

**ORDINANCE  
ROCK COUNTY BOARD OF SUPERVISORS**

PUBLIC SAFETY & JUSTICE  
COMMITTEE and  
COUNTY BOARD STAFF  
INITIATED BY



JODI TIMMERMAN  
DRAFTED BY

AUGUST 1, 2018  
DATE DRAFTED

PUBLIC SAFETY & JUSTICE  
COMMITTEE and  
COUNTY BOARD STAFF  
SUBMITTED BY

AMENDING SECTION 3.209 OF THE ROCK COUNTY ORDINANCES

1 The Rock County Board of Supervisors at its regular meeting this 27<sup>th</sup> day of September  
2 2018, does ordain as follows:

3  
4 I. Section 3.209 of the Rock County Code of Ordinances shall be amended to read as follow  
5 (new language underscored, deleted language crossed-out);

6  
7 **3.209 Dogs Running Animals at Large, Untagged Dogs and Dogs Rabies Program**

8  
9 (1) An owner, keeper, or custodian of an animal shall not permit, whether negligently or  
10 otherwise, the animal to run at large. An animal is considered to be running at large if it is off the  
11 premises of the owner, keeper, or custodian and not under the control of the owner, keeper, or  
12 custodian.

13  
14 (2) If the owner, keeper, or custodian of an animal negligently or otherwise permits an animal to  
15 run at large, he/she shall forfeit not less than \$25 nor more than \$100 for the first offense and not  
16 less than \$50 nor more than \$200 for subsequent offenses.

17  
18 (3) The following Wisconsin Statutes relating to dogs are hereby adopted and incorporated  
19 herein by reference including all changes, amendments and revisions now or hereafter made  
20 thereto:

21  
22 (A)~~1~~. 174.02 (2) PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE.  
23 (a) *Without notice.* The owner of a dog shall forfeit not less than \$50 nor more than  
24 \$1002,500 if the dog injures or causes injury to a person, domestic animal livestock,  
25 property, deer, game birds or the nests or eggs of game birds.

26 (b) *After notice.* The owner of a dog shall forfeit not less than \$100200 nor more  
27 than \$5005,000 if the dog injures or causes injury to a person, domestic animal  
28 livestock, property, deer, game birds or the nests or eggs of game birds, and if the  
29 owner was notified or knew that the dog previously injured or caused injury to a  
30 person, domestic animal livestock, property, deer, game birds or the nests or eggs of  
31 game birds.

32  
33 (B)~~2~~. 174.042 (2) & (3) ~~Dogs running at large and~~ Untagged Dogs Subject to  
34 Impoundment; Penalties.

35  
36 (1) ~~Dogs Running At Large.~~ A dog is considered to be ~~running at large~~ if it is off  
37 the ~~premises of its owner and not under the control of the owner or some other~~  
38 ~~person.~~

39  
40 (2) UNTAGGED DOG. A dog is considered to be untagged if a valid license tag is  
41 not attached to a collar which is kept on the dog whenever the dog is outdoors unless  
42 the dog is securely confined in a fenced area.

18-9A-065

43 (3) DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO  
44 IMPOUNDMENT. Any officer ~~may and a humane officer~~ shall attempt to capture  
45 and restrain any dog running at large and any untagged dog.  
46

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

51  
52 (C)3. 95.21 Rabies control program.  
53

54 (2) RABIES VACCINATION REQUIRED FOR DOGS.

55 (a) *Requirement for vaccination.* Except as required in s. 174.054 or sub. (9)(d),  
56 Wis. Stats., the owner of a dog shall have the dog vaccinated against rabies by a  
57 veterinarian or, if a veterinarian is physically present at the location the vaccine is  
58 administered, by a veterinary technician, pursuant to s. 89.05(2)(d), at no later than 5  
59 months within 30 days after the dog reaches 4 months of age and revaccinated  
60 within one year after the initial vaccination. If the owner obtains the dog or brings  
61 the dog into this state after the dog has reached 5 4 months of age, the owner shall  
62 have the dog vaccinated against rabies within 30 days after the dog is obtained or  
63 brought into the state unless the dog has been vaccinated as evidenced by a current  
64 certificate of rabies vaccination from this state or another state. The owner of a dog  
65 shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is  
66 physically present at the location the vaccine is administered, by a veterinary  
67 technician, pursuant to s. 89.05(2)(d), before the date that the immunization expires  
68 as stated on the certificate of vaccination or, if no date is specified, within 3 years  
69 after the previous vaccination.  
70

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

73 (a) *Quarantine or sacrifice of dog or cat.* An officer shall order a dog or cat  
74 quarantined if the officer has reason to believe that the animal bit a person, is  
75 infected with rabies or has been in contact with a rabid animal. If a quarantine  
76 cannot be imposed because the dog or cat cannot be captured, the officer may kill the  
77 animal. The officer may kill a dog or cat only as a last resort or if the owner agrees.  
78 The officer shall attempt to kill the animal in a humane manner and in a manner  
79 which avoids damage to the animal's head.  
80

81 (5) QUARANTINE OF DOG OR CAT.

82 (a) *Delivery to isolation facility or quarantine on premises of owner.* An officer  
83 who orders a dog or cat to be quarantined shall deliver the animal or shall order the  
84 animal delivered to an isolation facility as soon as possible but no later than 24 hours  
85 after the original order is issued or the officer may order the animal to be quarantined  
86 on the premises of the owner if the animal is immunized currently against rabies as  
87 evidenced by a valid certificate of rabies vaccination or other evidence. If an officer  
88 delivers a dog or orders a dog to be delivered to an isolation facility and the dog is  
89 exempt from the requirement to be vaccinated against rabies under sub. (9)(d), the  
90 owner of the dog may choose an isolation facility that is a veterinary hospital.  
91

92 (10) PENALTIES.

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

96 (b) *Refusal to comply with order or quarantine.* An owner who refuses to comply  
97 with an order issued under this section to deliver an animal to an officer, isolation  
98 facility or veterinarian or who does not comply with the conditions of an order that  
99 an animal be quarantined shall be fined not less than \$100 nor more than \$1,000.  
100

02 (4) Abatement of Violations.

03  
04 (A) Issuance of Order. If a humane officer or law enforcement officer after investigation  
05 has reasonable grounds to believe that a violation of a statute or ordinance is occurring  
06 and the violation is causing or has the potential to cause injury to an animal, the humane  
07 officer or law enforcement officer may issue and serve an order of abatement directed to  
08 named persons.

09  
10 (B) Content of Order. An abatement order issued under sub. (A) shall contain all of the  
11 following:

- 12 (1) The name and address of the person to whom directed.
- 13 (2) The statute or ordinance alleged to be violated.
- 14 (3) A prohibition on further violations.
- 15 (4) A description of measures necessary to correct the alleged violation.
- 16 (5) A description of the hearing and appeal provisions under subs. (C) and (E)

17  
18 (C) Hearing. Any person named in an abatement order may appeal such order to the  
19 Rock County Administrator or his/her designee within 10 days of service of the order. The  
20 hearing shall be held within 10 days after the request is made, unless the requester agrees  
21 to a later date. The hearing shall be informal in nature.

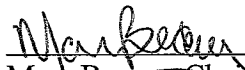
22  
23 (D) Decision. Within 10 days after the hearing, the Rock County Administrator or  
24 his/her designee shall affirm the order, modify and affirm the order or withdraw the order.

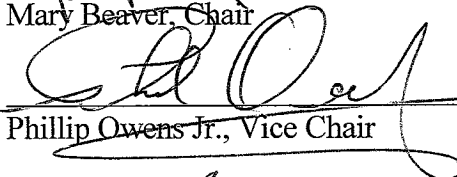
25  
26 (E) Appeal. Any person adversely affected by a decision under sub. (3) may seek judicial  
27 review by commencing an action in circuit court within 30 days after the day that the  
28 decision is issued.

29  
30 II. Section 3.209 shall be effective upon publication.

Respectfully submitted:

PUBLIC SAFETY AND JUSTICE COMMITTEE

  
\_\_\_\_\_  
Mary Beaver, Chair

  
\_\_\_\_\_  
Phillip Owens Jr., Vice Chair

  
\_\_\_\_\_  
Terry Fell

  
\_\_\_\_\_  
Brian Knutson

  
\_\_\_\_\_  
Kara Hawes

COUNTY BOARD STAFF COMMITTEE



J. Russell Podzilni, Chair



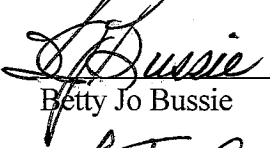
Mary Maxhinney, Vice Chair



Richard Bostwick



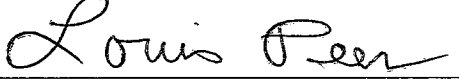
Hank Brill



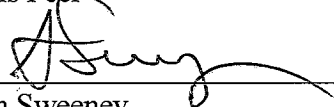
Betty Jo Bussie



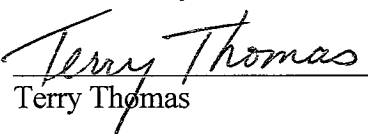
Bob Yeomans



Louis Peer



Alan Sweeney



Terry Thomas

FISCAL NOTE:

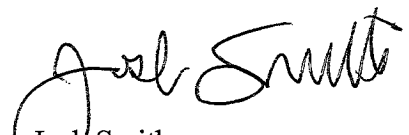
Minimal fiscal impact.



Sherry Oja  
Finance Director

ADMINISTRATIVE NOTE:

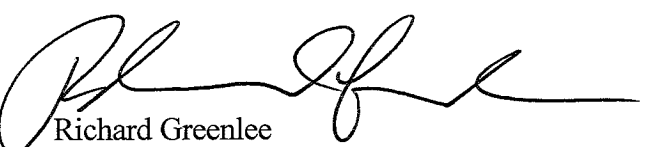
Recommended.



Josh Smith  
County Administrator

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes section 59.02(2).



Richard Greenlee  
Corporation Counsel

## EXECUTIVE SUMMARY

### Amending Section 3.209 of the Rock County Ordinances

This ordinance amendment would expand the authority of the Humane Officer and the Rock County Sheriff's Office with regard to any animal running at large, rather than limiting the ordinance to dogs. From time to time, issues arise with larger animals who are at large and creating a danger to the public as the result of being on highways and not properly controlled.