

VILLAGE OF EPHRAIM

FOUNDED 1853



Community Protection Committee Agenda
Thursday, September 5, 2024, 3:30 PM
Village Hall 9996 Water Street

NOTE: This Meeting of the Village Community Protection Committee will also be held via teleconferencing. It will be available to the public to attend in person or by computer, phone, tablet, or dial in. Connection information is included below in this notice.

1. Call to order
2. Changes in Agenda
3. Previous minutes – January 4, 2024
4. Visitors’ comments
5. Discussion on the Purchase of a New Fire Truck
6. Discussion and Consideration Animal Control
7. Discussion and Consideration of the 2025 Budget
8. Discussion on General Safety Issues in the Village
9. New business for the next meeting
10. Adjournment

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/704490293>

You can also dial in using your phone.

Access Code: 704-490-293

United States: [+1 \(872\) 240-3212](tel:+18722403212)

**It is possible that a quorum of the Village Board or other Village Committees may be present at the meeting. However, no action will be taken by any other Board or Committee unless specifically noticed.*

<hr/>	Date <u>8/30/2024</u>
Andrea Collak, Clerk	<input checked="" type="checkbox"/> Village Administrative Office
	<input checked="" type="checkbox"/> Visitors’ Center
	<input checked="" type="checkbox"/> Post Office
<hr/>	<input checked="" type="checkbox"/> Website: ephraim.wi.gov
Kim Roberts, Deputy Clerk	<input checked="" type="checkbox"/> Emailed to WDOR/ Peninsula Pulse

**VILLAGE OF EPHRAIM
COMMUNITY PROTECTION COMMITTEE MINUTES
MONDAY, JANUARY 4, 2024 – 3:30 PM
9996 WATER STREET**



ACTION ITEMS:

Dukehart moved, Hart seconded to approve the minutes of December 7, 2023, as corrected, all ayes. Motion carried.

Hart moved, Dukehart seconded to adjourn at 4:28 PM, all ayes. Motion carried.

Present: John Cox, Tad Dukehart, Laird Hart, Keith Krist, and Carly Mulliken - Chair.

Absent: None.

Staff: Justin MacDonald – Village of Ephraim Fire Chief and Kim Roberts - Deputy Clerk.

Guests: Mike Neal – DNR Warden, BD Thorp, and “Caller 01”.

1. **Call to Order:** The meeting was called to order by Mulliken at 3:30 PM. A quorum was present for this meeting.

2. **Changes to the agenda:** There were no changes.

3. **Approval of the previous minutes:**

Dukehart moved, Hart seconded to approve the minutes of December 7, 2023, as corrected, all ayes. Motion carried.

Mulliken pointed out the word “Ephraim” had a typo in section 8(d).

4. **Visitors’ Comments:** There were no comments.

5. **Discussion on various topics with Wisconsin DNR Warden Mike Neal:**

Mulliken provided background regarding concerns related to hunting season to commence a discussion with DNR Warden Mike Neal. She reviewed the Village of Ephraim Discharge Ordinance which prohibited the discharge of any firearm within the Village and permitted bow hunting. Krist asked who was in charge of regulating hunting on Land Trust properties within the Village. The Village does not allow the discharge of firearms and the Land Trust allows hunting with firearms from what he understands. Neal stated that the Land Trust properties while they are privately owned, are open to the public. It is essentially an access, so the Land Trust has the ability, depending on how the property was acquired, to not allow access to it for hunting. If the Land Trust took grant money to purchase the property, then they are required to mirror the rules that the state allows for hunting. If the property falls within a municipality that has a no-discharge ordinance that prohibits the use of firearms, then that becomes a local issue because it wouldn’t fall under any regulations of the Department of Natural Resources “DNR”; it would be an ordinance ticket. It would be up to the Land Trust to determine what properties they are going to allow access to.

Dukehart asked if the Village of Ephraim's No-Discharge Ordinance superseded the State DNR regulations.

Neal explained that a hunter could still archery hunt within the Village. The only thing that the Village can do is to have the No-Discharge Ordinance which prohibits the discharge of a firearm or some other device because of public safety. He further explained that duck hunting with a firearm in Eagle Harbor was permitted because the Village ends at the waterline. The second thing that is considered is public safety, if a shotgun is aimed at Michigan to shoot at a duck, then there is no public safety issue there. Some hunters hunt ducks and geese with bows and arrows. The only thing that the Village can do is regulate the discharge of a firearm and/or bow and arrow.

Further discussion was held regarding permission granted by the Land Trust to hunt. Neal explained that it is up to the Land Trust. He explained that the Ridges Sanctuary requires an access paper; a hunter has to have a document that states what parcels of Ridges Sanctuary land have been granted permission by the Ridge’s Sanctuary for the individual to hunt. Dukehart asked if a requirement for written permission documents should be added to the Village of Ephraim ordinance to hunt on Land Trust properties within the Village. Neal stated that it would be up to the Village but it still be a question of who would enforce it. The DNR would not enforce it and the Sheriff’s Office probably would not enforce it. It would likely be a private property agreement that the Village could request but it doesn’t have to be honored. Neal also cautioned the committee regarding issues that develop with splitting hairs over property lines and where the discharge originated from.

Neal clarified that the Village regulates the discharge of firearms. The Land Trust has control over access. However, depending on how the money was obtained to acquire the land, if a deed restriction was placed on a property, or if they got money from the DNR to allow them to purchase that property through a grant cycle, they would have to mirror the same rules for any state wildlife area.

Discussion continued about permissible locations for the discharge of firearms. Krist discussed hunters discharging from the road into Anderson Woods. Neal explained that if it was observed and not reported, that is an issue. People complain but won't report it; it's on the person who didn't call. We can't fix it if we don't know about it. Krist discussed previously having a constable and the decreasing amount of land to hunt due to development. Neal stressed that hunting cannot be banned, it is a legal activity which is justification for a No-Discharge Ordinance.

A discussion was held regarding DNR regulations relating to permissible discharge distances from homes, property lines, lawful engagement in hunting or fishing, baiting, permissible distance from shore (500 feet), lands of another permission, and hunting as a management tool. Neal reminded the committee that the ordinance does allow archery. In summary, local governments cannot regulate hunting but they can regulate discharge.

6. Discussion on Overhead Lighting within the Village:

A discussion was held regarding lighting within the Village. Mulliken reviewed the discussion from the December meeting regarding a specific dark spot within the Village. Krist expressed concern regarding dark spots on German Road specifically at German Road and Norway Street. Hart recapped Cox's concerns from December regarding the dark spot at the bottom of the hill by the golf course at the south end of the Village. Cox had questioned why after so many years of service was the light removed. Was it removed during the Streetscape project or at a different time? Mulliken suggested an organized approach to reviewing lighting within the Village. Dukehart asked if they were creating a problem they didn't have. He expressed concern about the cost and that the money could be spent in better ways. MacDonald noted lighting would be at the cost of the Village. Krist requested that they find out what the cost would be. Mulliken added it would be more powerful if the committee heard from residents that there was an issue. She also spoke about resident support of maintaining a dark sky. Cox stated that the streetlight that was removed had been there for decades. The basis of the conversation, Cox said, is safety. There has been an accident in that location. Mulliken suggested that she would continue the conversation with the chair of the Physical Facilities Committee, Matt Meacham and MacDonald.

7. Discussion on Vision Triangles with Ephraim Code of Ordinances:

A discussion was held regarding vision triangles. Dukehart suggested a letter be drafted to request that plantings be lowered to correct the visual problems / blind spots at intersections. MacDonald pointed out that some business signs could be an issue concerning the Vision Triangle Ordinance. Cox suggested that this was more of an administrative matter and that the history of the signs in question should be researched. Mulliken concluded she would speak with Administrator Bristol.

8. Update on requests from the Village to the Sheriff's Office for more patrol on CTH Q:

A discussion was held regarding the request for more patrol on CTH Q by the Door County Sheriff's office. The Village President has been looped in on the conversation and the Sheriff's Department is aware of the problem and has the speed data on file. It is to be determined if a letter is to be drafted to the Sheriff's Department to request additional presence on CTH Q and who would draft the letter.

9. Discussion of general safety issues in the Village: Nothing was discussed.

10. New business for the next meeting:

- a. Update on Vision Triangles.
- b. Update on requests from the Village to the Sheriff's Office for more patrol on CTH Q.

It was noted that there would be no meeting in February or March for the CPC Committee.

11. Adjournment:

Hart moved, Dukehart seconded to adjourn at 4:28 PM, all ayes. Motion carried.

Recorded by, Kim Roberts – Deputy Clerk

ANIMAL CONTROL OFFICER EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this date by and between the VILLAGE OF EGG HARBOR, Wisconsin (the "Village") and MARK RICHARD (the "Appointee").

RECITALS

The Village is desirous of retaining the services of the Appointee as its Animal Control Officer subject to and pursuant to the terms of this Agreement. The Appointee is desirous of serving the Village as its Animal Control Officer subject to the terms and conditions of this Agreement.

NOW, THEREFORE, the Parties hereto do hereby agree in and to the following:

1. PURPOSE. The Appointee shall serve the Village as its Animal Control Officer under and pursuant to the terms and conditions of this Agreement.
2. POSITION AND TERM. The Appointee's position as the Animal Control Officer for the Village is by and subject to appointment by the Village Board on an annual basis. The Appointee shall be an employee of the Village and the salary provided hereunder shall be subject to all federal and state employment tax withholding requirements. The initial term of this Agreement shall commence and be effective as of January 1, 2020 and continue for a term of twelve (12) months thereafter, expiring on December 31, 2020. This Agreement shall not automatically renew at the end of the term hereof, but shall be subject to review by the Village Board and annual appointment by the Village Board.
3. ANIMAL CONTROL OFFICER SERVICES. This services of the Appointee, as the Village's Animal Control Officer, shall be limited to responding to and the humane capture of abandoned, lost or stray domestic animals running or roaming at large within the Village (an "Animal Call"). The Animal Control Officer shall also be responsible for the safe and humane retention of domestic animals captured by the Animal Control Officer or abandoned or stray animals captured by others and surrendered to the Animal Control Officer. The Animal Control Officer shall further be responsible for the safe and humane transport of all domestic animals under his care and custody to the Door County Humane Shelter. The Animal Control Officer shall not be responsible for responding to animal noise complaints or animal bites. Such complaints shall be referred to the Door County Sheriff's Department. The Animal Control Officer shall further provide the Village with a monthly activity report, which report shall be filed each month, along with notice of owner, tag and identifier.
4. COMPENSATION. The Village shall pay the Appointee as compensation for services provided hereunder a salary of one hundred dollars (\$100.00) per month, which

compensation shall, subject to all federal and state withholding requirements be paid at the end of each month following the services provided.

5. ADDITIONAL FEES. In addition to the salary provided under Section 3, the Village shall also pay the Appointee for the following Animal Control Officer services:

- A. Thirty five dollars (\$35.00) per Animal ~~Call~~
- B. A mileage allowance as provided by the Internal Revenue Service approved mileage reimbursement rate for responding to Animal Calls and for the transport of animals to the Door County Humane Shelter.
- C. A fee of twelve dollars (\$12.00) for any animal retained by the Appointee overnight with a limit of one (1) night per animal.
- D. Additional fees as approved by the Village Board for related services.

6. INSURANCE COVERAGE. The Village shall provide the Appointee, as its Animal Control Officer, with general liability insurance coverage through the Village's standard liability insurance carrier.

7. TERMINATION. This Agreement may be terminated by either party, without cause, at any time, upon written notice to the other party.

8. NO ASSIGNMENT. This Agreement and the rights, responsibilities and obligations herein and hereunder, are personal to the Appointee and shall not be assigned in whole or in part by the Appointee to any third party.

IN WITNESS WHEREOF the Parties hereto, by their authorized representatives, have signed and entered into this Agreement as of this 01 day of 11, 2020.

VILLAGE OF EGG HARBOR

ANIMAL CONTROL OFFICER

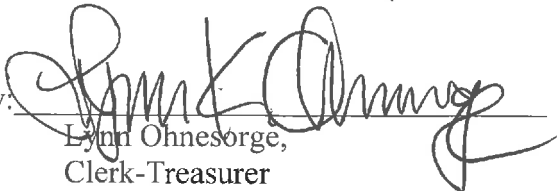
By:


John Heller,
Village President


Mark Richard

Attest:

By:


Lynn Ohnesorge,
Clerk-Treasurer

Sign Here

AGREEMENT

This Agreement made and entered into by and between the Town of Sevastopol ("Town") and Mark J. Richard (an individual), for providing services to the Town in the "appointed" position of "Animal Control Officer" for domestic cats and dogs for the period described and within the conditions as follows:

1. The General Liability Insurance coverage of the Town is provided to Mark Richard when acting in said position.
2. A salary of One Hundred Dollars (\$100.00) per month is established for the position and will be paid at the end of each month following the services provided and receipt of an invoice/voucher.
3. The following is also authorized:
 - \$35.00 – per animal, per call
 - \$12.00 – room and board per day, limited to a maximum of three (3) days
 - Mileage - the mileage reimbursement rate per call (round trip) and additional mileage when transporting to the Door County Humane Society (single trip only) shall be as determined by the Internal Revenue Service.
 - Actual costs for additional telephone time is permitted.
4. An activity report shall be included in each invoice/voucher submitted for payment to the Clerk/Treasurer by the end of each month, as authorized by the Town Board.
5. Information as to the owner, license and location of "pick up," date, etc., should be included in the activity report, when possible. When not available to provide the service (vacation, sickness, etc.), Town officials will deliver the animal to the Door County Humane Society.
6. This agreement shall commence January 1, 2024, and continue to 24:00 hours on December 31, 2025.
7. Cancellation of this agreement may be made by either party without cause during the time period referenced above.
8. Continuation of this agreement requires a review prior to the end of each year and WILL NOT be automatically renewed.
9. This service is for lost, found or stray animals and is not for complaints of noise or bites. Such complaints or concerns shall continue to be referred to the Door County Sheriff's Department.

TOWN OF SEVASTOPOL

By: _____

Dan Woelfel, Chairman

Dated: _____, 2023



Mark J. Richard

Dated: 10/5/23, 2023

4686 Willow Road, Egg Harbor WI 54209

CHAPTER 173

ANIMALS; HUMANE OFFICERS

173.01	Definitions.
173.03	Appointment of humane officer.
173.05	Certification required.
173.07	Powers and duties of humane officers.
173.09	Investigations.
173.10	Investigation of cruelty complaints.
173.11	Abatement of violations.
173.12	Animal fighting.
173.13	Taking custody of animals.
173.15	Provision of care, treatment or disposal services.

173.17	Records.
173.19	Animals considered unclaimed.
173.21	Holding animals for cause.
173.22	Review of seizure or withholding.
173.23	Disposition of animals.
173.24	Reimbursement for expenses.
173.25	Immunity for euthanizing animals.
173.27	Duties of the department.
173.41	Regulation of persons who sell dogs or operate animal shelters.

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. 89 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; 2015 a. 55.

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 ss. 95.21 and 944.18, 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; 2019 a. 162.

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 s. 944.18 or 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; 2019 a. 162.

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. 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.

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; 2015 a. 64, 233.

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.
8. An animal used in any crime under s. 944.18 or ch. 951 or that constitutes evidence of a crime under s. 944.18 or 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.
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. (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. If the humane officer or law enforcement officer takes custody of the animal under sub. (1) (a) 8., the humane officer or law enforcement officer shall explain the provisions of s. 173.22 (4) 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. If the humane officer or law enforcement officer takes custody of the animal under sub. (1) (a) 8., the notice shall explain the provisions of s. 173.22 (4).

(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; 2015 a. 233; 2019 a. 162.

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. (1) Except as provided in sub. (1m), 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. as an unclaimed animal subject to s. 173.23 (1m) if, within 4 days after custody is taken of the animal, it is not claimed by and returned to its owner under s. 173.23 (1).

(1m) Notwithstanding sub. (1), a political subdivision or person contracting under s. 173.15 (1) may not euthanize the animal taken into custody under s. 173.13 (1) (a) 1. before 7 days have elapsed after custody is taken, except to alleviate physical suffering or to protect the safety of shelter staff, volunteers, or the public.

(2) Except as provided in sub. (3), a political subdivision or person contracting under s. 173.15 (1) may treat any animal taken into custody under s. 173.13 (1) (a) 3., 4., or 9. as 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.

(3) If an animal is taken into custody under s. 173.13 (1) (a) 3., 4., or 9. and also taken into custody under s. 173.13 (1) (a) 1., only sub. (1) applies to that animal.

History: 1997 a. 192; 2015 a. 233.

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 used the animal in a crime under s. 944.18 or ch. 951 or that the animal constitutes evidence of a crime under s. 944.18 or ch. 951.

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

(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.** Except with respect to an animal taken into custody under s. 173.13 (1) (a) 8., 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; 2015 a. 233; 2019 a. 162.

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., or 6. or is wrongfully withheld under s. 173.21 (1) (b) or (d) 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 is withheld under s. 173.21 (1) (b) or (d), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:

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

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.

(4) **HOLDING AN ANIMAL INVOLVED IN A CRIME.** (a) An owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) may apply for the animal's return to the circuit court for the county in which the animal was taken into custody. No application under this paragraph may be made more than 30 days after the animal was seized. The court shall order

such notice as it considers adequate to be given the district attorney, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal, and all persons who have or may have an interest in the animal. The court shall hold a hearing to hear all claims to the animal's ownership within 20 days after a timely application is filed, and the hearing shall be given preference.

(b) In the hearing under par. (a), the court shall determine if the animal is needed as evidence or if there is reason to believe that the animal was involved in any crime under s. 944.18 or ch. 951. If the court determines that the animal is needed as evidence or that there is reason to believe that the animal was involved in any crime under s. 944.18 or ch. 951, the court shall order the animal to be retained in custody. If the court determines that the animal is not needed as evidence and that there is not reason to believe that the animal was involved in a crime under s. 944.18 or ch. 951, the court shall order the animal returned to the owner.

(c) If the owner files a timely application under par. (a) and the court orders the animal to be retained in custody under par. (b), no payment is due under par. (f) until 30 days after the court order. If the court orders an animal to be returned to its owner under par. (b), no payment is due under par. (f).

(d) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and its owner is charged with a crime under s. 944.18 or ch. 951, one of the following applies:

1. If all of the charges are dismissed or the owner is found not guilty of all charges, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to the owner unless the owner is subject to the restrictions under s. 944.18 (3) (c) 1. or 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.

2. If the owner is convicted of a crime under s. 944.18 or ch. 951, the animal shall be treated as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24.

(e) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and the district attorney or the department of justice notifies the political subdivision or person contracting under s. 173.15 (1) with custody of the animal that the animal's owner will not be charged with a crime under s. 944.18 or ch. 951, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to its owner unless the owner is subject to the restrictions under s. 944.18 (3) (c) 1. or 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.

(f) Subject to par. (g), the owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) is personally liable to the political subdivision or person contracting under s. 173.15 (1) with custody of the animal for the cost of the custody, care, and treatment of the animal. The political subdivision or person contracting under s. 173.15 (1) shall notify the owner in writing that he or she must pay for the outstanding costs of custody, care, or treatment of the animal upon demand. The political subdivision or person contracting under s. 173.15 (1) may demand such payment no more frequently than every 14 days and shall do so by 1st class mail to the owner's last-known address. If the amount demanded is received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall keep the animal in custody. Except as provided in par. (c), if the amount demanded is not received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall treat the animal as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24. The owner of the animal may challenge the reasonableness of the amount demanded under this paragraph by filing a petition with the court

within 20 days after the date the demand is mailed. The owner may not file a petition challenging the reasonableness of the amount demanded more than 20 days after the date the demand is mailed.

(g) The costs for which a person may be liable under par. (f) may include no more than \$30 per day in boarding costs for each animal in custody.

History: 1997 a. 192; 2015 a. 233; 2019 a. 162.

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. (3) (a) 3., (5) (c), or (6) or s. 173.13 (3) (c), 173.19, or 173.22 (4) (d) 2. or (f) 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. 173.21 (4) or 173.22 or disposed of under sub. (4) or (5) (a), it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).

(3) COURT ORDER. (a) A political subdivision or person contracting under s. 173.15 (1) 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, treatment as unclaimed under sub. (1m), or other disposal of the animal.

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(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. The court may not consider the impact of any payments made under s. 173.22 (4) (f) on these interests.

(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; 2015 a. 233.

173.24 Reimbursement for expenses. (1) A court shall assess the expenses under this section, minus any amounts paid under s. 173.22 (4) (f), 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 s. 944.18 or 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.

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(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 s. 944.18 or 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 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; 2015 a. 233; 2019 a. 162.

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, dis-

tribution, 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.

(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. 89 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 or bestiality in violation of s. 944.18 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.

(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. 89 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 s. 944.18 or 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.

(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.

173.41 ANIMALS; HUMANE OFFICERS

Updated 21–22 Wis. Stats. 8

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; 2015 a. 55; 2019 a. 162.

Cross-reference: See also ch. ATCP 16, Wis. adm. code.

Enhancing Animal Welfare Laws. Goode & Aizenberg. Wis. Law. Dec. 2011.



Ephraim Fire Department
P.O. Box 138, Ephraim, WI 54211
Fire Chief Justin MacDonald
Office: (920) 854-5501 Fax: (920) 854-2072
Cell: (920) 495-0039

2025 Equipment Purchases

<u>Item</u>	<u>Cost</u>
3 Sets of Turnout Gear	\$12,500.00
Replacement Hose	\$ 3,000.00
Hand Tools	\$ 2,000.00
2-Stabilizing Binoculars	\$ 2,000.00
Forcible Entry Prop	\$ 4,000.00
Crane For Boat	\$ 4,000.00
Nozzles	\$ 2,000.00
2 Cordless Tool Sets	\$ 2,500.00
Firefighter Safety Equipment (Gloves,Flashlights,Hoods)	\$ 2,000.00
Wrench Sets for Trucks	\$ 2,000.00
PFD's	\$ 600.00
Water Rescue Rope	\$ 1,000.00
Flotation Kit for Stokes Basket	\$ 1,500.00
Carabiners	\$ 300.00
Hose Fittings	\$ 2,000.00
Total	\$41,400.00



EPHRAIM FIRE DEPARTMENT BUDGET REQUEST FORM

Department Name: Fire	
Item Requested: Replacement of All Portable & Mobile Radios along with Pagers between the years of 2026-2028	
New Item: <input type="checkbox"/>	Existing Item Replacement: <input checked="" type="checkbox"/>
Approximate Cost: \$ 307,300.00 cost as of 2024 pricing	
Item Description: 30-Portable Radios \$183,300.00 (Carried by Firefighter and EMS providers main source of Fireground Communication) 20-Mobile Radios \$99,000 (Used in all FD Vehicles) 25-Pagers \$25,000 (Main source of alerting Firefighter and EMS providers of a Call)	
Justification: The county is in the process of upgrading our Radio System, the current system is very old, outdated and replacement parts are becoming very hard to find. The current system is an analog system and will reach its end of life in 2028. The new proposed system is a digital system which is the current standard for public safety. This upgrade a County Wide from Dispatch, Tower Sites and down to the day to day user, all Pubic Safety Agencies along with Highway Department, various City & Village Departments, Schools and others are involved in this.	

Category	Account Number	2025 Budget	2024 Year to Date	2024 Budget	2023 Budget	2022 Budget	2021 Budget	Increase	Decrease
Fire Department Salaries	100-50-52200-100	\$21,000.00	\$10,645.88	\$19,500.00	\$17,500.00	\$16,500.00	\$16,000.00		
SS/Med	100-50-52200-101	\$5,000.00	\$2,499.09	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00		
Retirement	100-50-52200-102	\$800.00	\$733.80	\$800.00	\$800.00	\$800.00	\$800.00		
Health Insurance	100-50-52200-103	\$3,000.00	\$930.61	\$3,000.00	\$3,000.00	\$3,000.00	\$3,500.00		
Disability Insurance	100-50-52200-104	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
Workers Comp.	100-50-52200-105	\$1,000.00	\$402.42	\$1,000.00	\$1,000.00	\$900.00	\$1,000.00		
LOSA (AD)	100-50-52200-106	\$8,000.00	\$0.00	\$8,000.00	\$8,600.00	\$8,500.00	\$8,500.00		
Property Insurance	100-50-52200-211	\$800.00	\$701.00	\$600.00	\$600.00	\$600.00			
Facility Maintenance/Repair	100-50-52200-302	\$7,000.00	\$1,160.82	\$7,000.00	\$8,000.00	\$8,000.00	\$10,000.00		
LP Gas	100-50-52200-304	\$1,400.00	\$691.94	\$1,400.00	\$1,400.00	\$1,200.00	\$1,200.00		
Vehicle Fuel	100-50-52200-310	\$5,500.00	\$1,663.80	\$5,500.00	\$5,500.00	\$5,000.00	\$5,000.00		
Cellphone	100-50-52200-312	\$800.00	\$296.13	\$800.00	\$800.00	\$1,000.00	\$1,000.00		
PP Equipment	100-50-52200-313								
Training/Conferences	100-50-52200-320	\$13,000.00	\$6,269.63	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00		
Office Supplies/Expenses	100-50-52200-333	\$300.00	\$83.60	\$300.00	\$400.00	\$400.00	\$500.00		
Professional Dues/Expenses	100-50-52200-335	\$1,000.00	\$974.10	\$700.00	\$900.00	\$1,000.00	\$1,000.00		
Vehicle Insurance	100-50-52200-340	\$5,500.00	\$3,970.08	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00		
Equipment Repair/Maintenance	100-50-52200-353	\$27,000.00	\$4,724.90	\$27,000.00	\$27,000.00	\$25,000.00	\$23,000.00		
Prevention Materials (AD)	100-50-52200-368	\$300.00	\$0.00	\$300.00	\$300.00	\$300.00	\$500.00		
Pager Maintenance	100-50-52200-370	\$500.00	\$42.45	\$500.00	\$500.00	\$500.00	\$500.00		
Equipment (AD)	100-50-52200-371	\$41,400.00	\$20,821.50	\$40,000.00	\$40,200.00	\$37,700.00	\$29,000.00		
Ephraim Fire Calls	100-50-52200-372	\$7,000.00	\$3,446.00	\$7,000.00	\$7,000.00	\$6,500.00	\$5,500.00		
Mid-Door Fire Calls	100-50-52200-373	\$0.00	\$253.00	\$0.00	\$2,000.00	\$2,000.00	\$2,000.00		
Mutual Aid Fire Calls	100-50-52200-374	\$8,500.00	\$2,928.00	\$8,500.00	\$5,000.00	\$4,000.00	\$4,000.00		
Ephraim Fire Meetings	100-50-52200-375	\$23,000.00	\$8,640.50	\$23,000.00	\$13,000.00	\$13,000.00	\$14,000.00		
Mid-Door Fire Meetings	100-50-52200-376	\$0.00	\$0.00	\$2,000.00	\$8,000.00	\$9,000.00	\$10,000.00		
Ephraim Event Calls	100-50-52200-378	\$475.00	\$333.25	\$475.00	\$300.00	\$300.00	\$300.00		
Inspection/Data Entry (AD)	100-50-52200-379	\$3,500.00	\$1,365.25	\$3,500.00	\$3,500.00	\$3,500.00	\$4,500.00		
Equipment Outlay	100-50-52200-810	\$4,000.00	\$1,101.44	\$4,000.00	\$5,000.00	\$5,000.00	\$5,000.00		
Other Improvement Outlay	100-50-52200-830	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
First Responder Expense	100-50-52300-377	\$9,000.00	\$11,134.40	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00		
Law Enforcement	100-50-52100-301	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00		
		\$203,775.00	\$85,813.59	\$201,375.00	\$196,800.00	\$189,700.00	\$182,800.00		