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REGULATIONS & GUIDELINES FOR
OZAUKEE COUNTY MUNICIPALITIES

Wis Stats §174
July 01, 2014

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Chapter 174 – Dogs – See Appendix 1

The following information is a reference guide for issuing dog licenses and processing dog claims. Please refer to Wisconsin Statutes, Chapter 174 for an inclusive listing of state regulations.

Definition of the Collecting Official (§ 174.065)

Any city, village, or town treasurer or other tax collecting officer or any person deputized by the treasurer or tax collecting official, unless the common council or village or town board provides by ordinance or resolution for the appointment of a different person.

Dog License Tax(Fee) (§ 174.05)

The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall pay the dog license tax and obtain a license.

The minimum dog license tax is \$3.00 for a neutered male dog or spayed female dog. The owner must present evidence that the dog is neutered or spayed i.e. documentation from the veterinary clinic; and \$8.00 for an unneutered male dog or unspayed female dog.

If the dog became 5 months of age after July 1 of the license year, the fee is one-half of these amounts.

The governing body of any town, village or city may by resolution raise the minimum dog license tax on dogs within its jurisdiction.

The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the town, village or city in which the license was issued. The governing body of the municipality may, when setting the amount of the dog tax fee, provide that any person purchasing a dog license for a dog 5 months of age or over after April 1 pay an additional late fee.

A dog specially trained to lead the blind or deaf or to provide support for the mobility-impaired is **exempt** from the dog license **fee** and annually must make application for a dog license and collar tag from the local collecting officer. (§ 174.055) ***(Indicate on 2014 Dog License Remittance Report Form the # of FREE licenses- See Appendix 3)***

A dog kept for educational or scientific purposes is exempt from paying a license fee and obtaining a license. (§ 174.054)

Dogs brought into the state temporarily for a period not to exceed 30 days if kept confined or on a leash shall be exempt from the license requirement. (§ 174.12(5))

For multiple dog license fee, see “Multiple Dog License and Tags” on page 2.

Dog Licenses and Collar Tags (§ 174.07)

Upon payment of the fee and presentation of evidence that the dog is currently immunized against rabies, a license shall be issued. **(It is the responsibility of the collection official to verify the dog is current with the required rabies vaccination before issuing the license. A license can not be issued without presentation of evidence.)** The license must bear a serial number, date of its expiration, the owner's name, address and phone; the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog; name of the veterinarian/clinic, rabies vaccination date, vaccination expiration date, vaccination manufacturer, and vaccination serial number.

A tag bearing the same number as the license must be issued to the owner. The tag shall be securely attached to a collar and a collar with the tag attached shall be kept on the dog for which the license was issued at all times. NOTE: If the dog is under the control of the owner, this does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock.

The collection official shall submit to the Ozaukee County Clerk's office no later than December 31 each year all required fees. Old tags must be returned to the County Clerk and issued tag fees paid prior to receiving tags for the new year. Any tags not accounted for will be documented **(See Appendix 10-page 44)** and billed to the municipality. New tags are generally available December 1.

The collecting official retains 25 cents for each paid license issued. (Multiple License counts as one license issued, no matter how many tags are included.) If the collecting official is a full-time, salaried municipal employee, this fee is retained by the treasury of the town, village, or city.

Lost (Duplicate) Tags

If a tag is lost, the owner must present their current license. A new tag with a new number shall be furnished to the owner by the collecting official in place of the original tag. The collecting official shall endorse the new tag number on the license and shall indicate in their records the same. There is no fee for the replacement tag. (Indicate on the Dog License Remittance Report Form the tag information and list as "duplicate license".)

Multiple Dog License and Tags (§ 174.053)

Any person who keeps more than one dog may apply for a multiple dog license. The license fee is \$35.00 for 12 or fewer dogs and an additional \$3.00 for each dog in excess of 12. The owner must present evidence that all dogs over 5 months of age are currently immunized against rabies. Upon payment of the multiple dog license fee and presentation of immunization evidence, the collecting official shall issue the dog license **(See Appendix 9)** and a number of tags equal to the number of dogs authorized to be kept by the person.

An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The owner should notify the issuing agent of the transfer and provide evidence of the rabies vaccination.

The multiple dog tag and the rabies vaccination tag or substitute tag shall be securely attached to a collar and a collar with the tag attached shall be kept on the dog for which the license was issued at all times. NOTE: This does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area.

No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is on a leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.

(Previously this license was known as a kennel license. The multiple license is not to be used as a commercial kennel license. It is intended for use by private individuals who own more than one dog; wish to transfer tags from one animal to another with proper vaccination proof and notification to the issuing agent; and/or may realize a fee savings by purchasing the multiple tag.)

Actions Against Owners (§ 174.12)

No person except the owner or the owner's authorized agent shall remove any license tag from a dog collar or remove any collar with a license attached from any dog. No person shall keep or harbor a dog wearing a fictitious, altered or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog. (See page 2 for multiple dog license transfer)

Failure to Obtain a Dog License/Delinquent Dogs

Every town, village, or city treasurer shall notify the County's District Attorney of every refusal or failure of an owner to obtain a license for keeping the owner's dog and it shall be the duty of the district attorney to institute proceedings against such owner and against every owner within the district attorney's county who has violated any of the provisions of the dog license law.

REPORTS

Report of Delinquent Dog Owners:

1. The Report of Delinquent Dog Owners form is to be completely filled out. (See **Appendix 4**) The report must include (a) name, complete address and phone number of the dog owner or person who is harboring or keeping the dog; (b) completed blocks concerning types of dogs; (c) comments in the "Remarks" column and (d) lists the name, address and phone number of the municipal dog licensing official; and,
2. Attach a detailed report that must include: (a) The date and location the licensing or listing official actually saw the dog during the unlicensed year; (b) the date and means (letter, phone call, or in person) the owner of the dog was contacted by the licensing or listing official concerning the unlicensed dog and what the owner said and did in reference to the claim of having an unlicensed dog; and (c) an explanation why you believe the dog is owned by a particular person.
3. You have sent a "first" notice and a follow-up certified letter to the dog owner. For each dog owner who does not timely license the dog, you need to send a letter notifying them that the dog license has not been issued. If the owner has not resolved the matter with you within 14 days, a certified letter should be sent. Samples of the notice letter and certified letter that may be used are included in **Appendix 5**. If the matter is not resolved as indicated in the certified letter, copies of the notice and certified letters (with a mail receipt) as well as the Report of Delinquent Dog Owners form and detailed supplementary reports should be forwarded to the Ozaukee County District Attorney's office.

The District Attorney's office will send out a warning letter to the dog owner. In the warning letter, the delinquent dog owner is asked to contact you within two weeks after receiving the letter. You must notify the District Attorney's office after the two weeks of the owner's response to the DA's letter; i.e. matter is resolved or no action was taken by the owner. A complaint will be drafted for those delinquent dog license owners who fail to comply or act satisfactorily after the DA warning letter. NOTE: Thirty days after the warning letter is sent out, we will close our file on that dog owner for that year unless we hear from the municipal dog licensing official that the license fee has not been paid and that the municipal dog licensing official believes it is appropriate to issue a complaint.

Listing of Dogs Report (§ 174.06)

(Pet Detail Report by Alphabetic Last Name *and* Certification) (See Appendix 2)

Every town, village and city shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept with the assessment district.

Every person shall answer frankly and fully all questions asked by the listing official relative to the ownership or keeping of dogs within the district.

In a town or village the listing official is the municipal clerk, unless the common council or village board provides by ordinance or resolution for the appointment of a different person. In a town, the town board shall designate a person to be the listing official.

The listing official shall be compensated 50 cents for each dog listed. If the listing official is a full-time, salaried municipal employee, they shall be required to pay the compensation into the town, village, or city treasury.

The listing official shall, by September 15, deliver one copy of an alphabetic listing of all dogs in the district subject to tax to the county clerk and retain one copy for his or her files. Ozaukee County requires the Certification for the Dog Report to Clerk (see Appendix 2) shall be attached to the list.

Issued License Information Report

(Pet Detail Report by Tag Number *and* Fee Type Summary Report) (See Appendix 3)

The collecting official must provide to the county clerk the following information: tag/license number, name, address and phone number of owner, dog's name, breed, spayed, unspayed, neutered or unneutered, color of dog, rabies vaccination date, vaccination expiration, vaccine manufacturer, and veterinarian name (clinic). This report is submitted to the County Clerk with the Dog License Remittance Report Form (See Appendix 3)

Dog Damage Claims (§174.11)

The owner of any domestic animal, including a ranch mink which can prove that a dog forcibly entered an enclosure in which the mink was kept, which is attacked, chased, injured or killed by a dog, must **within 3 days** after the owner has knowledge or notice thereof, **file a "Claim for Damage to Animals" report** (See Appendix 6) with the clerk of the town, village or city, or town chairperson, or the village president where the damage occurred. Photographs have proven to be very helpful of any evidence of the damage that occurred.

Within 30 days of filing the claim, the governing body (town or village board, common council) must investigate the claim and may subpoena witnesses, administer oaths and take testimony relative to the claim, and **shall certify and return to the County Clerk the claim**, a report of the investigation, the testimony taken and the amount of damages suffered by the owner of the domestic animal(s). It is the responsibility of the town or village board, or common council to state the Fair and Reasonable Market Value of said animal(s) and to indicate such on the Affidavit of Investigating Committee as required.

On December 3, 1997 the Ozaukee County Board of Supervisors approved Ordinance No. 97-21, Limitation on Payment of Claims for Damage by Dogs to Domestic Animals. The maximum amount that may be allowed for settlement of a claim for damages to domestic animals by dogs under Section 174.11 of the Wisconsin Statutes shall be \$1,000.00.

The County Clerk will submit the completed Claim for Damage to the county board at their first meeting following the receipt of any such claim. The claims will be acted upon and determined by the county board as other claims are determined and acted upon. The amount of damages filed and reported to the County Clerk shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claims as in other cases and appeals from the action of the county board shall lie as in other cases.

The claims shall be solely against the dog license fund and shall create no other liability on the part of the county.

No claim may be paid to any person who has failed to pay a dog tax (obtain a dog license) on an assessable dog.

Before any claim will be allowed by the county on account of damages done by dogs, the claimant must furnish satisfactory proof that the damage was not done in whole or part by any dog owned or kept by the claimant.

No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant was first notified that such action is contemplated and has been given a reasonable opportunity to be heard and to offer further evidence in support of the claim.

SUMMARY OF STEPS TO FILE DOG DAMAGE CLAIM

1. Owner reports dog damage within 3 days of occurrence to clerk of town, village or city or the town chairperson or village president. A written claim must be completed.
2. Governing body of municipality where damage occurred investigates claim, i.e. town or village board, common council. Affidavit of Investigating Committee is completed and filed with the County Clerk within 30 days of receipt of damage claim.
3. Upon review of the Claim for Damage to Animals, the claims will be acted upon and determined by the county board as other claims are determined and acted upon.

Failure to submit the claims within the required time periods or providing incomplete information as required may be cause for rejection of payment.

Definitions (§174.001)

(2g) “Domestic animal” includes livestock, dogs and cats.

(3) “Livestock” means any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, as defined in s. 95.001 (1) (ag), or domestic fowl, including any farm-raised game bird, as defined in s. 169.01 (12m).

Dogs Running at Large (§ 174.042)

A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

An officer shall attempt to capture and restrain any dog running at large or any untagged dog.

Definition of Officer (s 95.21 (1) (b): A peace officer, local health officer, as defined in s. 250.01 (5), humane officer, warden, an employee designated by DATCAP or other person designated by the governing body of the county, city, village or town.

NOTE: If your municipality has appointed a humane officer on or after December 1, 1999, refer to Chapter 173 for required certifications. **(See Appendix 7)**

If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

APPENDIX 1

CHAPTER 174

DOGS

174.001	Definitions.	174.055	Exemption of dogs for blind, deaf and mobility-impaired.
174.01	Restraining action against dogs.	174.06	Listing.
174.02	Owner's liability for damage caused by dog; penalties; court order to kill a dog.	174.065	Collection.
174.042	Dogs running at large and untagged dogs subject to impoundment; penalties.	174.07	Dog licenses and collar tags.
174.05	Dog license tax.	174.08	License fees paid to county treasurer.
174.052	Publication of the dog license requirement and rabies vaccination requirement.	174.09	Dog license fund; how disposed of and accounted for.
174.053	Multiple dog licenses.	174.10	Dog licensing in populous counties.
174.054	Exemption for owners of dogs kept for educational or scientific purposes.	174.11	Claims for damage by dogs to domestic animals including ranch mink.
		174.12	Actions against owners.
		174.13	Humane use of dogs for scientific or educational purposes.
		174.15	Penalty.

174.001 Definitions. As used in this chapter, unless the context indicates otherwise:

(1) "Collar" means a band, strip or chain placed around the neck of a dog.

(2) "Department" means the department of agriculture, trade and consumer protection.

(2g) "Domestic animal" includes livestock, dogs and cats.

(2j) "Intergovernmental commission" means an intergovernmental commission formed by contract under s. 66.0301 (2) by all of the municipalities in a county with a population of 500,000 or more for the purpose of providing animal control services.

(3) "Livestock" means any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, as defined in s. 95.001 (1) (ag), or domestic fowl, including any farm-raised game bird, as defined in s. 169.01 (12m).

(4) "Officer" has the meaning designated under s. 95.21 (1) (b).

(5) "Owner" includes any person who owns, harbors or keeps a dog.

History: 1979 c. 289 ss. 8m, 17; 1983 a. 451; 1995 a. 79, 316; 1997 a. 35; 2001 a. 16, 56; 2003 a. 133.

The casual presence of a dog on someone's property does not make that person a "keeper." "Harboring" a dog means to afford it lodging, to shelter it, or give it refuge; it does not include the transient presence in one's home of another's dog. *Pattermann v. Pattermann*, 173 Wis. 2d 143, 496 N.W.2d 613 (Ct. App. 1992).

There is a distinction between "keeping" and "harboring." Keeping generally requires exercising some measure of care, custody, or control over the dog, while harboring is often defined as sheltering or giving refuge to a dog. Thus, harboring lacks the proprietary aspect of keeping. However, the concepts of "harbor" and "keep" are similar, and the liability of one who harbors a dog and one who keeps a dog is the same. *Pawlowski v. American Family Mutual Insurance Co.* 2009 WI 105, 322 Wis. 2d 21, 777 N.W.2d 67, 07-2651.

The relevant consideration in deciding a question of "harboring" is whether the owner of the home knowingly afforded lodging and shelter to the dog. That an owner resided in a separate home from the dog and was not in a convenient position to and in fact did not exercise custody or control over or care for the dog, would be most relevant if the issue was whether the owner was a "keeper" of the dog, but not a harbinger. *Augsburger v. Homestead Mutual Insurance Company*, 2013 WI App 106, ___ Wis. 2d ___, ___ N.W.2d ___, 12-0641.

174.01 Restraining action against dogs. (1) KILLING A DOG. (a) Except as provided in par. (b), a person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog and:

1. Other restraining actions were tried and failed; or
2. Immediate action is necessary.

(b) A person may intentionally kill a dog if a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the dog and the dog is on property owned or controlled by the person and:

1. Other restraining actions were tried and failed; or
2. Immediate action is necessary.

(2) **INAPPLICABLE TO OFFICERS, VETERINARIANS, AND PERSONS KILLING THEIR OWN DOG.** This section does not apply to an officer acting in the lawful performance of his or her duties under s.

29.921 (7), 95.21, 173.23 (1m) (c), (3), or (4), or 174.02 (3), or to a veterinarian killing a dog in a proper and humane manner, or to a person killing his or her own dog in a proper and humane manner.

(3) **LIABILITY AND PENALTIES.** A person who violates this section:

(a) Is liable to the owner of the dog for double damages resulting from the killing;

(b) Is subject to the penalties provided under s. 174.15; and

(c) May be subject to prosecution, depending on the circumstances of the case, under s. 951.02.

History: Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1975 c. 218; 1979 c. 289; 1981 c. 285; 1983 a. 451; 1987 a. 332 s. 64; 1997 a. 192, 248; 1999 a. 32; 2005 a. 162.

Within the meaning of the 4th amendment, domestic animals are effects and the killing of a companion dog constitutes a seizure, which is constitutional only if reasonable. *Viilo v. Eyre*, 547 F.3d 707 (2008).

174.02 Owner's liability for damage caused by dog; penalties; court order to kill a dog. (1) LIABILITY FOR INJURY. (a) *Without notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.

(b) *After notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal or property.

(2) **PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE.** (a) *Without notice.* The owner of a dog shall forfeit not less than \$50 nor more than \$500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more than \$1,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(c) *Penalties in addition to liability for damages.* The penalties in this subsection are in addition to any other liability imposed on the owner of a dog.

(3) **COURT ORDER TO KILL A DOG.** (a) The state or any municipality may commence a civil action to obtain a judgment from a court ordering an officer to kill a dog. The court may grant the judgment if the court finds both of the following:

(1) The dog caused serious injury to a person or domestic animal on 2 separate occasions off the owner's property, without reasonable cause.

(2) The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.

174.02 DOGS

(b) Any officer enforcing a judgment under this subsection shall kill a dog in a proper and humane manner.

(4) **LAW ENFORCEMENT DOGS.** (a) In this subsection, “law enforcement agency” has the meaning given in s. 165.83 (1) (b).

(b) The owner of a dog that is used by a law enforcement agency is not liable under sub. (1) for damages caused by the dog to a crime suspect while the dog is performing law enforcement functions.

(c) Subsection (2) does not apply to the owner of a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

(d) Subsection (3) does not apply to a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

History: 1981 c. 285; 1983 a. 451; 1985 a. 92; 1993 a. 154; 1995 a. 181; 1997 a. 141; 1999 a. 45.

Public policy does not prohibit insurance coverage for statutorily imposed multiple damages. *Cieslewicz v. Mutual Service Cas. Ins. Co.* 84 Wis. 2d 91, 267 N.W.2d 595 (1978).

Doubling of damages under s. 174.02 (1) (b) operates only after application of the laws of comparative negligence. *Sprague v. Sprague*, 132 Wis. 2d 68, 389 N.W.2d 823 (Ct. App. 1986).

To be a “keeper” of a dog within the definition of “owner” under this statute, the person must exercise some measure of custody, care, or control. An “owner” injured while in control of the dog may not use the statute to hold another owner liable. *Armstrong v. Milwaukee Mutual Insurance Co.* 202 Wis. 2d 258, 549 N.W.2d 723 (1996), 93–1918.

A landlord does not become a harbinger of a tenant’s dog by merely permitting the tenant to keep the dog. *Malone v. Fons*, 217 Wis. 2d 746, 580 N.W.2d 697 (Ct. App. 1998), 96–3326.

Armstrong has no application when one who is neither an owner or keeper of the dog is injured. Sub. (1) imposes strict liability on an owner when the person injured is neither the dog’s owner or keeper. *Fifer v. Dix*, 2000 WI App 66, 234 Wis. 2d 117, 608 N.W.2d 740, 99–1717.

An owner may sue a keeper for contribution when an innocent 3rd-party has been injured. *Fire Insurance Exchange v. Cincinnati Insurance Company*, 2000 WI App 82, 234 Wis. 2d 314, 610 N.W.2d 98, 99–1094.

This statute applies in the case of a person tripping over a sleeping dog, but public policy precludes liability. *Alwin v. State Farm Fire and Casualty Company*, 2000 WI App 92, 234 Wis. 2d 441, 610 N.W.2d 218, 99–1957.

A keeper of a dog may not recover under this section, notwithstanding an allegation that the actual owner was negligent. While the keeper may pursue a common law negligence claim, sub. (1) (b) and its provision of double damages are not applicable to that action. *Malik v. American Family Mutual Insurance Co.* 2001 WI App 82, 243 Wis. 2d 27, 625 N.W.2d 640, 00–1129.

A dog owner does not have notice under sub. (1) (b) because the owner knows that the dog as a puppy chewed on household items in the course of normal teething behavior. *Gasper v. Parbs*, 2001 WI App 259, 249 Wis. 2d 106, 637 N.W.2d 399, 00–2476.

Courts may utilize the traditional 6 public policy factors, formerly referred to as proximate cause, to limit liability in appropriate cases under this section. *Fandrey v. American Family*, 2004 WI 62, 272 Wis. 2d 46, 680 N.W.2d 345, 02–2628.

Public policy does not preclude a police officer from suing for injuries received because of a dog attack that occurred during the course of the officer’s duties. *Cole v. Hubanks*, 2004 WI 74, 272 Wis. 2d 539, 681 N.W.2d 147, 02–1416.

Under s. 174.001 (5), “owner” includes anyone who keeps or harbors a dog. The concepts of “harbor” and “keep” are similar, and the liability of one who harbors a dog and one who keeps a dog is the same. When a homeowner has become a statutory owner by virtue of the dog’s living in her residence for several months, that status does not vary on a minute-to-minute basis, depending on which person controls the dog. The homeowner’s status as a harbinger of the dog is not extinguished when the dog’s legal owner takes momentary control of the dog. *Pawlowski v. American Family Mutual Insurance Co.* 2009 WI 105, 322 Wis. 2d 21, 777 N.W.2d 67, 07–2651.

Recent changes in the statutory liability of Wisconsin dog owners: How expensive is fido? *Eiche*. WBB April 1984.

Unleashed: Wisconsin’s Dog Statute. *Mullaney*. Wis. Law. June 2006.

174.042 Dogs running at large and untagged dogs subject to impoundment; penalties. (1) **DOG RUNNING AT LARGE.** (a) Except as provided in par. (b), a dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(b) A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

(2) **UNTAGGED DOG.** A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

Updated 11–12 Wis. Stats. 2

(3) **DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT.** An officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(4) **PENALTIES.** If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

History: 1979 c. 289; 1983 a. 451; 1999 a. 50.

174.05 Dog license tax. (1) **REQUIREMENT.** Except as provided in s. 174.054, the owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.

(2) **TAX.** The minimum dog license tax is \$3 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$8 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1 of the license year.

(3) **ADDITIONAL TAX.** The governing body of any county may by a majority vote of the members present at any regular meeting raise the minimum dog license tax on dogs within its jurisdiction and the governing body of any town, village or city may by resolution raise the minimum dog license tax on dogs within its jurisdiction. If the governing body of any county, town, village or city increases the minimum tax, it shall provide that the tax for unneutered male dogs and unspayed female dogs is greater than the tax for neutered male dogs and spayed female dogs. The additional tax may not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received under s. 174.09 (2), and shall be levied and collected in the same manner as other dog license taxes.

(4) **LICENSE YEAR.** The license year commences on January 1 and ends on the following December 31.

(5) **LATE FEES.** The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the town, village or city in which the license was issued. The governing body of any county, town, village or city may, when setting the amount of the tax, provide that any person purchasing a dog license for a dog 5 months of age or over after April 1 shall pay an additional late fee.

History: 1979 c. 289; 1983 a. 451; 1991 a. 39.

174.052 Publication of the dog license requirement and rabies vaccination requirement. (1) **JANUARY NOTICE.** Except as provided in sub. (3), the county board of each county shall cause a class 1 notice under ch. 985 to be published between January 1 and January 15 of each year in a newspaper having general circulation in the county notifying the public that rabies vaccinations and dog licenses are required under the statutes.

(2) **MARCH NOTICE.** Except as provided in sub. (3), the county board of each county shall cause a class 1 notice under ch. 985 to be published between March 1 and March 15 of each year in a newspaper having general circulation in the county notifying the public that rabies vaccinations and dog licenses are required under the statutes and that late fees may be assessed after April 1.

(3) **NOTICE IN CERTAIN POPULOUS COUNTIES.** In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall cause the notices under subs. (1) and (2) to be published.

History: 1979 c. 289; 2003 a. 133.

174.053 Multiple dog licenses. (1) **MULTIPLE DOG LICENSE OPTION.** Any person who keeps more than one dog may, instead of the license tax for each dog required by this chapter, apply to

the collecting official for a multiple dog license for the keeping of the dogs. Such person shall pay for the license year a license tax of \$35 for 12 or fewer dogs and an additional \$3 for each dog in excess of 12. Upon payment of the required multiple dog license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept by the person.

(2) **MULTIPLE DOG LICENSE TAGS.** Multiple dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.

(3) **APPLICABILITY OF OTHER REQUIREMENTS.** Unless clearly inapplicable, all the provisions of this chapter relating to the individual dog license tax, licenses, and tags shall apply to the multiple dog license and tags.

History: 1979 c. 289 ss. 12, 18, 19, 21; 1981 c. 285; 1983 a. 451; 1991 a. 39; 2001 a. 16.

174.054 Exemption for owners of dogs kept for educational or scientific purposes. Sections 95.21 (2) (a), 174.05 (1) and 174.07 (1) (a) do not apply to a person who owns dogs that are kept only for educational or scientific purposes.

History: 1983 a. 451.

174.055 Exemption of dogs for blind, deaf and mobility-impaired. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.

History: 1979 c. 247; 1985 a. 67.

174.06 Listing. (1) RESPONSIBILITY TO LIST. Every town, village and city shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept within the assessment district.

(2) **LISTING OFFICIAL; GENERALLY.** In a city or village the listing official is the municipal clerk, unless the common council or village board provides by ordinance or resolution for the appointment of a different person. In a town, the town board shall designate a person to be the listing official.

(3) **COMPENSATION.** (a) Except as provided in par. (b), a listing official who is not a full-time, salaried municipal employee shall receive as compensation 50 cents for each dog listed, or a greater amount established by the county board by ordinance or resolution, to be audited and allowed by the county board as other claims against the county and to be paid out of the dog license fund. A listing official who is a full-time, salaried municipal employee shall receive this compensation from the county board but shall be required to pay the compensation into the town, village, or city treasury.

(b) In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall pay the compensation required under par. (a).

(4) **COOPERATION WITH LISTING OFFICIAL.** Every person shall answer frankly and fully all questions asked by the listing official relative to the ownership or keeping of dogs within the district.

(5) **RECORDS.** The listing official shall enter in the records for personal property assessments, or in a separate record, all dogs in the district subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog. The listing official shall make in triplicate a list of the owners of all dogs assessed.

(6) **MULTIPLE DOG LICENSE RECORDS.** The listing official shall make in triplicate a list of the names of persons holding multiple dog licenses and the number of dogs kept by each of those persons.

(7) **LIST DELIVERY.** The listing official shall, by September 15, deliver one copy of the list under sub. (5) or (6) to the county clerk and one copy to the official to whom license taxes are paid under s. 174.08, and retain one copy for his or her files.

(8) **ASSESSMENT OR TAX ROLL.** Dog licenses need not be entered on any assessment or tax roll other than the lists prepared by the listing official under subs. (5) and (6). These lists may be deemed property assessment and tax rolls for all tax collection purposes.

History: 1973 c. 90, 333; 1975 c. 290, 421; 1977 c. 29 s. 1650m (4); 1979 c. 289; 1981 c. 285, 314; 1983 a. 451; 2001 a. 16; 2003 a. 133.

174.065 Collection. (1) COLLECTING OFFICIAL. The collecting official is any city, village, or town treasurer or other tax collecting officer or any person deputized by the treasurer or tax collecting official, unless the common council or village or town board provides by ordinance or resolution for the appointment of a different person. Veterinarians and humane societies may voluntarily become collecting officials for a city, village, or town if the governing body of the city, village, or town by resolution or ordinance provides that veterinarians and humane societies may be collecting officials for the city, village, or town. In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission is also a collecting official for a city, village, or town if the governing body of the city, village, or town by resolution or ordinance provides that the intergovernmental commission is a collecting official.

(3) **COLLECTION OF DELINQUENT DOG LICENSE TAXES.** Delinquent dog license taxes may be collected in the same manner as in s. 74.55 and ch. 799 for the collecting of personal property taxes.

History: 1979 c. 289 ss. 14, 24; 1981 c. 285; 1987 a. 378; 2001 a. 16; 2003 a. 133.

174.07 Dog licenses and collar tags. (1) (a) License required. Except as provided in s. 174.054, a dog license is necessary for the keeping of any dog over 5 months of age.

(b) **Licenses.** Upon payment of the required dog license tax and, except as provided in s. 95.21 (9) (d), upon presentation of evidence that the dog is currently immunized against rabies, the collecting official shall complete and issue to the owner a license for the dog bearing a serial number and in the form prescribed by the department stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog.

(c) **Copies.** The collecting official shall keep a duplicate copy of the license on file. In counties having a population of 500,000 or more, the collecting official shall immediately send to the county clerk or whatever agency the county board may direct, a triplicate copy of the license. A collecting official who is not the official to whom license taxes are paid under s. 174.08 shall provide a copy of each license issued to the official to whom license taxes are paid under s. 174.08.

(d) **Tag.** After issuing the license the collecting official shall deliver to the owner a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

(e) **Tags to be attached.** The owner shall securely attach the tag to a collar and a collar with the tag attached shall be kept on

the dog for which the license is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner.

(f) *Duplicate tags.* A new tag with a new number shall be furnished to the owner by a collecting official in place of the original tag upon presentation of the license. The collecting official shall then endorse the new tag number on the license and shall keep a record in the file.

(2) **PROVISION AND DISTRIBUTION OF FORMS AND TAGS.** (a) The department shall contract for and have prepared and furnished annually to the county clerk of each county a sufficient number of tags. The cost of making and furnishing the tags and the cost of printing all forms shall be paid by the counties out of the dog license fund.

(b) The county clerks shall distribute tags and license forms to the collecting officials in proper amounts together with blank license receipts.

(c) The department shall provide and the clerk shall distribute triplicate or quadruplicate copy license forms to any collecting official who makes such a request.

(d) The department shall furnish county clerks with suitable multiple dog license tags and blank licenses for distribution to the collecting officials.

(e) Notwithstanding pars. (a) to (d), in a county in which an agreement under s. 174.10 (2) is in effect, all of the following apply:

1. The department shall provide tags and, upon request, license forms to the intergovernmental commission, rather than to the county clerk.

2. The intergovernmental commission shall pay the costs out of the dog license fund.

3. The intergovernmental commission shall distribute tags and license blanks to the other collecting officials.

(3) **FILING AND ACCOUNTING.** (a) *Copies.* A collecting official shall, at the time of issuing a license, make a complete duplicate upon the stub portion of the license form before delivering the license. A copy of each license shall be kept in a file maintained by the collecting official. In counties having a population of 500,000 or more, the collecting official shall send immediately to the county clerk or whatever agency the county board may direct an additional copy of the license.

(b) *Return of tags and licenses.* Except as provided in par. (bm), the collecting official shall annually by December 31 return to the county clerk all unused tags of the current license year, together with license books and all duplicate licenses of the current year. The county clerk shall carefully check the returned tags, duplicate licenses, and license forms to ascertain whether all tags and license forms that were furnished by the county clerk have been accounted for. To enable the county clerk to do that, the county clerk shall charge each collecting official with all tags and license forms furnished or delivered and credit those returned. In case of discrepancy, the county clerk shall notify the department.

(bm) *Certain populous counties.* In a county in which an agreement under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental commission shall return unused tags, license books, and duplicate licenses to the intergovernmental commission.

(c) *Reimbursement.* The collecting official may retain 25 cents, or a greater amount established by the county board by ordinance or resolution, for each license issued as compensation for the service, if the collecting official is not a full-time, salaried municipal employee. If the collecting official is a full-time, salaried municipal employee, this compensation shall be paid into the treasury of the town, village, or city.

History: 1975 c. 290, 421; 1977 c. 29 ss. 1260g, 1650m (4); 1979 c. 289 ss. 20, 25 to 30; 1981 c. 285; 1983 a. 451; 2001 a. 16, 107; 2003 a. 133; 2005 a. 240.

174.08 License fees paid to county treasurer.

(1) Except as provided in sub. (2), every collecting official shall pay all dog license taxes to the town, village, or city treasurer or other tax collecting officer who shall deduct any additional tax that may have been levied by the municipal governing body and pay the remainder to the county treasurer at the time settlement is made with the county treasurer for collections of personal property taxes, and shall at the same time report in writing to the county clerk the licenses issued. The report shall be in the form prescribed by the department, and the forms shall be furnished by the county clerks.

(2) In a county in which an agreement under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental commission shall pay all dog license taxes to the intergovernmental commission and shall report the licenses issued to the intergovernmental commission.

History: 1977 c. 29; 1979 c. 289; 2003 a. 133.

174.09 Dog license fund; how disposed of and accounted for.

(1) Except as provided in sub. (3), the dog license taxes so paid to the county treasurer shall be kept in a separate account and shall be known as the “dog license fund” and shall be appropriated and disbursed for the purposes and in the manner following: Within 30 days after receipt of the same, the county treasurer shall pay into the state treasury 5% of the minimum tax as provided for under s. 174.05 (2) of all dog license taxes which shall have been received by the county treasurer.

(2) Except as provided in sub. (3), expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in administering the dog license law, expenses incurred by the county under s. 95.21 (4) (b) and (8) and expenses incurred by the county pound or by a humane society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs may be paid out of the dog license fund. The amount remaining in the fund after deducting these expenses shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid. Any surplus in excess of \$1,000 which may remain from the dog license taxes of any license year shall on March 1 of the succeeding year be paid by the county treasurer to the county humane society or other organization designated by the county board to provide a pound. If there is no humane society or other organization designated to provide a pound, these funds shall be paid to the towns, villages, and cities of the county for their use in the proportion in which the towns, villages, and cities contributed to the fund out of which the surplus arises.

(3) In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall maintain the dog license fund, consisting of the dog license taxes. The intergovernmental commission shall pay 5% of the minimum dog license tax provided for under s. 174.05 (2) to the department and shall expend the remainder of the dog license fund for the purposes of administering the dog license law, providing a pound for dogs, and paying claims allowed under s. 174.11. If on March 1 there is remaining in the dog license fund a surplus from the dog license taxes of the previous license year that exceeds 5% of the dog license taxes collected in that license year, the intergovernmental commission shall return the excess to the towns, villages, and cities of the county in the proportion in which the towns, villages, and cities contributed to the fund in that license year.

History: 1979 c. 289; 1981 c. 285; 1983 a. 451; 2003 a. 133.

174.10 Dog licensing in populous counties. (1) In this section, “municipality” means a city, village, or town.

(2) If all of the municipalities in a county with a population of 500,000 or more form an intergovernmental commission by contract under s. 66.0301 (2) for the purpose of providing animal control services, the county and the intergovernmental commission may enter into an agreement under which the intergovernmental

commission assumes the county's responsibility for activities related to dog licensing.

(3) If a county and an intergovernmental commission enter into an agreement under sub. (2), the intergovernmental commission shall provide a copy of the agreement to the department.

History: 2003 a. 133.

174.11 Claims for damage by dogs to domestic animals including ranch mink. (1) The owner of any domestic animal, including a ranch mink, when it is proven that a dog forcibly entered an enclosure in which the mink was kept, which is attacked, chased, injured, or killed by a dog may, within 3 days after the owner has knowledge or notice thereof, file a written claim for damages with the clerk of the town, village, or city in which the damage occurred or, if it occurred in a town or village, with the chairperson of such town or the president of such village. The form of the claim may be prescribed by the department of agriculture, trade and consumer protection. Upon presentation of a claim the supervisors of the town, the board of trustees of the village, or the common council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees, or the common council shall promptly investigate the claim and may subpoena witnesses, administer oaths, and take testimony relative to the claim and shall within 30 days after the filing of the claim make, certify, and return to the county clerk or, in a county in which an agreement under s. 174.10 (2) is in effect, to the intergovernmental commission the claim, a report of the investigation, the testimony taken, and the amount of damages suffered by the owner of the domestic animal.

(2) (a) The form of the report and certification under sub. (1) may be prescribed by the department of agriculture, trade and consumer protection, and shall be subscribed by the supervisors, board, or committee making the report and certification.

(b) Except as provided in par. (c), the county clerk shall submit to the county board at its first meeting, following the receipt of any such claim, all claims filed and reported, and the claims shall be acted upon and determined by the county board as other claims are determined and acted upon. Except as provided in par. (c), the amount of damages filed and reported to the county clerk shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claims as in other cases, and appeals from the action of the county board shall lie as in other cases.

(c) In a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall act upon and determine all claims filed and reported under sub. (1).

(d) On appeal from the action of the county board or, in a county in which an agreement under s. 174.10 (2) is in effect, from the action of the intergovernmental commission, the trial shall be by the court without a jury.

(3) The claims shall be solely against the dog license fund and shall create no other liability on the part of the county.

(4) Subject to sub. (5), the county board or, in a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall allow, as the amount of a claim for a domestic animal, including a ranch mink, killed by a dog, the amount determined to be the fair market value of the domestic animal, including a ranch mink, on the date the death occurred. Subject to sub. (5), the county board or, in a county in which an agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall allow, as the amount of a claim for a domestic animal, including a ranch mink, injured by a dog, the amount determined to be the total of the costs resulting from the injury including a loss in fair market value but the total amount of the claim may not exceed the fair market value. No claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

(5) A county board may, by ordinance, establish the maximum amount that may be allowed for a claim under this section and may establish different maximums for different species of animals.

History: 1977 c. 29 s. 1650m (4); 1981 c. 285; 1983 a. 451; 1989 a. 56 s. 258; 1993 a. 154; 1995 a. 316; 2003 a. 133.

174.12 Actions against owners. (1) The allowance by a county of any claim for damages done by dogs constitutes an assignment to the county of the cause of the action of the claimant for which the claim is filed, and the county may sue and recover from the owner of the dog or dogs doing the damages the full amount thereof and which shall not be limited to the sum paid the claimant by the county. The allowance under s. 174.11 (2) (c) by an intergovernmental commission of any claim for damages done by dogs constitutes an assignment to the intergovernmental commission of the cause of the action of the claimant for which the claim is filed, and the intergovernmental commission may sue and recover from the owner of the dog or dogs doing the damages the full amount thereof and which shall not be limited to the sum paid the claimant by the intergovernmental commission. Before any claim shall be allowed by a county or an intergovernmental commission on account of damages done by dogs, the claimant shall furnish satisfactory proof that the damage was not done in whole or in part by any dog owned, kept, or harbored by the claimant.

(2) No claim shall be allowed by a county board or an intergovernmental commission at less than the amount so certified and reported, unless the claimant shall first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of the claimant's claim.

(3) This chapter shall not in any way limit the existing right or authority of any town, village or city to pass ordinances for the keeping and regulating of dogs, or repeal or annul any existing statute or ordinance or local regulation governing the keeping and regulating of dogs; but on and after July 1, 1920, no town, village or city shall pass any ordinance for the licensing of dogs, and all town, village or city ordinances and local regulations licensing dogs then in force shall be null and void.

(4) No person except the owner or the owner's authorized agent shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog. Every town, village or city treasurer shall notify the district attorney of that treasurer's county of every refusal or failure of an owner to obtain a license for keeping the owner's dog and it shall be the duty of the district attorney to institute proceedings against such owner and against every owner within the district attorney's county who has violated any of the provisions of the dog license law.

(5) Dogs brought into the state temporarily for a period not to exceed 30 days if kept confined or in leash shall be exempt from this chapter.

(6) The provisions of this chapter relating to the licensing of dogs and the provisions for the payment of claims out of the dog license fund for damages done by dogs are severable and the provisions relating to such payment of claims are not an inducement to the enactment of any other provisions of this chapter.

History: 1981 c. 390 s. 252; 1993 a. 482; 2003 a. 133.

174.13 Humane use of dogs for scientific or educational purposes. (2) Any officer or pound which has custody of an unclaimed dog may release the dog to the University of Wisconsin System, the Medical College of Wisconsin, Inc., or to any other educational institution of higher learning chartered under

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the laws of the state and accredited to the University of Wisconsin System, upon requisition by the institution. The requisition shall be in writing, shall bear the signature of an authorized agent, and shall state that the dog is requisitioned for scientific or educational purposes. If a requisition is made for a greater number of dogs than is available at a given time, the officer or pound may supply those immediately available and may withhold from other disposition all unclaimed dogs coming into the officer's or pound's custody until the requisition is fully discharged, excluding impounded dogs as to which ownership is established within a reasonable period. A dog left by its owner for disposition is not considered an unclaimed dog under this section. If operated by a county, city, village or town, the officer or pound is entitled to the payment of \$1 for each dog requisitioned. An institution making a requisition

shall provide for the transportation of the dog.

(3) An officer or pound that has custody of unclaimed dogs shall maintain records as provided under s. 173.17.

(4) It shall be unlawful for any person, except a person licensed or registered and regulated under federal animal welfare laws, to take or send outside the state or to purchase or otherwise acquire in this state for the purpose of taking or sending outside the state, any living cat or dog to be used for any medical, surgical or chemical investigation, experiment or demonstration.

History: 1971 c. 40 s. 93; 1973 c. 130; 1977 c. 418, 447; 1979 c. 289; 1991 a. 189; 1997 a. 192.

174.15 Penalty. Any person who violates this chapter shall be fined not more than \$500 or imprisoned up to 60 days or both.

History: 1979 c. 289 ss. 34, 36; Stats. 1979 s. 174.15.

95.21 Rabies Control Program. (1) DEFINITIONS. As used in this section:

(a) "Humane officer" means an officer appointed under s.173.03.

(am) "Isolation facility" means a humane society shelter, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

(b) "Officer" means a peace officer, local health officer, as defined in s. 250.01 (5), humane officer, warden, an employee designated by the department or other person designated by the governing body of the county, city, village or town.

(c) "Owner" includes a person who owns, harbors, keeps or controls an animal.

(d) "Peace officer" has the meaning designated under s. 939.22 (22).

(e) "Veterinarian" has the meaning designated under s. 453.02 (7).

(em) "Veterinary technician" has the meaning designated under s. 453.02 (12).

(f) "Warden" has the meaning designated under s. 24.01 (11).

(2) RABIES VACCINATION REQUIRED FOR DOGS. (a) *Requirement for vaccination.* Except as provided in s. 174.054 or sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 453.05 (2) (d), at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 453.05 (2) (d), before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(b) *Issuance of certificate of rabies vaccination.* The person who administers the vaccine under par. (a) shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the

date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. department of health and human services and the city, village or town where the dog is required to be licensed.

(c) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated whichever occurs first.

(e) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the person who administers the vaccine under par. (a) shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the supervising veterinarian.

(f) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under sub.(2) (a).

(g) *Duplicate tag.* The person who administers the vaccine under par. (a) may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The person who administers the vaccine under par. (a) shall then indicate the new tag number on the certificate and keep a record in the file.

(h) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

(3) DISTRICT QUARANTINE. (a) *Dogs confined.* If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine.

The clerk of every town, city or village wholly or partly within the quarantine district shall promptly post in at least 3 public places in the town, city or village, notices of quarantine furnished by the department for posting.

(b) *Exemption of vaccinated dog from district quarantine.* A dog which is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the

district quarantine provisions of par. (a) if a rabies vaccination tag or substitute tag is attached to the dog's collar.

(4) QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES. (a)

Quarantine or sacrifice of dog or cat. Except as provided in par. (d), 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 a 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.

(b) *Sacrifice of other animals.* 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. Except as provided in s. 95.36, if an animal of a species raised primarily to produce food for human consumption is killed under this paragraph, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under s. 95.31 (3). If the decision is made by an employee of the department, the indemnity shall be paid from the appropriation under s. 20.115 (2) (b). If the decision is made by another officer, the indemnity shall be paid from the dog license fund.

(c) *Sacrifice of a dog or cat.* An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates sub. (5) (a), (b) or (c).

(d) *Exception for law enforcement dogs.* 1. In this paragraph, "law enforcement agency" has the meaning given in s. 165.83 (1) (b).

2. The quarantine requirement in par. (a) does not apply to a dog that is used by a law enforcement agency and that bites a person while the dog is performing law enforcement functions if the dog is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. The law enforcement agency shall have the dog examined by a veterinarian on the day of the incident or the next day, on the 10th day after the incident, and on one intervening day. The law enforcement agency shall ensure that the dog is confined when not performing law enforcement functions until the 3rd examination has been performed.

(5) QUARANTINE OF 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. If an officer delivers a dog or orders a dog to be delivered to an isolation facility and the dog is exempt from the requirement to be vaccinated against rabies under sub. (9) (d), the owner of the dog may choose an isolation facility that is a veterinary hospital.

(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 an 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. In this paragraph, "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 if 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.* 1. 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, unless the animal is exempt from the requirement to be vaccinated against rabies under sub. (9) (d).

2. 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 of 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 exposure to a rabid animal.

(d) *Sacrifice of a dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of 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.

(6) DELIVERY OF CARCASS; PREPARATION; EXAMINATION BY LABORATORY OF HYGIENE. An officer who kills an animal shall deliver the carcass to a

veterinarian or local health department, as defined in s. [250.01 \(4\)](#). 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. The laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician.

(7) COOPERATION OF VETERINARIAN. 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 in s. [250.01 \(4\)](#), the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

(8) RESPONSIBILITY FOR QUARANTINE AND LABORATORY EXPENSES. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an 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.

(9) LOCAL PROGRAMS. (a) This section does not prohibit or restrict a county, city, village or town from imposing a rabies control program with more restrictive provisions.

- (b) This section does not prohibit a county, city, village or town from imposing its own rabies control program if the department approves the program. The department may not approve a program unless it provides for at least 2 examinations of the quarantined animal by a veterinarian or a trained individual with veterinarian involvement during a 10-day isolation period. The department shall promulgate rules establishing criteria for the approval of programs under this paragraph and defining "trained individual" and "veterinarian involvement".
- (c) The department may provide training to persons who administer local rabies control programs or who conduct rabies examinations under those programs. The department may charge fees to cover the cost of training. The fees collected under this paragraph shall be credited to the appropriation under s. [20.115 \(2\) \(j\)](#).

- (d) *A city, village, or town may exempt the owner of a dog from the requirement to have the dog vaccinated against rabies for a year based on a letter from a veterinarian stating that vaccination is inadvisable because of a reaction to a previous vaccination, a physical condition, or a regimen of therapy that the dog is undergoing. The city, village, or town shall require the owner to provide a new letter for each year in which the owner seeks an exemption under this paragraph.*

(10) PENALTIES. (a) *Failure to obtain rabies vaccination.* An owner who fails to have a dog vaccinated against rabies as required under sub. [\(2\) \(a\)](#) may be required to forfeit not less than \$50 nor more than \$100.

- (b) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section 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.
- (c) *Other violation.* A person who violates any provision of this section not specified under pars. [\(a\)](#) and [\(b\)](#) may be required to forfeit up to \$50.

History: [1979 c. 129, 289, 357](#); [1981 c. 285](#); [1981 c. 314 s. 144](#); [1983 a. 189 s. 329 \(18\)](#); [1983 a. 451](#); [1985 a. 135, 184](#); [1993 a. 27](#); [1995 a. 450](#); [1997 a. 192, 217](#); [1999 a. 9](#); [2005 a. 236, 240](#); [2007 a. 37, 97](#).

Cross-reference: See also chs. [ATCP 10](#) and [12](#) and s. [ATCP 13.02](#), Wis. adm. code.

APPENDIX 2

DOG REPORT TO CLERK PER WISCONSIN STATUTES

The following are to be included in this report: the owner, the name, sex, spayed or unsprayed, neutered or unneutered, breed and color of dog. Provide this list alphabetically by owner's name.

MUNICIPALITY: _____

DATE: _____

I certify that I am the listing official as described in Wisconsin State Statutes 174.06(2) and ascertain diligent inquiry of the dogs owned or kept within the above written municipality was made and every person answered frankly and fully all questions asked by me, the listing official, relative to the ownership or keeping of dogs within this municipality (reference Wisconsin Statutes 174.06(1) and 174.06(4).

I further understand that this report is due to the County Clerk by September 15 per Wisconsin State Statutes 174.06(7) in order to receive compensation per Wisconsin State Statutes (174.06(3). Failure to meet this deadline will result in exemption from compensation.

NAME OF LISTING OFFICIAL: _____

SIGNATURE: _____

Attach this certification to the Dog Owners Report for the County Clerk per Wisconsin State Statutes 174.06.

To be completed by the County Clerk's Office

County Clerk/Deputy County Clerk

DATE FILE STAMPED

NOTE: THIS CERTIFICATION MUST BE SUBMITTED ALONG WITH LISTING OF DOGS (PET DETAIL – ALPHABETIC)

Pet Detail (Alphabetic Sort)

CITY OF EMERALD, OZAUKEE COUNTY

Search By License Date Range: '12/01/2014' to '02/14/2014'

Owner Name Address Address 2 City/State/Zip Phone	Tag Number Pet Name Sex Type Breed Color	Paid Date License Year License Fee Late Fee Check Number	Rabies Exp. Date Veterinarian Name Vaccine Mfr. Vaccine Serial #
CROW, SCARE 4345 YELLOW BRICK RD EMERALD, WI 53210 (262) 782-3344	1236 COCO Spayed Female Other BROWN	01/16/2014 2014 \$8.00 \$0.00 6848	01/03/2017 EMERALD CITY VET CLINIC RABVAC 2126489A
DOE, JANE 6598 HILLSIDE RD EMERALD, WI 53210 (414) 902-5363	1235 TUFFY Male Chihuahua BLACK & WHITE	01/15/2014 2014 \$13.00 \$0.00 2375	04/27/2015 PORT VET CLINIC FORT DODGE 65210
DOE, JOHN 1122 HAPPY VALLEY RD EMERALD, WI 53210 (262) 388-9999	1234 BLUE Neutered Male Black Lab BLACK	01/02/2014 2014 \$8.00 \$0.00 2501	08/30/2015 TILLIE LAKE VET CLINIC INC MERIAL 16161A
GALE, DOROTHY 8597 KANSAS ST EMERALD, WI 53210 (262) 628-8198	1237 TOTO Male Terrier BLACK	01/17/2014 2014 \$13.00 \$0.00	03/13/2017 EMERALD CITY VET CLINIC Pfizer S9042886B
LION, COWARDLY 3196 POPPY FIELD RD EMERALD, WI 53210 (262) 111-1111	1239 LILLY Female Golden Retriever GOLDEN	01/19/2014 2014 \$13.00 \$0.00	06/19/2018 EMERALD CITY VET CLINIC Unknown 18174C
MAN, TIN 1122 DARK WOODS WAY EMERALD, WI 53210 (414) 555-4444	1238 COOKIE Spayed Female Beagle BROWN & WHITE	01/18/2014 2014 \$8.00 \$0.00 4179	12/26/2016 EMERALD CITY VET CLINIC Unknown

APPENDIX 3

2014 DOG LICENSE REMITTANCE REPORT FORM

COLLECTING OFFICIALS:

Please complete this report and return it to the County Clerk's Office with your payment made payable to OZAUKEE COUNTY TREASURER. Thank you.

Date: 4/30/14
 Municipality: Somewhere
 Prepared By: Treasurer 1234 to 1236 both inclusive

Neutered males	<u>1</u>	@ \$3.00	=	<u>\$3.00</u>
(DOGS 5 MONTHS AFTER 7/1)		@ \$1.50	=	<u>\$0.00</u>
Males	<u>1</u>	@ \$8.00	=	<u>\$8.00</u>
(DOGS 5 MONTHS AFTER 7/1)		@ \$4.00	=	<u>\$0.00</u>
Spayed females	<u>1</u>	@ \$3.00	=	<u>\$3.00</u>
(DOGS 5 MONTHS AFTER 7/1)		@ \$1.50	=	<u>\$0.00</u>
Females		@ \$8.00	=	<u>\$0.00</u>
(DOGS 5 MONTHS AFTER 7/1)		@ \$4.00	=	<u>\$0.00</u>
Multiple Dog Licenses		@ \$35.00	=	<u>\$0.00</u>
(DOGS IN EXCESS OF 12)		@ \$3.00	=	<u>\$0.00</u>
TOTAL sold	<u>3</u>	Gross Amount		<u>\$14.00</u>

(including multiple dog licenses-each set of 12 tags equals 1 license; all additional multiple tags equal 1 license)

Number of tags returned	<u>7</u>	Retained (\$.25/tag)	<u>\$0.75</u>
Number of duplicate tags	<u>0</u>	(including multiple dog licenses - each set of 12 tags equals 1 license;	
Number void tags	<u>0</u>	all additional multiple tags equal 1 license)	
Number free tags	<u>0</u>		

(issued pursuant to Wisconsin Statutes, Ch. 174.054 and 174.055)

AMOUNT DUE COUNTY \$13.25
 (Make checks payable to "Treasurer")

Total Issued 10
 (including multiple dog licenses-each set of 12 tags equals 1 license; all additional multiple tags equal 1 license)

TO BE COMPLETED BY THE OZAUKEE COUNTY TREASURER'S OFFICE

ACCT 105.1.05.23401.000 _____ COUNTY SHARE

ACCT 105.1.05.23104.000 _____ STATE SHARE (5% of GROSS)

ACCT 107.1.01.21104.000 _____ REFUND OVERPAYMENT

Pet Detail
(Numeric Sort)
CITY OF EMERALD, OZAUKEE COUNTY

Search By License Date Range: '12/01/2014' to '02/14/2014'

Owner Name Address Address 2 City/State/Zip Phone	Tag Number Pet Name Sex Type Breed Color	Paid Date License Year License Fee Late Fee Check Number	Rabies Exp. Date Veterinarian Name Vaccine Mfr. Vaccine Serial #
DOE, JOHN 1122 HAPPY VALLEY RD EMERALD, WI 53210 (262) 388-9999	1234 BLUE Neutered Male Black Lab BLACK	01/02/2014 2014 \$8.00 \$0.00 2501	08/30/2015 TILLIE LAKE VET CLINIC INC MERIAL 16161A
DOE, JANE 6598 HILLSIDE RD EMERALD, WI 53210 (414) 902-5363	1235 TUFFY Male Chihuahua BLACK & WHITE	01/15/2014 2014 \$13.00 \$0.00 2375	04/27/2015 PORT VET CLINIC FORT DODGE 65210
CROW, SCARE 4345 YELLOW BRICK RD EMERALD, WI 53210 (262) 782-3344	1236 COCO Spayed Female Other BROWN	01/16/2014 2014 \$8.00 \$0.00 6848	01/03/2017 EMERALD CITY VET CLINIC RABVAC 2126489A
GALE, DOROTHY 8597 KANSAS ST EMERALD, WI 53210 (262) 628-8198	1237 TOTO Male Terrier BLACK	01/17/2014 2014 \$13.00 \$0.00	03/13/2017 EMERALD CITY VET CLINIC Pfizer S9042886B
MAN, TIN 1122 DARK WOODS WAY EMERALD, WI 53210 (414) 555-4444	1238 COOKIE Spayed Female Beagle BROWN & WHITE	01/18/2014 2014 \$8.00 \$0.00 4179	12/26/2016 EMERALD CITY VET CLINIC Unknown
LION, COWARDLY 3196 POPPY FIELD RD EMERALD, WI 53210 (262) 111-1111	1239 LILLY Female Golden Retriever GOLDEN	01/19/2014 2014 \$13.00 \$0.00	06/19/2018 EMERALD CITY VET CLINIC Unknown 18174C

Fee Type Summary

CITY OF EMERALD, OZAUKEE COUNTY

Search By License Date Range: '12/01/2014' to '02/14/2014'

Fee Type	License Count	Total	Municipality	County	X	Unused
Non-neutered Male Dog License	32	\$416.00	\$168.00	\$248.00	\$0.00	\$0.00
Non-spayed Female Dog License	13	\$169.00	\$68.25	\$100.75	\$0.00	\$0.00
Neutered Male Dog License	306	\$2448.00	\$1606.50	\$840.50	\$0.00	\$0.00
Spayed Female Dog License	351	\$2808.00	\$1842.75	\$965.25	\$0.00	\$0.00
Exempt Dog License	3	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Multiple Pet	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Non-neutered Male Cat License	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Non-spayed Female Cat License	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Neutered Male Cat License	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Spayed Female Cat License	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Exempt Cat License	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	705	\$5841.00	\$3685.50	\$2155.50	\$0.00	\$0.00

APPENDIX 4

REPORT OF DELINQUENT DOG OWNERS

The following is the list of delinquent dog owners in the _____ of _____,
 County of Ozaukee , for the year 20____. These names were reported to the County Clerk on
 _____ and to the District Attorney on _____, 20_____.

NAME OF OWNER OF DOG(S) (OR PERSON WHO KEEPS OR HARBORS DOGS) ----- ADDRESS OF OWNER (STREET, CITY, ZIP CODE)	NO. OF DOGS				RABIES SHOT		REMARKS: WHY DELINQUENT
	NEUTERED MALE	UN-NEUT. MALE	SPAYED FEMALE	UNSPAYED FEMALE	DATE OF SHOT	EXPIR. DATE	
1 -----							
2 -----							
3 -----							
4 -----							
5 -----							
6 -----							
7 -----							
8 -----							
9 -----							
10 -----							
11 -----							
12 -----							
13 -----							
14 -----							
15 -----							
16 -----							

Signed: _____
Treasurer

Dated: _____ of _____

County of Ozaukee

APPENDIX 5

**SAMPLE of 1st Warning Letter
for
Failure to Obtain a License**

DATE *(This is very important!)*

OWNER
STREET ADDRESS
CITY, WI, ZIP CODE

Dear _____,

At the present time our records indicate you have not licensed your dog(s) for the current year. Wisconsin State Statute Chapter 174 states the owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall pay the dog license tax and obtain a license. *(If your municipality has passed an ordinance or resolution regarding keeping or licensing of dogs, you could also indicate such.)*

If you no longer own the dog, or if the dog has died, please notify me so the records may be updated.

Please contact me within 14 days of the date of this letter to discuss the licensing of your dog(s). I can be reached at _____. *(If you have office hours, you could indicate them.)*

Sincerely,

Name
Position
(If you are not using letterhead type stationary, indicate your address)

SAMPLE of 2nd Notice for Failure to Obtain a License

DATE *(This is very important!)*

OWNER
STREET ADDRESS
CITY, WI ZIP CODE

CERTIFIED LETTER
FINAL WARNING

Dear _____,

Our records indicate you have failed to obtain a dog license. A letter was sent to you on *(insert date of 1st letter)* notifying you to contact me to obtain a license and tag for your dog(s). A copy of that letter is enclosed.

If a license is obtained or a satisfactory reason for non-issuance is provided, further action will not be necessary.

Failure to satisfy the licensing requirement with 7 days from the date of this letter will result in referral of the matter to the District Attorney's Office. The District Attorney may then file a complaint under Chapter 174 of the Wisconsin Statutes; which provides a possible penalty for not having a dog license of up to \$500 and up to 60 days in jail, or both.

We encourage you to take care of this matter within 7 days before referral to the District Attorney's office is required. You may contact me at _____. *(If you have office hours, indicate them.)*

Sincerely,

Name

Position

(If you are not using letterhead type stationary, indicate your address.)

BE SURE TO SEND THIS LETTER AS A "CERTIFIED" POSTAL MAILING, WITH A RETURN RECEIPT! If this is referred to the DA, the receipt will be required as evidence.

APPENDIX 6

OZAUKEE COUNTY, WISCONSIN – CLAIM FOR DAMAGE TO ANIMALS
Report of Investigation – Under provisions of Wisconsin Dog Law Chapter 174, Wisconsin Statutes

AFFIDAVIT OF OWNER

STATE OF WISCONSIN
COUNTY OF OZAUKEE

I, _____ being first duly sworn on oath depose and say that I am the legal owner of certain domestic animals located in the Town, Village, City of _____, Ozaukee County, and that on the _____ day of _____, 20____ (describe animal(s) – size, weight, breed, etc.)

_____ met with death (or injuries) resulting from and directly caused by a dog or dogs (known) or (unknown):
provide name and address of owner if known:

That upon or before the discovery of the death (or injury) of said animal(s) I observed the following:

That by reason of these facts, I claim that the death (or injury) of said animal(s) is due to the work of some dog or dogs. I therefore assess the fair and reasonable market value of said animal(s) as follows:
Total Value \$ _____. The source for determination of value is: (i.e. Market quote on date of occurrence)

I (do) (do not) have insurance to cover this loss. Amount recoverable \$ _____.

I further declare that I have not failed or neglected to pay a dog tax on any dog in my possession. This claim was filed with the (clerk) or (town chairperson) of the Town, Village, City of _____, this _____ day of _____, 20____.

(Owner) _____
(Address) _____

Subscribed and sworn to before me this _____ day of _____, 20____

Clerk or Notary Public

NOTE: OWNER MUST SUBMIT CLAIM TO THE ABOVE LOCAL OFFICIAL WITHIN 3 DAYS OF OCCURRENCE.

AFFIDAVIT OF INVESTIGATING COMMITTEE

STATE OF WISCONSIN
COUNTY OF OZAUKEE

We hereby certify that we investigated the claim of _____ for damages on the _____ day of _____, 20____, to ascertain and determine whether, in fact, said damage was caused by some dog or dogs. That we have diligently investigated said claim and now find the facts to be as follows: _____

That by reason of the facts as aforesaid we further find, either (a) that said damage was caused by some dog or dogs, or (b) that said damage was not caused by some dog or dogs.

We further declare our determination of the Fair and Reasonable Market Value of said animal(s) to be \$ _____.
This value is based on (state source) _____

Subscribed and sworn to before me
This _____ day of _____, 20____

Clerk or Notary Public

Investigating Committee

NOTE: Claim Form should be sent to the County Clerk, 121 W. Main St., P.O. Box 994, Port Washington, WI 53074-0994.
Please be sure you have filled out this form in its entirety, since any omission will necessitate return or possible rejection.

APPENDIX 7

CHAPTER 173

ANIMALS; HUMANE OFFICERS

173.01	Definitions.	173.17	Records.
173.03	Appointment of humane officer.	173.19	Animals considered unclaimed.
173.05	Certification required.	173.21	Holding animals for cause.
173.07	Powers and duties of humane officers.	173.22	Review of seizure or withholding.
173.09	Investigations.	173.23	Disposition of animals.
173.10	Investigation of cruelty complaints.	173.24	Reimbursement for expenses.
173.11	Abatement of violations.	173.25	Immunity for euthanizing animals.
173.12	Animal fighting; seizure.	173.27	Duties of the department.
173.13	Taking custody of animals.	173.41	Regulation of persons who sell dogs or operate animal shelters.
173.15	Provision of care, treatment or disposal services.		

173.01 Definitions. In this chapter:

(1) “Department” means the department of agriculture, trade and consumer protection.

(2) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

(3) “Political subdivision” means a city, village, town or county.

History: 1997 a. 192.

173.03 Appointment of humane officer. (1) APPOINTMENT. The governing body of any political subdivision may appoint one or more humane officers. The governing body of a political subdivision shall report all appointments and terminations of appointments of humane officers to the department.

(2) **ORDINANCE.** Before, or at the time of, appointing a humane officer under sub. (1), the governing body making the appointment shall enact an ordinance that designates one or more officials of the political subdivision who may modify or withdraw abatement orders issued under s. 173.11 by humane officers appointed by the political subdivision.

(3) **JURISDICTION.** A humane officer appointed by a city, village or town shall carry out his or her duties within the boundaries of the city, village or town. A humane officer appointed by a county shall carry out his or her duties throughout the 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 county.

History: 1997 a. 192.

Cross-reference: See also ch. ATCP 15, Wis. adm. code.

173.05 Certification required. (1) (a) Any person appointed as a humane officer under s. 173.03 on or after December 1, 1999, shall, before appointment or by the applicable deadline established under s. 173.27 (1) (b), complete a course of training approved by the department, except as provided in par. (b) or (c), and receive certification under s. 173.27 (3).

(b) A person to whom par. (a) applies who is a veterinarian licensed under ch. 453 is not required to complete a course of training approved by the department if he or she takes an examination given by the department and passes the examination on the first attempt.

(c) A person to whom par. (a) applies who is certified or otherwise approved as a humane officer by another state is not required to complete a course of training approved by the department if he or she takes an examination given by the department and passes the examination on the first attempt.

(2) (a) A person appointed as a humane officer before December 1, 1999, shall complete a course of training approved by the department, except as provided in par. (b), and shall receive certification under s. 173.27 (3) by the applicable deadline established under s. 173.27 (1) (b).

(b) A person to whom par. (a) applies is not required to complete a course of training approved by the department if he or she takes an examination given by the department and passes the examination on the first attempt.

(3) The governing body of a political subdivision that appoints a humane officer who fails to obtain certification within the required time shall terminate the appointment.

History: 1997 a. 192.

Cross-reference: See also ch. ATCP 15, Wis. adm. code.

173.07 Powers and duties of humane officers.

(1) **ENFORCEMENT.** A humane officer shall enforce s. 95.21, this chapter, chs. 174 and 951 and ordinances relating to animals enacted by political subdivisions in which the humane officer has jurisdiction under s. 173.03 (3).

(2) **INVESTIGATION.** A humane officer shall investigate alleged violations of statutes and ordinances relating to animals and, in the course of the investigations, may execute inspection warrants under s. 66.0119.

(3) **SEEK SUBPOENAS.** A humane officer may request the district attorney for the county to obtain subpoenas to compel testimony and obtain documents in aid of investigations.

(4) **ISSUE CITATIONS.** If authorized by the appointing political subdivision, a humane officer shall issue citations under s. 66.0113 for violations of ordinances relating to animals.

(4m) **REQUEST PROSECUTIONS.** A humane officer may request law enforcement officers and district attorneys to enforce and prosecute violations of state law and may cooperate in those prosecutions.

(5) **PROHIBITED ACTIONS.** Unless also a law enforcement officer, a humane officer may not in the course of his or her duties do any of the following:

(a) Execute a search warrant.

(b) Carry firearms.

(c) Stop or arrest persons.

(d) Stop, search, or detain vehicles, except under an inspection warrant under s. 66.0119.

(e) Enter any place or vehicle by force or without the consent of the owner, except in an emergency occasioned by fire or other circumstance in which that entry is reasonable and is necessary to save an animal from imminent death or a person from imminent death or injury.

(f) Remove any animal from the custody of another person by force.

(6) **CONFLICT OF INTEREST PROHIBITED.** No humane officer may sell or otherwise dispose of any animal that came into the humane officer’s custody in the course of his or her duties.

History: 1997 a. 192; 2001 a. 30.

173.09 Investigations. In the course of investigation of suspected violations of statutes or ordinances, a humane officer may enter any building, vehicle, or place where animals may be present

for the purpose of inspection, examination of animals, or the gathering of evidence. If the building, vehicle, or place to be entered is not public, and consent of the owner or person in charge is not obtained, entry shall be under authority of a special inspection warrant issued under s. 66.0119 or a search warrant.

History: 1997 a. 192; 2001 a. 30.

173.10 Investigation of cruelty complaints. A person may apply for a search warrant under s. 968.12 if there is reason to believe that a violation of ch. 951 has taken place or is taking place. If the court is satisfied that probable cause exists, it shall issue a search warrant directing a law enforcement officer in the county to proceed immediately to the location of the alleged violation with a doctor of veterinary medicine, if the court determines that a veterinarian is necessary for purposes of the search, and directing the law enforcement officer to search the place designated in the warrant, retaining in his or her custody subject to the order of the court such property or things as are specified in the warrant, including any animal. If the person applying for the search warrant is a humane officer, the warrant shall direct that the humane officer accompany the law enforcement officer who is directed to perform the search. The warrant shall be executed and returned to the court which issued the warrant in accordance with ss. 968.15 and 968.17. This section does not affect other powers and duties of law enforcement officers.

History: 1973 c. 314; 1977 c. 449; 1987 a. 332 s. 54; Stats. 1987 s. 951.16; 1995 a. 90; 1997 a. 192 s. 26; Stats. 1997 s. 173.10.

173.11 Abatement of violations. (1) ISSUANCE OF ORDER. If a humane officer or law enforcement officer 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. An official designated in an ordinance under s. 173.03 (2) may not participate in the decision to issue the order or in any activity leading to that decision.

(1m) CONTENT OF ORDER. An abatement order issued under sub. (1) shall contain all of the following:

- (a) The name and address of the person to whom directed.
- (b) The statute 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 subs. (2) and (4).

(2) HEARING. Any person named in an abatement order issued under sub. (1) may, within the 10-day period following service of the order, request a hearing before an official designated in an ordinance under s. 173.03 (2). The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.

(3) DECISION. Within 10 days after a hearing under sub. (2), the official who conducts the hearing shall affirm the order, modify and affirm the order or withdraw the order.

(4) APPEAL. Any person adversely affected by a decision under sub. (3) may seek judicial review by commencing an action in circuit court within 30 days after the day that the decision is issued.

History: 1997 a. 192.

173.12 Animal fighting; seizure. (1) Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known.

(1m) If an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime spec-

ified in s. 951.08, the animal may not be returned to the owner by an officer under s. 968.20 (2). In any hearing under s. 968.20 (1), the court shall determine if the animal is needed as evidence or there is reason to believe that the animal has participated in or been trained for fighting. If the court makes such a finding, the animal shall be retained in custody.

(2) If the charges under s. 951.08 are dismissed or if the owner is found not guilty of a crime specified in s. 951.08, the animal shall be returned to the owner unless he or she is subject to the restrictions under s. 951.08 (2m).

(3) (a) If the owner is convicted under s. 951.08 or is subject to the restrictions under s. 951.08 (2m), the animal shall be delivered to the local humane officer or county or municipal pound. If there is no local humane officer or pound, the animal may be delivered to a local humane society or to another person designated by the court. If the animal is one year old or older or shows indication of having participated in fighting, the animal shall be disposed of in a proper and humane manner.

(b) If the animal is less than one year old and shows no indication of having participated in fighting, the animal shall be released to a person other than the owner or disposed of in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m) (a) 4. are covered under s. 173.24.

History: 1981 c. 160; 1983 a. 95; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.165; 1997 a. 192 ss. 28, 29; Stats. 1997 s. 173.12.

173.13 Taking custody of animals. (1) INTAKE. (a) A humane officer, on behalf of a political subdivision in which the humane officer has jurisdiction under s. 173.03 (3), or a law enforcement officer, on behalf of a political subdivision, may take custody of an animal if the humane officer or law enforcement officer has reasonable grounds to believe that the animal is one of the following:

1. An abandoned or stray animal.
2. An unwanted animal delivered to the humane officer or law enforcement officer.
3. A dog not tagged as required by ch. 174.
4. An animal not licensed in compliance with any ordinance.
5. An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.
6. An animal that has caused damage to persons or property.
7. A participant in an animal fight intentionally instigated by any person.
8. An animal mistreated in violation of ch. 951.
9. An animal delivered by a veterinarian under sub. (2).

(b) A humane officer shall accept into custody any animal delivered by a law enforcement officer or delivered under a court order.

(c) A person other than a humane officer or a law enforcement officer may not take an animal into custody on behalf of a political subdivision unless the animal is an abandoned or stray animal. If a person other than a humane officer or a law enforcement officer takes custody of an abandoned or stray animal on behalf of a political subdivision, he or she shall deliver the animal to a person contracting under s. 173.15 (1), to a humane officer or law enforcement officer for disposition under s. 173.23 or to a pound.

(2) DELIVERY OF ANIMAL BY VETERINARIAN. (a) A humane officer or law enforcement officer or a person contracting under s. 173.15 (1) may accept an animal delivered by a veterinarian, or his or her employee, if the animal has not been picked up by its owner and all of the following apply:

1. The veterinarian notified the owner of the animal by certified mail, return receipt requested, that the animal was ready to be picked up and that the animal would be delivered to a humane officer if not picked up within 7 days.

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2. The veterinarian retained the animal for 7 days after the day on which the return receipt was signed or until the letter was returned to the veterinarian as undeliverable.

3. The veterinarian certifies in writing to the humane officer or law enforcement officer that subs. 1. and 2. apply.

(b) If an animal is accepted under par. (a), the veterinarian shall provide the person accepting the animal with any requested records concerning the animal's ownership, health or licensure.

(3) NOTIFICATION OF OWNER. (a) If a humane officer or law enforcement officer takes custody of an animal with the knowledge of the owner, the humane officer or law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under s. 173.22, and the procedure to be followed if the animal is not returned to the owner.

(b) If a humane officer or law enforcement officer takes custody of an animal without the knowledge of the owner, the humane officer or law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under s. 173.22, and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody.

(c) If the owner informs the humane officer or law enforcement officer in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under s. 173.23 (1m).

History: 1997 a. 192; 1999 a. 32.

173.15 Provision of care, treatment or disposal services. (1) PROVIDING SERVICES. A political subdivision may provide for the care, treatment or disposal of animals taken into custody by a humane officer or law enforcement officer. A political subdivision may provide these services directly or by contracting with any other person. A political subdivision may establish standard fees for the care, custody and treatment of animals in its custody. The political subdivision may establish different fees for animals released to their owners and animals released to persons other than their owners. If the political subdivision does not establish standard fees, it may charge no more than the actual costs of care, custody or treatment to any person required to pay for the care, custody or treatment of an animal.

(2) CONTRACT FOR SERVICES. Every person entering into a contract with a political subdivision under sub. (1) shall agree to do all of the following:

(a) Provide adequate care and treatment of all animals delivered under the contract.

(b) Maintain adequate records consistent with s. 173.17.

(c) Release or dispose of animals under s. 173.23 or as provided in a court order.

History: 1997 a. 192.

173.17 Records. A humane officer or law enforcement officer taking custody of an animal on behalf of a political subdivision shall maintain, or require any person to whom the animal is delivered under a contract under s. 173.15 (1) to maintain, as appropriate, records for each animal containing the following information:

(1) A physical description of the animal.

(2) The date that custody was taken of the animal, the date that the animal was delivered into the possession of another person and the identity of the person to whom delivered.

(3) The reason for taking custody of the animal.

(4) The ultimate disposition of the animal, including the name and address of any person into whose custody the animal was ultimately released.

History: 1997 a. 192.

173.19 Animals considered unclaimed. A political subdivision or person contracting under s. 173.15 (1) may treat any animal taken into custody under s. 173.13 (1) (a) 1., 3., 4. or 9. as

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an unclaimed animal subject to s. 173.23 (1m) if, within 7 days after custody is taken of the animal, it is not claimed by and returned to its owner under s. 173.23 (1), except that an animal taken into custody under s. 173.13 (1) (a) 3. or 4. may not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7 days after custody is taken.

History: 1997 a. 192.

173.21 Holding animals for cause. (1) GROUNDS. A political subdivision may withhold, or direct a person contracting under s. 173.15 (1) to withhold, an animal in custody from an owner who makes an otherwise adequate claim for the animal under s. 173.23 (1) on any of the following grounds:

(a) There are reasonable grounds to believe that the owner has mistreated the animal in violation of ch. 951.

(b) There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.

(c) The animal may be used as evidence in a pending prosecution.

(d) A court has ordered the animal withheld for any reason.

(2) EXAMINATION PERMITTED. If an animal is withheld under sub. (1), upon request by the owner, a veterinarian retained by the owner may examine the animal.

(3) COSTS. The owner of an animal withheld under sub. (1) is not liable for any costs of custody, care or treatment except as provided by court order.

(4) RETURN. A political subdivision or person contracting under s. 173.15 (1) having custody of an animal withheld under sub. (1) shall release the animal to the owner at the direction of the humane officer or law enforcement officer that took custody of the animal if the requirements of s. 173.23 (1) (a) to (c) are satisfied.

History: 1997 a. 192.

173.22 Review of seizure or withholding. (1) PETITION. A person claiming that an animal that he or she owns was improperly taken into custody under s. 173.13 (1) (a) 3., 4., 5., 6. or 8. or is wrongfully withheld under s. 173.21 (1) may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.

(2) NOTICE AND HEARING. The court shall provide notice of a petition under sub. (1) to the humane officer or law enforcement officer who took the animal into custody or to the political subdivision that withheld the animal and shall hold a hearing on the issue of whether the animal was improperly taken into custody or is wrongfully withheld.

(3) ORDER. (a) If the animal was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:

1. There are reasonable grounds to believe that the owner has mistreated the animal in violation of ch. 951.

2. There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.

3. The animal may be used as evidence in a pending prosecution.

4. A court has ordered the animal withheld for any reason.

(b) If the animal was taken into custody under s. 173.13 (1) (a) 3., the court shall order the animal returned to its owner if the court determines that the animal was tagged or was not required to be tagged under ch. 174.

(c) If the animal was taken into custody under s. 173.13 (1) (a) 4., the court shall order the animal returned to its owner if the court determines that the animal was licensed or was not required to be licensed.

(d) If the animal was taken into custody under s. 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court determines that the animal was not subject to a quarantine order or was confined as required by a quarantine order.

(e) If the animal was taken into custody under s. 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court determines that the animal did not cause damage to persons or property.

History: 1997 a. 192.

173.23 Disposition of animals. (1) CLAIM AND RETURN. Except as provided in sub. (4) or s. 173.21 (1), a political subdivision or person contracting under s. 173.15 (1) shall return an animal described in s. 173.13 (1) (a) 1., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:

(a) The owner claims the animal and provides reasonable evidence of ownership.

(b) If licensure is required by statute or ordinance, the animal is licensed or assurance of licensure by prepayment is given.

(c) If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination by prepayment is given.

(d) All charges for custody, care, vaccination and treatment are paid.

(1m) UNCLAIMED ANIMALS. A political subdivision or a person contracting under s. 173.15 (1) that has custody of an animal considered unclaimed under sub. (5) (c) or (6) or s. 173.13 (3) (c) or 173.19 or an unwanted animal may do any of the following:

(a) Release the animal to any person other than the owner if all of the following apply:

1. The person provides his or her name and address.

2. If licensure is required by statute or ordinance, the animal is licensed or assurance of licensure is given by evidence of prepayment.

3. If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination is given by evidence of prepayment.

4. Any charges imposed by the political subdivision or person contracting under s. 173.15 (1) for custody, care, vaccination and treatment are paid or waived.

(b) If the animal is not a dog or cat, sell the animal at public auction, including sale at a licensed animal market.

(c) Euthanize the animal.

(d) If the animal is a stray or abandoned dog, release the dog under s. 174.13.

(1s) PROCEEDS OF SALE. If the owner of an animal sold under sub. (1m) (b) files a claim and provides proof of ownership within 30 days after the sale, the sale proceeds, less the cost of custody, care, treatment and sale, shall be returned to the owner.

(2) ANIMALS NOT RETURNED TO OWNER. If an animal in the custody of a political subdivision, other than an animal to which sub. (1m) applies, is not returned to the owner under sub. (1) or (5) (b) or s. 173.12 (2), 173.21 (4) or 173.22 or disposed of under sub. (4) or (5) (a) or s. 173.12 (3), it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).

(3) COURT ORDER. (a) A political subdivision may petition the circuit court for an order doing any of the following with respect to an animal taken into custody by a law enforcement officer or a humane officer or withheld under s. 173.21 (1):

1. Providing for payment for the custody, care or treatment of the animal.

2. Requiring the owner of the animal to post bond for the costs of custody, care or treatment of the animal pending the outcome of any other proceeding.

3. Authorizing the sale, destruction or other disposal of the animal.

(b) The petition shall set forth the basis for the petitioned-for relief.

(c) The political subdivision shall serve a copy of the petition, in the manner provided in s. 801.11, upon the owner of the animal, if known.

(d) The court shall conduct a hearing on the petition. The petitioner and any person upon whom a copy of the petition was served may appear as a party.

(e) The court shall issue its order after hearing and may grant, modify and grant or deny the petitioned-for relief, after considering the interests of the animal, the owner of the animal, the political subdivision and the public.

(4) INJURED OR DANGEROUS ANIMALS. A political subdivision or person contracting under s. 173.15 (1) who has custody of an animal may have the animal euthanized if there are reasonable grounds to believe that any of the following applies:

(a) The animal is hopelessly injured beyond any reasonable chance of recovery.

(b) The animal poses an imminent threat to public health or safety.

(c) The animal poses an imminent threat to the health or safety of itself or its custodian.

(5) ANIMAL NOT CONFINED AS REQUIRED BY QUARANTINE ORDER. (a) A political subdivision or person contracting under s. 173.15 (1) that has custody of an animal that was not confined as required by a quarantine order issued under any statute, rule or ordinance relating to the control of any animal disease shall confine the animal for the duration of the quarantine or shall euthanize the animal with the written permission of the owner or, if the animal is determined to be diseased, at the direction of the person issuing the quarantine order.

(b) Unless the person issuing the quarantine order directs that the animal be euthanized because it is diseased, at the end of the quarantine period the political subdivision or person contracting under s. 173.15 (1) shall return the animal to its owner if the owner complies with sub. (1) (a) to (d) no later than the 7th day after the day on which the political subdivision or person contracting under s. 173.15 (1) demands that the owner claim the animal and pay for its custody, care and treatment.

(c) If an owner does not comply with sub. (1) (a) to (d) within the time provided in par. (b), the animal is considered an unclaimed animal under sub. (1m).

(d) Before euthanizing an animal that is in custody because it was not confined as required by a quarantine order, the person with custody of the animal shall notify the person who issued the order. If the person who issued the order determines that testing of specimens is necessary to determine the disease status of the animal, the person with custody shall collect the specimens.

(6) NONCOMPLIANCE BY OWNER. If an owner is ordered under sub. (3) to pay, or post bond for the payment of, costs of custody, care or treatment of an animal, and refuses to do so upon demand, the animal shall be treated as an unclaimed animal subject to sub. (1m).

History: 1997 a. 192; 2001 a. 56; 2005 a. 253.

173.24 Reimbursement for expenses. (1) A court shall assess the expenses under this section in any case in which there has been a search authorized under s. 173.10 or in which an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime under ch. 951.

(2) Expenses covered under this section include:

(a) Investigative expenses of any search under s. 173.10 or any seizure under this chapter.

(b) Any fees of a doctor of veterinary medicine.

(c) Expenses of taking any animal into custody under this chapter, including expenses reasonably incident to taking the animal into custody.

(d) Expenses of keeping or disposing of any animal taken into custody.

(3) If the person alleged to have violated ch. 951 is found guilty of the violation, the person shall be assessed the expenses under subs. (1) and (2). If the person is not found guilty, the county

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treasurer shall pay the expenses from the general fund of the county.

History: 1973 c. 314; 1983 a. 95; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.17; 1997 a. 192 s. 30; Stats. 1997 s. 173.24.

A court may only assess reasonable expenses for maintenance of seized animals. *State v. Berndt*, 161 Wis. 2d 116, 467 N.W.2d 205 (Ct. App. 1991).

173.25 Immunity for euthanizing animals. A political subdivision, a person contracting under s. 173.15 (1), a humane officer or a law enforcement officer who has reasonable grounds to believe that s. 173.23 (1m) (c), (4) or (5) or a court order issued under s. 173.23 (3) authorize an animal to be euthanized is not liable for damages for the loss of the animal resulting from euthanizing the animal.

History: 1997 a. 192.

173.27 Duties of the department. The department shall do all of the following:

(1) **RULES.** (a) Adopt, by rule, standards for the training and certification of humane officers to ensure that humane officers are at least minimally qualified to perform the duties of a humane officer. The standards shall provide for training offered by the department or by others.

(b) Adopt, by rule, deadlines by which humane officers must obtain certification.

(2) **TRAINING.** Offer training courses for humane officers or approve training courses offered by others, or both. The department may charge a fee sufficient to recover the costs of training courses that it provides.

(3) **CERTIFICATION.** Examine, as necessary, and certify humane officers as qualified. The department may charge a fee, established by rule, sufficient to recover the costs of certification.

(4) **REGISTRY OF HUMANE OFFICERS.** Maintain and keep current a registry of all persons serving as humane officers for political subdivisions.

History: 1997 a. 192.

Cross-reference: See also ch. ATCP 15, Wis. adm. code.

173.41 Regulation of persons who sell dogs or operate animal shelters. (1) **DEFINITIONS.** In this section:

(a) “Animal control facility” means a facility for the care of animals operated under a contract with a political subdivision under s. 173.15 (1).

(b) “Animal shelter” means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs in a year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.

(c) “Dog breeder” means a person who sells 25 or more dogs in a year that the person has bred and raised, except that “dog breeder” does not include a person who sells 25 or more dogs in a year that the person has bred and raised if all of those dogs are from no more than 3 litters.

(d) “Dog breeding facility” means a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year, except that “dog breeding facility” does not include a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year if all of the dogs that are sold in a year are from no more than 3 litters.

(e) “Dog dealer” means a person, other than an out-of-state dog dealer, who sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs in a year that the person has not bred and raised or who operates an auction at which 50 or more dogs are sold or offered for sale in a year.

(em) “Dog trial” means an organized competitive field event involving sporting dog breeds that is sanctioned, licensed, or recognized by a local, state, regional, or national dog organization.

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(f) “Out-of-state dog dealer” means a person who is not a resident of this state who brings 25 or more dogs into this state for sale in this state in a year.

(g) “Temporary dog market” means a place at which persons sell dogs, and may sell other items, from booths or other spaces that are rented from or provided at no cost by the person operating the place, except that “temporary dog market” does not include a dog trial.

(h) “Transfer” means to grant physical possession to another.

(2) **LICENSE REQUIRED.** (a) Except as provided in par. (e), (f), or (g), beginning on June 1, 2011, no person may do any of the following without an annual license from the department:

1. Operate an animal shelter.
2. Operate an animal control facility.
3. Operate as a dog breeder.
4. Operate a dog breeding facility.
5. Operate as a dog dealer.
6. Operate as an out-of-state dog dealer.

(b) A person operating as an out-of-state dog dealer shall obtain one license under this subsection. Any other person required to obtain a license under this subsection shall obtain one license for each premises at which the person operates an animal shelter, animal control facility, or dog breeding facility or operates as a dog breeder or dog dealer.

(c) A person shall apply for a license under par. (a) on a form provided by the department and shall provide information reasonably required by the department. An applicant shall submit the applicable fees required under sub. (3) with the application.

(d) The department shall grant or deny an application for an initial license within 30 days after the application is complete and the applicable fees have been submitted.

(e) A veterinarian licensed under ch. 453 practicing in the normal course of veterinary business within the scope of the license is not required to obtain a license under this subsection.

(f) An individual providing foster care to a dog in the individual’s home at the request of a person operating an animal shelter that is licensed under this subsection is not required to obtain a license under this subsection.

(g) An individual is not required to obtain a license for the purpose of conducting a one-time kennel liquidation, if all of the following apply:

1. The individual sells no more than 30 dogs and makes all of the dogs initially available for sale at the same time.
2. The individual sells only dogs that he or she owns.
3. The individual does not intend to engage in activities for which a license is required under this subsection in the next year.
4. The individual was not licensed under this subsection during the previous year.
5. The individual notifies the department at least 30 days before offering the dogs for sale.

(h) A person licensed under par. (a) 1. to 5. shall post a copy of the license in a location visible to any person coming onto the licensed premises.

(3) **LICENSE FEES.** (a) Except as provided under par. (b) or (c), the annual fee for a license under sub. (2) is as follows:

1. For a person who sells or offers to sell at least 25 but fewer than 50 dogs per year, \$250.
2. For a person who sells or offers to sell at least 50 but fewer than 100 dogs per year, \$500.
3. For a person who sells or offers to sell at least 100 but fewer than 250 dogs per year, \$750.
4. For a person who sells or offers to sell 250 or more dogs per year, \$1,000.

5. For a person who operates an animal shelter or animal control facility, \$125.

(b) Except as provided under par. (c), the annual license fee for an out-of-state dog dealer is 150 percent of the fee determined under par. (a), based on the number of dogs sold in this state.

(c) The department may promulgate rules specifying fees for licenses under sub. (2) that are higher than the fees in pars. (a) and (b) if necessary to cover the costs of administering this section.

(4) LICENSE DENIAL OR REVOCATION. (a) The department may deny, refuse to renew, or revoke any license under sub. (2) if the applicant or licensee is not fit, qualified, or equipped to conduct the activity for which the license is required, has violated or failed to obey any applicable law, order, or regulation, or has misrepresented or intentionally failed to disclose a material fact in applying for the license.

(b) The department may issue any license under sub. (2) conditioned upon relevant circumstances or acts. If a license is conditioned upon compliance within a specified period and the condition is not met within the specified period, the license is void.

(5) SUMMARY LICENSE SUSPENSION. (a) The department may, by written notice, without prior notice or hearing, suspend a license issued under sub. (2) if, upon inspection of the licensed premises, the department finds any condition that imminently threatens the health, safety, or welfare of any animal on the licensed premises or there is evidence that an act of animal cruelty in violation of ch. 951 has been committed by the licensee or has occurred on the licensed premises.

(b) In the notice under par. (a), the department shall state the reasons for the suspension and specify conditions that must be met for reinstatement.

(c) The department shall specify in the notice under par. (a) a date after which a reinspection of the licensed premises may take place. The department may conduct a reinspection without notice to the licensee. The department may reinstate a license following a summary suspension if the department finds, based upon reinspection or evidence presented by the licensee, that circumstances warrant reinstatement. The department may specify a reinstatement date that it considers appropriate.

(d) A licensee may request a hearing contesting a summary suspension under par. (a), by written appeal to the department, within 10 days of receiving the notice of summary suspension. The department shall describe the right of hearing in the notice to the licensee under par. (a). The department shall promptly initiate proceedings to hear the appeal.

(6) INSPECTIONS. (a) The department shall inspect the premises at which a person who is required to obtain a license under sub. (2) (a) 1. to 5. operates before issuing the initial license and at least once every 2 years after the year in which the person is first licensed. The department is not required to inspect the out-of-state premises at which an out-of-state dog dealer operates.

(b) The department may enter and inspect the premises for which a person is required to obtain a license under sub. (2) at any time during normal business hours to ensure compliance with this section.

(c) The department may charge a fee for an inspection that it undertakes to determine whether a previous violation of this section or rules promulgated under this section has been corrected.

(d) An inspection fee under par. (c) is due upon written demand from the department. Unless otherwise specified by the department by rule, the fee for an inspection under par. (c) is \$150.

(7) OUT-OF-STATE DEALERS. The department may not issue a license under sub. (2) to a person who is an out-of-state dog dealer unless the person provides to the department a copy of any license required by the person's state of residence and any license required under federal law.

(8) HEALTH REQUIREMENTS FOR SELLING DOGS. (a) No person who is required to be licensed under sub. (2) may sell a dog without providing all of the following to the purchaser:

1. A certificate of veterinary inspection from a licensed veterinarian stating that the veterinarian has examined the dog and found that it has no signs of infectious or contagious diseases as of the date of the examination.

2. A copy of all vaccination records for the dog showing the date the vaccine was administered and the name of the person who administered the vaccine.

(b) No person who is required to be licensed under sub. (2) may sell at auction a dog that is not spayed or neutered without providing written proof that the dog has tested negative for brucellosis using a test approved by the department that was conducted no more than 30 days before the day of sale.

(9) AGE FOR TRANSFER OF PUPPY. A person required to be licensed under sub. (2) may not transfer a dog to a buyer until the dog is 7 weeks of age.

(10) STANDARDS OF CARE. A person who is required to be licensed under sub. (2) shall do all of the following with respect to each dog kept by the person:

(a) Provide sufficient food to maintain the dog in good health.

(b) Provide sufficient water to maintain the dog in good health. If fresh water is not available to the dog at all times, the person shall provide fresh water daily and in sufficient quantity for the health of the dog.

(c) Ensure that necessary and standard veterinary care is provided in a timely manner.

(d) Ensure that the dog is not kept in an enclosure unless all of the following apply:

1. The enclosure is of an appropriate size, as determined by the department, based on the size, age, and number of dogs kept in the enclosure and the length of time the dog is kept in the enclosure.

2. The enclosure is structurally sound and maintained in good repair to protect the dog from injury.

3. If wire flooring is used, it is coated, is of a sufficient gauge to ensure that it will not cause injury to the dog, and is used only in the manner specified by the department.

4. The enclosure is maintained in a clean and sanitary condition.

(e) Ensure that the dog is not kept in an enclosure for a period that the department determines to be excessive, considering the size of the enclosure and any other factors that the department considers relevant.

(f) Ensure that the dog is kept outdoors only if all of the following apply:

1. The dog is of a breed or type that is typically kept outdoors.

2. The dog is acclimated to the outdoors.

3. The person provides adequate shelter from the sun and inclement weather.

(g) Ensure that all facilities in which the person keeps the dog have adequate lighting and ventilation and that a proper temperature is maintained for the dog, considering its type or breed.

(h) Ensure that the dog is provided adequate daily access to exercise, as determined by the department.

(i) Ensure that the dog is observed every day by the caretaker of the premises at which the person operates or an individual under the direct supervision of the caretaker to monitor the health and temperament of the dog and to provide care to the dog as needed.

(10m) VACCINATIONS. A person who is required to be licensed under sub. (2) may have a dog kept by the person vaccinated by an individual who is not a veterinarian unless that is prohibited by law.

(11) RECORD KEEPING. A person who is required to be licensed under sub. (2) shall keep a record of each dog that comes into the person's possession that includes all of the following information:

(a) A description of the dog including the dog's breed or type, sex, date of birth or approximate age, color, and any distinctive markings.

7 Updated 11–12 Wis. Stats.

(b) The dog's official federal department of agriculture tag number or tattoo or microchip information, if any.

(c) A statement that the dog was born in the person's possession or the name and address of the person from whom the dog was acquired and that person's federal department of agriculture license or registration number or, if the person is not licensed or registered by the federal department of agriculture, the person's state of residence.

(d) If the dog was not born in the person's possession, the date on which the person acquired the dog.

(e) The date and method of disposition of the dog.

(f) Any other information required by the department.

(12) TEMPORARY DOG MARKETS. (a) *Operator responsibilities.* A person who operates a temporary dog market shall do all of the following:

1. Register with the department.
2. Take reasonable steps to ensure that all persons selling or offering to sell dogs at the temporary dog market comply with par. (b).
3. Obtain, review, and keep, for at least 5 years, copies of the information provided under par. (b) and make the information available to the department for inspection and copying upon request.

4. If persons sell or offer to sell dogs at the temporary dog market for 2 or more consecutive days, employ or contract with a veterinarian licensed under ch. 453 to conduct an examination of the dogs offered for sale at the temporary dog market on each day on which dogs are offered for sale and to review the information provided under par. (b).

(b) *Seller responsibilities.* A person who sells or offers to sell a dog at a temporary dog market shall provide all of the following information to the operator of the temporary dog market:

1. The person's name and address.
2. If the person is required to be licensed under sub. (2), the person's license number.
3. A description of each dog sold or being offered for sale, including the dog's breed or type, sex, date of birth or approximate age, color, and any distinctive markings, and either a statement that the dog was born in the person's possession or the name and address of the person from whom the dog was acquired.

4. Documentation showing that the person complied with s. 95.21 (2) and with any applicable rules of the department relating to bringing dogs into this state.

(c) *Inspection.* The department may inspect a temporary dog market and the information provided under par. (b) at any time during normal business hours.

(13) REPORTING MISTREATMENT OF DOGS. If the department has reasonable grounds to believe that a dog in the possession of a person required to be licensed under sub. (2) is being mistreated in violation of ch. 951, the department shall report the information that supports its belief to a humane officer or law enforcement agency with jurisdiction over the area in which the dog is located.

ANIMALS; HUMANE OFFICERS 173.41

(14) RULES. (a) The department, in consultation with the advisory committee established under par. (b), shall promulgate rules to implement and administer this section.

(b) Before the department promulgates rules under par. (a), it shall establish an advisory committee to assist in writing the rules that consists of at least one representative from each of the following groups but that does not consist of more than 12 members:

1. Persons selling dogs at retail.
2. Dog breeders that sell large dogs and that sell fewer than 50 dogs per year.
3. Dog breeders that sell small dogs and that sell fewer than 50 dogs per year.
4. Dog breeders that sell large dogs and that sell 50 or more dogs per year.
5. Dog breeders that sell small dogs and that sell 50 or more dogs per year.
6. Sporting associations whose primary activities involve dogs.
7. Humane societies providing shelter to fewer than 500 dogs per year.
8. Humane societies providing shelter to 500 or more dogs per year.
9. Veterinarians.
10. Animal control facilities.
11. Breed rescue groups.

(c) The department shall select any member of an advisory committee under par. (b) who represents veterinarians from nominations made by the Wisconsin Veterinary Medical Association and shall select each other member from nominations made by one or more organizations representing the group that the member represents.

(d) An advisory committee under par. (b) does not expire until 12 months after the rules are promulgated and shall make recommendations to the department for amendments to the rules.

(15) PENALTIES. (a) A person who operates without a license required under sub. (2) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b) 1. Except as provided under par. (a), a person who violates this section or a rule promulgated under this section may be required to forfeit not more than \$1,000 for the first offense and may be required to forfeit not less than \$200 nor more than \$2,000 for the 2nd or any subsequent offense within 5 years.

2. If a violation under subd. 1. involves the keeping of animals, each animal with respect to which the statute or rule is violated constitutes a separate violation.

(c) In addition to the penalties under pars. (a) and (b), a court may order a person who violates this section to pay the expenses of caring for dogs that are removed from the person's possession because of mistreatment.

History: 2009 a. 90.

Cross-reference: See also ch. ATCP 16, Wis. adm. code. Enhancing Animal Welfare Laws. Goode & Aizenberg. Wis. Law. Dec. 2011.

Chapter ATCP 15

HUMANE OFFICER TRAINING AND CERTIFICATION

ATCP 15.01 Definitions.
 ATCP 15.02 Initial certification.
 ATCP 15.04 Continuing certification.

ATCP 15.06 Initial training.
 ATCP 15.08 Initial examination.
 ATCP 15.10 Humane officer appointment or termination; report.

ATCP 15.01 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of agriculture, trade and consumer protection.
- (2) "Humane officer" means a person appointed under s. 173.03, Stats., to exercise powers or carry out duties identified under s. 173.07, Stats.
- (3) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c), Stats.
- (4) "Political subdivision" has the meaning given in s. 173.01 (3), Stats.
- (5) "Veterinarian" means a person licensed under ch. 453, Stats.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99.

ATCP 15.02 Initial certification. (1) CERTIFICATION REQUIRED. No person may serve as a humane officer unless the department certifies that person within one year after the person is appointed.

Note: Subsection (1) does not require a law enforcement officer to be appointed or certified as a humane officer in order to enforce laws related to animals. But if a law enforcement officer or other person is appointed as a humane officer under s. 173.03, Stats., he or she must be certified as a humane officer.

(2) CERTIFICATION STEPS. A person who wishes to be certified as a humane officer shall do all the following:

- (a) Complete the initial training program under s. ATCP 15.06, if required.
- (b) Pass the examination required under s. ATCP 15.08.
- (c) Submit an application as provided in sub. (3).

(3) APPLICATION FORM. A person applying for certification under sub. (1) shall submit an application on a form provided by the department. The application shall include all the following:

- (a) The applicant's name, address and telephone number.
- (b) The identity of the applicant's employer if the applicant is currently employed as a humane officer.
- (c) The date on which the applicant passed the examination required under s. ATCP 15.08.
- (d) A nonrefundable fee of \$35. This fee will not be prorated for partial years.

Note: You may obtain a certification application form from the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division, P. O. Box 8911, Madison, WI 53708-8911, Phone (608) 224-4872

(4) ACTION ON CERTIFICATION APPLICATION. The department shall grant or deny a certification application within 30 days after the department receives a complete application under sub. (3).

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (1), (3) (d) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.04 Continuing certification. (1) CERTIFICATION EXPIRATION. A humane officer's certification expires on December 31 of each odd-numbered year. A humane officer who fails to renew his or her certification may not continue to serve as a humane officer.

(2) CERTIFICATION RENEWAL. A humane officer may apply to renew his or her certification using a form provided by the department. A renewal application shall include all the following:

- (a) The applicant's name, address and telephone number.
- (b) The identity of the applicant's employer, if the applicant is currently employed as a humane officer.
- (c) A nonrefundable renewal fee of \$35. This fee will not be prorated for partial years.
- (d) Information showing that the applicant has satisfied the continuing education requirement under sub. (3). The application shall include the following information related to each continuing education program attended:
 1. The program title and sponsor.
 2. The program dates.
 3. The program instructors.
 4. The number of hours of instruction time attended.

5. A program description provided by the program sponsor. Alternatively, the applicant may describe the program and explain why it is relevant to his or her duties as a humane officer.

Note: You may obtain a renewal application form from the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division, P. O. Box 8911, Madison, WI 53708-8911, Phone (608) 224-4872

(e) For a person who applies for the renewal of a certification after that certification has expired, in addition to all other fees required under this subsection, a late fee equal to 20% of those fees.

(3) CONTINUING EDUCATION REQUIRED. (a) A humane officer shall complete 32 hours of continuing education during each biennium for which the humane officer is certified. This requirement does not apply during the biennium for which the humane officer is initially certified.

(b) Continuing education programs need not be pre-approved by the department. The department may refuse to accept a continuing education program in fulfillment of the requirement under par. (a) if the department finds that the program is unrelated to humane officer duties.

(c) If the continuing education requirement is not fully completed during the certification biennium as required by par. (a), a certification may not be renewed until the continuing education requirement is met. Continuing education hours may only be applied to fulfill requirements for one certification renewal.

Note: For example, continuing education hours taken in 2014 to fulfill the requirement for 32 hours of continuing education to renew a certification for the 2014-2015 certification biennium may not be used as hours towards the 2016-2017 renewal requirement.

(4) EXPIRED CERTIFICATIONS. (a) An applicant may apply to renew a certification after it has expired if application for the renewal of certification is submitted within the biennium immediately following the certification's expiration. A certification that is expired for 2 years or longer may not be renewed.

Note: If an applicant's certification has been expired for at least 2 years, the applicant must complete the training and testing required under s. ATCP 15.02 to reapply.

(b) To renew an expired certification under par. (a) the applicant shall submit application for renewal under sub. (2).

(c) Thirty-two hours of continuing education are required to renew certification except if the previous biennium was the initial certification biennium. Certification may not be renewed until the continuing education requirement is met. Continuing education hours may only be applied to fulfill requirements for one certification renewal.

Note: For example, continuing education hours taken in 2014 to fulfill the requirement for 32 hours to renew a certification for the 2014-2015 certification biennium may not be used as hours towards the 2016-2017 renewal requirement.

(5) NOTIFICATIONS OF CHANGES. During the certification biennium, a certified humane officer shall notify the department of any change of name, address, or phone number within 30 days of that change.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (2) (c), cr. (2) (e), (3) (c), (4), (5) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.06 Initial training. (1) TRAINING REQUIRED. Except as provided in sub. (2), a person shall complete an initial training program before taking the examination under s. ATCP 15.08.

(2) TRAINING EXEMPTIONS. Subsection (1) does not apply to any of the following persons, unless that person has previously failed an examination under s. ATCP 15.08:

- (a) A person employed as a humane officer in Wisconsin before December 1, 1999.
- (b) A veterinarian.
- (c) A person who has served as a humane officer in another state.

(3) TRAINING PROGRAM; GENERAL. The department shall sponsor the initial training program under sub. (1) or shall pre-approve that training program in accordance with sub. (6). The training program shall include animal husbandry and care training under sub. (4) and legal and investigative training under sub. (5). The department may charge a fee to cover the cost of a training program which it sponsors.

(4) ANIMAL HUSBANDRY AND CARE TRAINING. (a) An initial training program shall include at least 16 hours of animal husbandry and care training. This shall include all the following:

1. Training related to farm animals. A portion of the training shall be on-site practical training at a farm location.
2. Training related to domestic non-farm animals.
3. Training related to exotic animals, pet stores, animal collectors, or other relevant animal care issues.

(b) The training required under par. (a) shall include topics such as the following:

1. Common animal husbandry practices.
2. Nutrition and health basics, including body conditioning scoring.
3. Facilities and biosecurity.
4. Animal behavior, personal and animal safety, and animal handling and related equipment.

(5) LEGAL AND INVESTIGATIVE TRAINING. An initial training program shall include at least 24 hours of legal and investigative training, including all the following:

- (a) Training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
- (b) Training related to the rules of evidence, and the collection and preservation of evidence.
- (c) Training related to interview and interrogation techniques, investigative stages and courtroom testimony.
- (d) Training related to search and seizure, and photographing, videotaping, or sketching the investigation scene.
- (e) Training related to report writing.
- (f) Training related to crisis intervention, humane officer safety, and civil liability.

(6) TRAINING PROGRAMS; APPROVAL. (a) The department may approve an initial training program at the request of the program sponsor. The sponsor shall submit the request in writing and shall include all the following:

1. A detailed program outline showing the topics covered, the number of hours devoted to each topic, and the content of each topic.
2. The identity and credentials of the program instructors.
3. The training locations, including the location of any on-site farm training.
4. A copy of the certificate the sponsor will present to persons who successfully complete the course, and the name of each person authorized to sign the certificate on behalf of the sponsor.

(b) The department shall approve or disapprove an initial training program within 30 days after it receives all of the information under par. (a). The department shall disapprove a training program that fails to comply with applicable requirements under this section.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (4) (a) 1. to 3., (5) (a) to (f) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.08 Initial examination. (1) EXAM REQUIRED. The department may not certify any person as a humane officer unless that person passes an examination administered by the department. No examination is required for the timely renewal of an expired certification that is submitted within the biennium after the certification's expiration.

(2) APPLYING TO TAKE EXAM. A person may apply to the department to take an examination under sub. (1). The person shall apply on a form provided by the department and shall include all the following:

- (a) The person's name, address and telephone number.
- (b) A \$25 nonrefundable examination fee.
- (c) The dates, if any, on which the person has previously taken the examination.
- (d) Documentation required under sub. (3).

Note: You may obtain an exam application form from the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division, P. O. Box 8911, Madison, WI 53708-8911, Phone (608) 224-4872

(3) EXAM ELIGIBILITY. A person applying to take an examination under sub. (2) shall document in writing one of the following:

- (a) That the person has completed the initial training required under s. ATCP 15.06 (1). The person shall include the title and sponsor of the initial training program, and the dates on which the person attended the initial training program.
- (b) That the person qualifies for the training exemption under s. ATCP 15.06 (2).

(4) EXAM CONTENTS. An examination under sub. (1) shall test knowledge in all the following areas:

- (a) Animal husbandry and care practices.
- (b) Applicable laws and investigative procedures.

(5) PASSING SCORE. To pass an examination under sub. (1), a person shall achieve a passing score on each exam portion identified in sub. (4).

(6) RETAKING EXAMINATION. (a) A person initially exempt from training under s. ATCP 15.06 (2) may not retake an examination under sub. (1) unless that person first completes the initial training program under s. ATCP 15.06.

(b) A person who twice fails an examination under sub. (1) may not retake the examination unless the person first retakes the training under s. ATCP 15.06.

(c) A person who applies to renew certification more than 2 years after the certification has expired shall do both of the following:

1. Complete the training under s. ATCP 15.06.

2. Pass the examination under sub. (1).

Note: A person who applies pursuant to the requirements of par. (c) is not subject to the late fee under s. ATCP 15.04 (2) (e).

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (1), (2) (b), (6) (b), cr. (6) (c) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.10 Humane officer appointment or termination; report. A political subdivision shall notify the department in writing whenever the political subdivision appoints or terminates a humane officer. The political subdivision shall

give the notice within 30 days after the appointment or termination occurs. The notice shall include all the following:

- (1) The identity of the political subdivision.
- (2) The name and address of the humane officer.
- (3) The humane officer's certification number if the humane officer is currently certified under this chapter.
- (4) The date of the appointment or termination.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99.

APPENDIX 8

COUNTY ADMINISTRATION

2.40 LIMITATION ON PAYMENT OF CLAIMS FOR DAMAGE BY DOGS TO DOMESTIC ANIMALS

(1) The maximum amount that may be allowed for settlement of a claim for damages to domestic animals by dogs under Section 174.11 of the Wisconsin Statutes shall be \$1,000.

8.07 REGULATION OF DOGS

(1) Definitions.

(a) "AT LARGE" means that a dog is off the premises of its owner and upon any public street, highway or grounds or upon any private property without the permission of the owner of the property, provided however, a dog shall not be deemed to be at large if:

1. It is attached to a leash not more than ten feet in length which is of sufficient strength to restrain the dog, and the leash is held by a person competent to govern the dog and prevent it from annoying or worrying pedestrians and cyclists or trespassing on private property or trespassing on public property where such dogs are forbidden, or
2. It is properly restrained in the automobile of its owner for the purpose of transportation from place to place, or
3. It is being used for hunting on lands for which written permission has been granted by the owner or lessee and if said dog is under the proficient control of the owner by either audio, sonic or visual means, or
4. It has temporarily escaped from the custody of its owner and its owner is in the process of returning it to his or her custody.

(b) "DOG" shall mean all domesticated members of canis familiars, male or female.

(c) "OWNER" shall mean any person, firm, corporation, or their agent owning, harboring, sheltering or keeping any domesticated dog. The occupant of any premises on which a domesticated dog remains or to which it customarily returns shall be considered to be the owner, harbinger or keeper of the dog within the meaning of this Ordinance.

(d) "PERSON" shall mean any individual, firm or corporation.

(e) "VICIOUS" shall mean given to or characterized by aggressive actions which result in attacking, chasing or biting persons, livestock, dogs and cats. A dog that has on two or more occasions attacked, chased or bitten any person, livestock, dog or cat is deemed vicious.

- (f) "IMPOUNDMENT FEE" shall mean that fee established by the Ozaukee County Board of Supervisors which shall be paid to the pound to which the dog was delivered before said dog may be released. All impoundment fees shall be paid to the County Treasurer and credited to the dog license fund each month.
- (g) "BOARDING FEE" shall mean that fee established by the pound to which the dog is delivered and which shall be paid to the pound to which the dog was delivered for each day or fraction of a day that the dog is impounded. The fee may not exceed the actual average daily costs for boarding and caring for the dog. Boarding fees may be retained by the operator of said pound to pay expenses incurred by said pound.
- (h) "LIVESTOCK" means any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.
- (2) Regulation of Dogs.
 - (a) It shall be unlawful for the owner of any dog to permit or suffer a dog to be at large.
 - 1. Any adult alone or together with other adults may seek relief from any dog at large by a complaint to the Sheriff of Ozaukee County setting forth the following:
 - a. The name and address of complainant,
 - b. Description of dog and address of owner,
 - c. Dates and times violations were noted,
 - d. Date reported to Sheriff, and
 - e. Statement that complainant would be willing to sign a complaint and testify in court.
 - (b) It shall be unlawful for any person to permit a dog to run at large by opening any door or gate or loosening any restraining device or otherwise do anything to entice any dog to leave any place of confinement.
 - (c) Any dog that is astray, the owner of which is not known, shall be seized by the Sheriff or his/her deputies and impounded in a proper place designated by the Ozaukee County Board by its Law Enforcement Committee. The officer in charge of the place of impoundment shall ascertain, with reasonable effort and in accordance with Wisconsin Statute 174.046 (3), the ownership of said dog, and if the owner is not found within a period of seven (7) days, said dog shall be adopted out, retained by the pound, released pursuant to Wisconsin Statute 174.13 or disposed of in a proper and humane manner. If the Sheriff is unable to seize and impound a straying dog for a period of one (1) week, and the owner is unknown, the Sheriff shall destroy said dog.
 - (d) Release of Dog.
 - 1. To Owner. The pound to which a dog is delivered may release the dog to its owner or a representative of the owner only if:

- a. The owner or representative gives his or her name and address,
 - b. The owner or representative presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation, and.
 - c. The owner or representative pays the boarding fees and impoundment fee for the dog.
2. To Person Other Than Owner. The pound to which the dog is delivered may release the dog to a person other than the dog's owner only if:
- a. The owner is unknown or does not claim the dog within seven (7) days after the dog is delivered to the pound.
 - b. The person to whom the dog is released gives his or her name and address.
 - c. The person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies, unless evidence is presented that the dog is licensed and vaccinated, and
 - d. The person to whom the dog is released pays the boarding fees for the dog.
- (e) Vicious Animals.
- 1. A vicious dog as that is defined in this ordinance shall be deemed a public nuisance and the County may commence a civil action to obtain a judgment from a court ordering an officer to kill such a dog. A court may grant the judgment if the court finds both of the following:
 - a. The dog caused injury to a person, livestock, dog or cat on two separate occasions off the owner's property without reasonable cause, and
 - b. The owner of the dog was notified, or knew prior to the second injury, that the dog caused the first injury.
 - 2. Any officer enforcing a judgment under this subsection shall kill the dog in a proper and humane manner.
- (f) Every owner of a dog trained to guard a premises shall be required to post or place in a conspicuous place, so it can easily be seen at the regular and auxiliary entrances to his or her premises, a notice or sign reading, "Beware of Dog." A dog trained to and acting in a defensive manner within a premises so posted or signed should not be considered a vicious animal.
- (g) Any person who shall suspect that any dog in the County is infected with rabies or hydrophobia shall report his or her suspicion to the Sheriff, describing the dog, its location and the name of the owner, if known.
- (h) The Sheriff of Ozaukee County may seize any dog suspected of being infected with the disease known as hydrophobia or rabies and hold it at the owner's expense. If it then is determined by a veterinarian licensed by the State of Wisconsin that said dog is infected with said disease, it shall be destroyed by the Sheriff of Ozaukee County.

- (i) No owner shall keep any dog that barks or howls so that peace and quiet of the neighborhood is disturbed.
 - (j) Records and Reports. The operator of the pound to whom a dog is delivered shall keep a record of each dog, giving a description of the dog, the dates of impoundment, if any, and the disposition of the dog. If the dog is kept by or released to a person, the record shall include the name, address and date of delivery of the dog, together with a record of boarding fees and impoundment fee paid. Receipts shall be given for all fees collected. Each year, on or before January 31, the operator of the county pound shall file an annual report with the County Clerk, indicating the number of dogs impounded, dogs released to owners, dogs released to persons other than owners, dogs destroyed, total dog impoundment days, total boarding fees collected, total cost to operate pound, and total impoundment fees collected.
- (3) Penalties.
- (a) Any person violating any provision of Sections 8.07 (2)(a), 8.07 (2)(b), 8.07 (2)(f) or 8.07 (2)(i) and who shall fail, omit, neglect or refuse to obey any order issued pursuant to these sections shall, upon conviction, be subject to a forfeiture of not less than twenty-five (\$25.00) nor more than two hundred dollars (\$200.00) for each offense together with the cost of prosecution, and in default of the payment of such forfeiture and costs, shall be imprisoned in the County Jail of Ozaukee County until said forfeiture and costs, together with subsequent costs, are paid, but in any event not to exceed thirty (30) days.
- (4) Exemptions.
- (a) All cities, villages and towns within Ozaukee County which now have ordinances in force or shall hereinafter enact ordinances concerning the subject matter of this ordinance shall be exempted from this ordinance, unless by appropriate resolution or ordinance, the governing body of said city, village or town elects that this ordinance shall apply within its boundaries.

APPENDIX 9

County License #: _____

Multiple Dog Owner: _____

Address: _____

Amount Paid: _____

Date Issued: _____

Number of Dogs: _____

Tag #s Issued: _____

_____ to _____

STATE OF WISCONSIN
OZAUKEE COUNTY

MULTIPLE DOG LICENSE

_____ residing at _____ in the Town/Village/City of _____ is hereby licensed to keep _____ dogs within the limits of the said multiple dog license under provisions of Section 174.053 of the Wisconsin Statutes. The owner or keeper of dogs for which a multiple license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over 5 months old. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies and upon notification to the issuing agent. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is in leash or temporarily out for the purpose of hunting, breeding, trail, training, or competition. All dogs more than 5 months of age must be immunized against rabies.

This license expires _____, 20__.

Issued by: _____

Town/Village/City Issuing Agent

Tag #s Issued: _____ to _____

Date Issued: _____

County License #: _____

Multiple Dog Owner: _____

Address: _____

Amount Paid: _____

Date Issued: _____

Number of Dogs: _____

Tag #s Issued: _____

_____ to _____

STATE OF WISCONSIN
OZAUKEE COUNTY

MULTIPLE DOG LICENSE

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This license expires _____, 20__.

Issued by: _____

Town/Village/City Issuing Agent

Tag #s Issued: _____ to _____

Date Issued: _____

MULTIPLE-DOG LICENSE APPLICATION

Municipality: Town Village City of _____

License valid from January 1 – December 31 of the licensing year.

APPLICANT INFORMATION

Name		Phone	
Address		Veterinary Clinic	
City, State, Zip		Total Number of Dogs	

Dog's Name	Sex	Breed	Color	Date of Last Rabies Vaccination	Rabies Vaccination Expiration Date	Manufacturer	Serial Number
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						
	<input type="checkbox"/> MALE <input type="checkbox"/> NEUTERED MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> SPAYED FEMALE						

****PROOF OF RABIES VACCINATION MUST ACCOMPANY THIS APPLICATION FOR EACH DOG LISTED ALONG WITH ALL ASSOCIATED FEES***

Range of Tag #'s Issued _____ to _____

Fee for **12 or fewer dogs:** Amount Paid \$ _____

Fee for **13+ dogs:** Amount Paid \$ _____

(Late fee may be assessed after April 1st)

Issued by: _____ **Date:** _____

Affidavit of Death or Disposal of Dog

STATE OF WISCONSIN, }
.....County } ss.

I,, residing at, Wisconsin,
hereby certify that the following described dog:

Name: Sex: Breed:

Age: Color: Marking:

which was listed by the police of ^{assessor}..... in compliance with the
provisions of the Wisconsin Dog Law, has been disposed of as follows:

Died or killed on

Sold or given to of on

Subscribed and sworn to before me, this }
.....day } Signed
of } OWNER OR KEEPER OF DOG

.....Notary Public.

(NOTE: IF DOG IS SOLD OR GIVEN TO A PERSON IN A DIFFERENT COUNTY. A DUPLICATE AFFIDAVIT SHOULD BE SENT TO THE COUNTY CLERK OF THAT COUNTY.)

APPENDIX 10

Dog Tags Issued to Municipal Treasurer

I hereby acknowledge receipt of the below numbered tags:

Treasurer Name:		
Municipality:		
_____ Dog Tags, Numbered _____ to _____, both inclusive,		
_____ Multiple Tags, Numbered _____ to _____, both inclusive,		
Treasurer Signature:		Date:
Deputy/County Clerk Signature:		Date:

NOTE: THIS FORM IS SIGNED IN THE COUNTY CLERK'S OFFICE UPON RECEIPT OF NEW TAGS

Dog Tags Returned to County Clerk

I hereby acknowledge receipt of the below numbered tags from:

Treasurer Name:

Municipality:

_____ Dog Tags, Numbered _____ to _____, both inclusive,

_____ Multiple Tags, Numbered _____ to _____, both inclusive,

**Treasurer
Signature:**

Date:

**Deputy/County
Clerk Signature:**

Date:

NOTE: THIS FORM IS SIGNED IN THE COUNTY CLERK'S OFFICE WHEN UNISSUED TAGS ARE RETURNED

OZAUKEE COUNTY
COUNTY CLERK'S OFFICE
121 W. MAIN STREET
ROOM #128
PORT WASHINGTON, WI 53074
PHONE: (262)284-8110
FAX: (262)284-8100



AFFIDAVIT OF LOST DOG TAG(S)

I swear, or affirm, that tag number(s) _____ have been misplaced.
These tags have not been sold or distributed and cannot be accounted for by the municipal
treasurer.

PRINT NAME: _____

TITLE: _____

MUNICIPALITY: _____

SIGNATURE: _____

DATE _____

COUNTY CLERK SIGNATURE: _____

DATE: _____