;
6. Reviewing the annual Rabies Control Program report prior to the report being filed with WDATCP; and
7. Meeting quarterly with trained individuals to refresh observation skills and evaluate performance of trained individuals.

Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the laboratory of hygiene, the local health department, as defined by s. 250.01(4), the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

Any changes made to the Waushara County Animal Control Ordinance designated veterinarian must be made with the Wisconsin Department of Agriculture, Trade and Consumer Protection.

1.10 ANIMAL BITE AND QUARANTINE PROTOCOL

1. Definitions.

In this section, the term “animal” shall mean every warm-blooded creature, except for human beings.

2. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.

1. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If the quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
2. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
3. An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates section 3(a), (b) or (c).
4. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department, as defined in s. 250.01(4) of the Wisconsin Statutes. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus.

3. Quarantine of a dog or cat.

- a. Delivery to isolation facility or quarantine on premises of owner: An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- b. Health risk to humans: If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of a isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. “Supervision of a veterinarian” includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation, and on one intervening day. If the observation period is not extended and the veterinarian certifies that the dog or cat has not exhibited any signs of rabies. the animal may be released

from quarantine at the end of the observation period.

- c. Risk to animal health: If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian or an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after the exposure to a rabid animal.
- d. Sacrifice of a dog or cat exhibiting symptoms or rabies: If a veterinarian determines that a dog or cat exhibits symptoms or rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

NOTE: All suspected animals are assumed to be rabid unless proven negative for rabies by the State Lab of Hygiene.

The owner of any animal involved in a bite/scratch incident is responsible for any expenses incurred in connection with keeping the animal in a isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination, and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Failure of the owner to deliver an animal to a veterinarian or place quarantine as directed within twenty-four (24) hours shall be grounds for a judge to issue an order authorizing the animal control officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.

Any police, trained individual, or animal control officer with reasonable cause to believe an animal has bitten/scratched a person or has bitten/scratched or been bitten/scratched by another animal, shall issue a quarantine. A quarantine may be delivered by personal service, registered mail (with a minimum verbal notice prior, to insure notification of animal owner to have animal examined or quarantined within 24 hours of the incident) or by posting a quarantine sign in a minimum of two (2) conspicuous places on the property.

1.11 LOCAL ALTERNATIVE RABIES CONTROL PROGRAM **(Pursuant to ATCP CH. 13)**

In this section, the term "animal" shall mean every warm-blooded creature, except for human beings.

The Local Alternative Rabies Control Program option shall be utilized only under circumstances approved by the local Health Officer. Circumstances of extreme financial disparity, inability to transport an animal to a veterinarian for observation or other as approved by the local Health Officer. This option is to ensure all animals which have

bitten, or are suspected of biting a human, receive at least a minimum of two (2) observations by a certified trained individual. The first observation shall be made within 24 hours of the incident and the second on the tenth (10th) day after the exposure. The quarantine can only be released by the Health Officer. This Program options shall be used only in quarantines of currently vaccinated animals involved in or suspected of being involved in a bite incident.

Local Alternative Rabies Control Protocol pursuant to ATCP Chapter 13

Guidelines:

1. Investigation of Exposures: There shall be an investigation of all reported human or animal exposures to a known or suspected rabid animal.
2. Record Keeping: There shall be a record keeping system maintained which enables tracking and follow-up on all reported human or animal exposure incidents by the Administrator or assigned staff.
3. Quarantine Requirement: There shall be quarantine requirements having conditions equal to the conditions set forth in section 1.10 of this Ordinance except that this Local Rabies Alternative Rabies Control Program requires two (2) examinations of the quarantined animal during a 10 day period and the observations be made by a trained individual.
4. Vaccination Enforcement: There shall be enforcement of the rabies vaccination requirement for dogs set forth in Wis. Stats. 95.21(2).
5. Annual Report: An annual report shall be prepared and filed with the Department of Agriculture, Trade, and Consumer Protection no later than February 28th which covers the preceding calendar year. The report shall include:
 - a. Number of investigations.
 - b. Number of reported animal bites.
 - c. Number of quarantines issued.
 - d. Number of quarantine violations and enforcement actions taken.
 - e. Number of animals exhibiting negative signs of rabies during quarantine.
 - f. Number of animals exhibiting positive signs of rabies during quarantine.
 - g. Number of enforcement actions for violations of vaccination requirements.
 - h. Number of animals sacrificed for exhibiting signs of rabies or being suspected of having rabies.
6. Veterinarian Involvement: Veterinarian involvement in the overall administration of the Local Alternative Rabies Control Program option requires designation of a Wisconsin licensed veterinarian to have direct control over professional decisions involving the practice of veterinary medicine as it relates to the program including, but not limited to:
 - a. Making final determination in questionable cases whether an animal is exhibiting positive signs of rabies during the quarantine.
 - b. Ascertaining whether prospective trained individuals are capable of carefully observing quarantined animals and accurately noting any exhibited signs.
 - c. Immediately notifying the Administrator of suspected rabies cases.
 - d. Consulting with Administrator and trained individuals on request.
 - e. Meeting quarterly with trained individuals to refresh observation skills and evaluate performance of trained individuals.
 - f. Reviewing annual Rabies Control Program report requirement prior to filing the

report with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

The current designated veterinarian for Waushara County shall be on file with the County Department of Health and the WDATCP. The WDATCP will be notified of any changes in the designated Veterinarian for Waushara County.

BE IT FURTHER ORDAINED as follows:

SEVERABILITY

Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable and if any portion is, or becomes, invalid or unconstitutional for any reason, such determination shall not effect the rest of the Ordinance.

EFFECTIVE DATE

This Ordinance shall take effect and be enforced immediately after the adoption by the Waushara County Board of Supervisors and its publication as provided by law.

REPEAL OF PRIOR ORDINANCES

All prior Ordinances, or parts of Ordinances, inconsistent or in conflict with this Ordinance are hereby repealed as of the effective date of this Ordinance.

Ordinance No. 325

Ayes _____ Nays _____ Abstain _____ Absent _____ {X} Voice Vote

Adopted and Approved this 14 day of August, 2001.

Approved:

/s/ Ruth Zouski
Ruth Zouski
Corporation Counsel

Submitted by:

/s/ June Roehl
June Roehl, Chair
Waushara County Board of Health

/s/ Richard Reese
Richard Reese, Chair
Waushara County Law Enforcement,
Humane Officer and Coroner Committee

Attest:

/s/ John C. Benz
John C. Benz
Waushara County Clerk

Signed by:

/s/ George Sorenson
George Sorenson, Chair
Waushara County Board of Supervisors