

**WAUPACA COUNTY BOARD OF SUPERVISORS  
ADJOURNED ORGANIZATIONAL SESSION  
OCTOBER 25, 2005**

Chair Koeppen called the meeting to order at 9:00 a.m. with 27 members present.

Present: Suprs. Aasen, Allen, Barrington, Brown, Craig, Flease, Flink, Gabert, Hillskotter, Hurlbut, Johnson, Jonely, Koeppen, Kussmann, Lawrence, Loughrin, Mares, Murphy, Penney, Peterson, Rasmussen, Sasse, Sorensen, Steenbock, Trambauer, Trudell, Whitman.

Chair Koeppen made the open meeting statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

A moment of silent meditation was observed followed by the Pledge of Allegiance.

Supr. Rasmussen moved and Supr. Murphy seconded the motion to approve the agenda. Motion carried 27-0.

Supr. Flink moved and Supr. Steenbock seconded the motion to approve the minutes from the September 27, 2005 meeting. Motion carried 27-0.

**SHERIFF'S DEPARTMENT PRESENTATION  
Sheriff Steve Liebe & Captain Terry Wilz**

Sheriff Liebe and Captain Terry Wilz presented Det. Sgt. Darold Krueger with a plaque for his years of service on the Emergency Response Unit.

**WAUPACA COUNTY CONSERVATION  
CONGRESS REPRESENTATIVE  
Todd Close**

Bruce Bushweiler introduced Todd Close. Todd explained Conservation Congress, what its function is, and what programs the Conservation Congress is working on. Todd thanked the Board for the continued support.

**2006 PROPOSED BUDGET  
Jim Bernhagen, Finance Director**

Jim Bernhagen presented the proposed 2006 budget, gave a brief overview, and reviewed the Budget Summary. The Summary of Waupaca County's 2006 Proposed Operating, Special Purpose and Debt Service Budget sheet is on the following page. Chair Koeppen placed the 2006 Proposed Budget on file in its entirety in the County Clerk's Office.

Chair Koeppen called for a recess. Chair Koeppen called the meeting back to order.

**REPORT NO. 13 (2005-2006)**  
**2004 Clerk of Courts Annual Report**  
**Terrie Tews, Clerk**

Terrie Tews reported on the changes in the Clerk of Courts office and how municipal courts impacts the Clerk of Courts office. Chair Koeppen placed the report on file in the County Clerk's Office.

**REPEAL AND RECREATE CHAPTER 12**  
**OF THE WAUPACA COUNTY CODE OF ORDINANCE**

**WAUPACA COUNTY ANIMAL CONTROL ORDINANCE #12**

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**12.01 STATE LAWS ADOPTED**

This Ordinance hereby adopts the provisions of Section 95.21, Chapters 173, 174 and 951 of the Wisconsin Statutes and ATCH Chapter 13 of the Wisconsin Administrative code, exclusive of any penalties.

**12.02 INTERPRETATION**

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

**12.03 APPLICABILITY**

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

**12.04 DEFINITIONS**

- A. Words or phrases, unless specifically defined, shall be interpreted as having the same meaning as they have in Wisconsin Statutes, Wisconsin Administrative Codes and/or judicially interpreted by Wisconsin Case Law.
- ~~B.~~B. Animal: includes every living warm-blooded creature, except for human beings, reptiles or amphibians.
- ~~C.~~C. Animal at Large: any animal shall be deemed to be at large when off the property of the owner and not under the control of the owner or some other person.
- ~~D.~~D. Animal Control Officer: means any person designated by a government agency (county or town), to enforce the adopted ordinances of the County and the State Statutes, as they pertain to animal control, except authority restricted to humane officers under section 173.07 Wisconsin Statutes.
- ~~E.~~E. Animal Shelter: means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding and caring for animals held under the authority of this Ordinance or State Law.
- ~~F.~~F. Confined: means the restriction of an animal at all times by the owner or an agent of the owner to an escaped proof building, vehicle or other enclosure.
- ~~G.~~G. DATCP: means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- ~~H.~~H. Domestic Animal: means any animal, which normally can be considered tame and converted to home life or livestock.
- ~~H.~~H. Dwelling Unit: means a building or portion thereof, designated or used exclusively for residential purposes.

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~~J.~~ Exotic Animal: any animal that is not normally domesticated in the United States or is wild by nature.

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

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

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

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

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

- ~~1.~~ Molesting passers-by or passing vehicles.
- ~~2.~~ Attacking persons or animals without provocation when said persons or animals were peacefully conducting themselves where they were lawfully entitled to be.
3. Trespassing on school grounds, parks, or cemeteries.
4. Being repeatedly at-large, where repeatedly means at least two times.
- ~~4.~~5. Damaging private or public property.
6. Barking, whining or howling in a continuous manner for time duration of one hour or longer.

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

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

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~~R.~~ Veterinarian: means a person who is currently licensed in the State of Wisconsin to practice veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

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

~~T.T.~~ Vicious Animal: an animal will be considered vicious if within any twelve month period, it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises.

~~U.U.~~ Wild Animal: means any indigenous, warm-blooded mammal, which is now or historically has been found in the wild.

~~V.V.~~ Cruel: means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

#### 12.05 ADMINISTRATION

~~A.A.~~ Authority: This animal control ordinance was adopted by the Waupaca County Board pursuant to the administrative authority granted for such ordinance by section 95.21 Wisconsin Statutes.

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~~B.B.~~ Administration: The Animal Control Ordinances shall be cooperatively administered under the Waupaca County Health Officer along with the Waupaca County Sheriff's Department, the Waupaca County Board of Supervisors, and the designated Waupaca County Board committee.

~~C.C.~~ Enforcement: Enforcement shall be under the direction of the town designee and/or a trained individual and the Waupaca County Sheriff's Department, using written protocols. Unusual cases will necessitate consultation with the veterinary advisor.

#### 12.06 PROGRAM EXPENDITURES SUPPORTED BY LICENSE FEES

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

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~~1.1.~~ On an annual basis after receipt of the same, the County Treasurer shall pay to the State Treasury five percent (5%) of the minimum tax provided for under section 174.05(2), Wisconsin Statutes, of all dog license taxes.

~~2.2.~~ Expenses necessarily incurred by the County in purchasing books, forms and other supplies required in the administering of the dog license law.

~~3.3.~~ Expenses incurred by the County under section 95.21(4)(b) and (8) Wisconsin Statutes.

~~B.B.~~ Surplus Funds: Any amount remaining in the fund after deducting the above expenses shall be made available for and may be used as far as necessary for paying claims allowed by the County to the owners of domestic animals, for damages done by dogs during the license year for which taxes were paid. These

claims are limited to One Thousand Dollars (\$1,000.00) per incident. In addition, NO claim shall be paid to any person who has failed to obtain a license for a dog that is required to be licensed.

- ~~C~~.C. Liability: All claims filed under paragraph (~~B~~~~W~~) above, shall be solely against the dog license fund and shall not create any other liability on the part of the County.

#### 12.07 DOG LICENSE AND RABIES VACCINATION REQUIREMENT

- ~~A~~.A. Dog License: Except as provided in Section 174.054, Wisconsin Statutes, the owner of a dog more than five (5) months of age on January 1<sup>st</sup> of any year or five (5) months of age within the license year shall annually on or before the date the dog becomes five (5) months of age pay the dog license fee as provided in Section 174.15, Wisconsin Statutes, and obtain a dog license. Any license-eligible dog obtained during the license period or brought into the County must be licensed within thirty (30) days of obtaining the animal or bringing the animal into the County. The license year commences on January 1<sup>st</sup> and ends on the following December 31<sup>st</sup>. Proof of rabies vaccination in the form of a signed certificate from a veterinarian (See Section E below) shall be presented at the time of licensing to the city, village, Town Treasurer or ~~County~~ Clerk issuing the license pursuant to Section 174.05 and 174.07, Wisconsin Statutes. The licensing person shall prepare the report to the County Clerk as prescribed in Section 174.08, Wisconsin Statutes.

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- ~~B~~.B. Multiple Dog License: A single owner having possession of five (5) or more adult dogs shall be required to obtain a Multiple Dog License. Such owner shall pay the license fee as prescribed by the County pursuant to Section 174.053, Wisconsin Statutes. Tags shall be issued for all dogs pursuant to Section 174.07, Wisconsin Statutes.

- ~~C~~.C. Kennel: A person who keeps or operates a kennel may, instead of obtaining individual licenses for each dog, apply for a kennel license for the keeping or operating of the kennel. The kennel owner or keeper shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old. Tags may be transferred from one dog to another whenever a dog is removed from the kennel.

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

- ~~E~~.E. Re-Vaccination: The owner of a dog shall have the animal re-vaccinated before the date that the immunization expires, as stated on the certificate. If no

expiration date is specified on the certificate, within one (1) year of the previous vaccination.

- ~~E.F.~~ Rabies Vaccination Certificate: This Ordinance adopts the provisions of Section 95.21(2)(b), Wisconsin Statutes.

## 12.08 ANIMAL BITE AND QUARANTINE PROTOCOL

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

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- ~~1.1.~~ A law enforcement officer or their designee 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.
- ~~2.2.~~ If the quarantine cannot be imposed because the dog or cat cannot be captured, the law enforcement officer or their designee may kill the animal.
- ~~3.3.~~ The law enforcement officer or their designee may kill a dog or cat only as a last resort or if the owner agrees.
- ~~4.4.~~ The law enforcement officer or their designee shall attempt to kill the animal in a humane manner and in a manner, which avoids damage to the animal's head.
- ~~5.5.~~ A law enforcement officer or their designee 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.
- ~~6.6.~~ A law enforcement officer or their designee may order killed or may kill a dog or cat if the owner of the dog or cat violates section B(1), (2) or (3).
- ~~7.7.~~ A law enforcement officer or their designee who kills an animal shall arrange delivery of the carcass to a veterinarian.
- ~~8.8.~~ The veterinarian 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.

- ~~B.B.~~ Quarantine of a dog or cat.

- ~~1.1.~~ Delivery to isolation facility or quarantine on premises of owner: An officer who orders a dog or cat to be quarantined shall arrange delivery of 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.

- ~~2.~~ 2. 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. "Supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation, and on one intervening day. If the observation period is not extended and the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- ~~3.~~ 3. Risk to animal health: If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian or isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after the exposure to a rabid animal.
- ~~4.~~ 4. Sacrifice of a dog or cat exhibiting symptoms or rabies: If a veterinarian determines that a dog or cat exhibits symptoms or rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person the veterinarian shall notify the person or the person's physician.
- ~~5.~~ 5. NOTE: All suspected animals are assumed to be rabid unless proven negative for rabies by the State Lab of Hygiene.
- ~~C.~~ C. The owner of any animal involved in a bite incident 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.
- ~~D.~~ D. Failure of the owner to deliver an animal to a veterinarian or place quarantine as directed within twenty-four (24) hours shall be grounds for a judge to issue an order authorizing the animal control officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.



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

## 12.09 RESTRAINT

~~A.A.~~ Restraint: All owned animals shall not be permitted to run at large.

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

~~C.C.~~ Declaration of a Vicious Animal: The Animal Control Officer of the County or town or any Law Enforcement Officer, after conducting an investigation into the circumstances surrounding an unprovoked attack, is hereby empowered to declare an owned animal in question vicious. The owner of the animal shall be served personally or by certified mail with return receipt requested, with an order declaring the animal vicious. Any owner aggrieved by said order may petition to the Waupaca County Board's designated committee for review of the order.

Upon receipt of the petition, the ~~Board-Committee~~ shall schedule and conduct a hearing in conformance with Wisconsin Statutes, Chapter 227. After the hearing, the owner shall be notified in writing of the determination. If the owner or caretaker of the animal contests the determination, he/she may (within 30 days) seek review of the decision by the circuit court.

~~D.D.~~ When an animal has been declared vicious, the owner shall comply with the following: While on the owner's or caretaker's property, the animal must be either securely confined indoors; or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping, or causing further injury. The pen or structure must be constructed with chain link fencing on all four sides and enclosed at the top using material of sufficient tensile strength to prevent escape. The sides of the pen must be imbedded in the ground no less than two feet, or have a concrete pad for the bottom; or securely confined using a material of sufficient tensile strength to adequately confine the animal without risk of breaking if the animal is large and aggressive.

~~E.E.~~ While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a suitable chain or leash not exceeding four feet in length and under the control of the owner or the owners immediate family of at least 16 years of age. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

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

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

#### 12.10 REPORTING OF ANIMAL BITE INCIDENTS

Health care providers, attending physicians, and attending veterinarians are required to report all incidents of suspected and/or confirmed animal bites on persons in Waupaca County within twenty four (24) hours to the appropriate law enforcement agency. This includes bites occurring to the owner or immediate family. In the case that no health care providers, physicians, or veterinarians are contacted, the owner is responsible for reporting the incident within twenty four hours.

#### 12.11 IMPOUNDMENT, QUARANTINE, AND VIOLATION NOTICES

~~A.A.~~ Animals at Large: Animals at large shall be referred to the local governmental authority and impounded in a temporary or permanent animal shelter and confined in a humane manner.

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

~~C.C.~~ Lawful Killing of a Dog: A person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog and other restraining actions were tried and failed; or, immediate action is necessary. 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 other restraining actions were tried and failed; or, immediate action is necessary.

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

~~E.E.~~ Animals Not Reclaimed: Any animal not reclaimed by it’s owner within seven (7) days becomes the property of the local governmental authority and shall be placed for adoption in a suitable home or humanely euthanized, preferably by lethal injection. Cost for impounding and euthanization shall be at the owner’s expense. ~~If the owner is not known costs for impounding and euthanization shall be that of the local town from where the animal was detained.~~

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~~F.F.~~ NOTE: An animal owner aggravated by such quarantine may, within thirty (30) days, petition the designated County Board Committee for a hearing. The Board shall conduct a hearing within ten (10) days after receiving the petition to determine if the quarantine shall remain in effect or be withdrawn. The Department of Agriculture, Trade and Consumer Protection Division of Animal Health, the State of Wisconsin Humane Officer and/or the Wisconsin State Rabies Program, or a Wisconsin Licensed Veterinarian may be consulted for a determination based on the circumstances of the incident and the animal(s) species involved. The quarantine remains in effect until after the hearing unless properly released pursuant to this Ordinance.

#### 12.12 ANIMAL CARE AND NEGLECT

This Ordinance adopts the provisions of Wisconsin Statutes, Chapter 951 to address crimes against animals, using clarifications and references provided by the State of Wisconsin Humane Officer as a guideline in making such determinations. The County appointed Humane Officer shall attend, when possible, training as offered by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

#### 12.13 ANIMAL WASTE

~~A.A.~~ The owner or person having immediate control of an animal shall promptly remove and dispose of, any excreta left or deposited by the animal upon public or private property (~~other than property owned by the animal owner~~). This shall be inapplicable in cases in which a person is being assisted by a trained assistance animal, or in the case of the transportation of animals or the transport of animals.

~~B.B.~~ All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards. (Wis. Stats. 951.14(4))

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#### 12.14 DEAD ANIMAL DISPOSAL

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

#### 12.15 EXOTIC ANIMALS

- A. Any exotic animal kept in the County of Waupaca shall be contained in a pen or enclosure of proper size and strength as to prohibit the animals escape.
- B. It shall be the duty of each individual city, town, or local municipality to regulate or implement any ordinance concerning the sale or keeping of exotic animals, as they see fit. If at any time, County personnel are needed in order to contain,

capture, or humanely destroy an exotic animal, the animal owner will be responsible for the costs associated. ~~If the owner is not known, the town or local municipality in which the animal is detained will be responsible for the costs.~~

## 12.16 ENFORCEMENT

- ~~A.A.~~ Civil and Criminal Provisions: This Ordinance shall be enforced by the Waupaca County Humane Officer, or any other law enforcement persons.
- ~~B.B.~~ Interference with Officer: Law enforcement agency personnel or their designee, are authorized to catch and impound animals at large with such authorizations to include the pursuit of animals upon non-animal owner private property. It shall be a violation of this Ordinance to interfere with the Animal Control Officer, Law Enforcement Officer, Humane Officer, trained individual or Waupaca County Health Department employee in the performance of their duties.
- ~~C.C.~~ Tampering with Signs: Anyone tampering with signs posted pursuant to this Ordinance shall be subject to forfeiture.
- ~~D.D.~~ Release of Animal: Only authorized person or persons receiving proper authorization have the authority to release an animal from a pen, cage or holding facility.
- ~~E.E.~~ Dangerous Animals: A Wisconsin Licensed Veterinarian shall be consulted and/or utilized to assist in tranquilizing or otherwise handling dangerous animals.

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## 12.17 PENALTIES

- ~~A.A.~~ Any person violating any provision of this Ordinance shall be subject to forfeitures as listed below. If any violation continues, each day of continued violation shall be deemed a separate violation.
- ~~B.B.~~ Vaccination Violation: Vaccination enforcement as set forth in Wisconsin Statutes 95.21. Any person having a dog with no verifiable current rabies vaccination shall pay a forfeiture of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) for subsequent offenses.
- ~~C.C.~~ Quarantine Violation: Failure to comply with quarantine or to deliver an animal to an officer or isolation facility or veterinarian, shall be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- ~~D.D.~~ Animals at large: The owner(s) of animals running at large shall be subject to a fine of twenty-five dollars (\$25.00) to one-hundred dollars (\$100.00) plus court costs.
- ~~E.E.~~ Other Violations: Any person who violates any other provision except (B), (C) and (D) above, may be required to forfeit the following:

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1. 1<sup>st</sup> Forfeiture      \$50.00 - plus court costs
2. 2<sup>nd</sup> Forfeiture      \$100.00 - plus court costs
3. 3<sup>rd</sup> Forfeiture      \$200.00 - plus court costs
4. 4<sup>th</sup> Forfeiture      \$400.00 - plus court costs

**12.18 ABATEMENT OF VIOLATIONS**

- A. This ordinance hereby adopts Wis. Stats.173.11 concerning abatement of violations.
- B. The official(s) designated for the purposes of modifying or withdrawing abatement orders shall be the Waupaca County Legislative and Judicial Committee.

**12.19 TAKING CUSTODY OF ANIMALS**

- A. Pursuant to Wis. Stats. 173.13 the following individuals have authority to take animals into custody provided the condition or conditions outlined in Wis. Stats. 173.13 are present:
  1. A humane officer, on behalf of a political subdivision in which the humane officer has jurisdiction.
  2. Any law enforcement officer.
- B. When taking custody of an animal Wis. Stats. Ch. 173.13 shall be complied with I in its entirety.

**12.20 DUTIES OF TOWNS**

- A. It shall be the duty of each town in Waupaca County to provide on an annual basis to the Waupaca County Clerk, the following information:
  1. A list of individuals appointed to perform animal control duties.
  2. A list of approved shelter facilities that may be utilized by their town in the event an animal is taken into custody.

**12.21 COSTS ASSOCIATED**

- A. All costs associated with animal control violations, impoundment, quarantine, or abatement shall be the responsibility of the animal owner.

**12.22 CITATION**

This Ordinance may be enforced by issuance of citations by the Waupaca County Sheriff's Office or other county or town designee.

**12.23 SEVERABILITY**

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

**12.24 EFFECTIVE DATE**

This Ordinance shall take effect and be enforced immediately after the adoption by the Waupaca County Board of Supervisors and its publication as provided by law in the official newspaper of Waupaca County. Enacted on October 25, 2005 by Waupaca County Board of Supervisors.

**12.25 REPEAL OF PRIOR ORDINANCES**

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

Supr. Rasmussen moved and Supr. Sorensen seconded the motion to waive the reading of Waupaca County Code of Ordinances Chapter 12 and adopt Chapter 12. Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**AMENDMENT TO CHAPTER NO. 34  
Town of Farmington, A-G to C-G  
2005-493, Z-11-05**

Parcel #05-44-6, Z-11-05, Thomas A. & Jill J. Christensen, in Sec. 35, Town of Farmington for a Zoning Map Amendment from an A-G (General Agriculture) zone to a C-G (General Commercial) zone for boat sales, service and storage and retail storefronts.

An amendment to amend the Waupaca County Zoning Ordinance by changing the zoning classification of certain specified lands located in part of the SE ¼ of the SE ¼ of Sec. 35, Town of Farmington, lying along State Highway “22”, Waupaca County, Wisconsin, on approximately 7.02 acres.

Subject matter of this ordinance having been duly referred to and considered by the Waupaca County Planning and Zoning Committee and public hearing having been held after the giving of requisite notice of said hearing and a recommendation thereon reported to the Board of Supervisors, Waupaca County, Wisconsin as required by Section 59.97 of the Wisconsin Statutes, said Board does ordain as follows:

Section 1: The Zoning Map entitled Farmington Township, Detail Map B-16, Waupaca County is hereby amended by changing the zoning classification of the area shown on the attached map, which is made a part of the ordinance from an A-G (General Agriculture) zone to a C-G (General Commercial) zone.

Section 2: This ordinance shall be in full force and effect in the Town of Farmington upon filing with the County Clerk of Waupaca County a certified copy of a resolution

of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.

Section 3: All ordinances or parts of ordinances inconsistent with or in contravention of provisions of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk  
do hereby certify that the above Zoning  
Amendment was adopted on October 25, 2005.  
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Lawrence moved and Supr. Hurlbut seconded the motion to adopt the amendment to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**DENIAL OF ZONING AMENDMENT**  
**Town of Matteson**  
**ZA-3-05**

The Waupaca County Zoning Committee, having considered the petition No. ZA-3-05 on the 29<sup>th</sup> day of September, 2005 by Timothy M. Schley from an A-G (General Agriculture) zone to an M-G (General Manufacturing) zone for a trade or contractor's office and shop.

The following described lands: Located in part of the SE ¼ of the NE ¼ of Sec. 21, Town of Matteson, lying along Eulrich Road, Waupaca County, Wisconsin.

Approximately 5 acres.

Having held public hearings thereon, pursuant to section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

Based on the facts and evidence presented, the Committee's decision was to **DENY** the Petition for Zoning Map Amendment, but to **GRANT** a Conditional Use Permit only for the requested purpose as presented due to the following:

The Town Board of Matteson was in favor of the Conditional Use Permit with the following conditions:

1. The area **MUST** be kept clean at all times and the **STORAGE SHALL BE INSIDE THE BUILDING ONLY.**

2. The Committee will be reviewing this permit in one year from today's date, which would be by **September 29, 2006.**

Dated this 29<sup>th</sup> day of September, 2005.  
Waupaca County Zoning Committee  
by: /s/ John F. Penney, Chairman

Supr. Fleuse moved and Supr. Brown seconded the motion to approve the Denial to Zoning Amendment ZA-3-05. Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**RESOLUTION NO. 16 (2005-2006)**  
**County Remuneration for Care of Veterans Graves**

**WHEREAS**, all Wisconsin Counties are statutorily required to cover expenses incurred for the care of veterans graves and their wives/widows graves where proper and decent care would not otherwise be provided, and

**WHEREAS**, each year the Veteran Services office processes the cemeteries requests for remuneration of expenses for the care of veterans graves, historically without questioning the amount charged by the cemetery per grave, and

**WHEREAS**, last year the amount charged toward grave care by Waupaca County Cemeteries ranged from 60 cents per grave up to \$13.90 per grave, and

**WHEREAS**, this issue has been the topic of discussion among County Veteran Services Offices in recent years, and

**WHEREAS**, this issue was brought up at a previous Waupaca County Finance Committee meeting and

**WHEREAS**, the Waupaca County Finance Committee tasked the Veterans Service Officer and the Waupaca County Veteran Service Commission with studying this issue and bringing forth recommendations toward equitable remuneration of expenses to all participating cemeteries for the care of veterans graves, and

**WHEREAS**, a survey of other Wisconsin counties resulted in a 1/3 response rate the majority of which pay out a set value per grave averaged to \$4.00 per grave per year among those responding counties, and

**WHEREAS**, Waupaca County cemeteries as a whole averaged \$5.89 per grave for last year, and

**WHEREAS**, The Waupaca County Veterans Service Officer and Veteran Service Commission agree, based on studies and trends that \$5.00 per grave would be a fair and equitable standard remuneration to all participating cemeteries,



**NOW, THEREFORE BE IT RESOLVED** Waupaca County Board of Supervisors authorize a \$5.00 per grave remuneration to cemeteries for care of veterans graves becoming effective September of 2006, with a recommended periodic review for appropriate adjustments, and

**BE IT FURTHER RESOLVED** that the Waupaca County Veteran Service Officer notify, by letter, all participating Waupaca County Cemeteries of this change so they may fiscally prepare for the coming years.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE & PERSONNEL COMMITTEE BY:** /s/ James Loughrin, Gary Barrington, John F. Penney, Kay Hillskotter, Don Aasen, Duane R. Brown, Patricia Craig, Dick Koeppen

ATTEST:  
/s/ Mary A. Robbins, County Clerk

APPROVED AS TO FORM:  
/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Rasmussen moved and Supr. Craig seconded the motion to adopt Resolution No. 16 (2005-2006). Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**RESOLUTION NO. 17 (2005-2006)**

**SUBJECT:** The Health and Human Services Board recommended the Department first, become certified under HFS 36, Comprehensive Community Services (CCS), as a Medical Assistance Program for Children and adults with psychosocial needs, and second, create a CCS Advisory Committee to guide this program.

**WHEREAS,** the State of Wisconsin has created an opportunity for counties to earn Medical Assistance funding for local services provided to our county residents; and

**WHEREAS,** with the State opening up this new funding alternative allows our department the opportunity to better serve our county residents with our current funding sources; and

**WHEREAS,** one specific requirement for counties to obtain HFS 36 Certifications is that a local CCS Advisory Committee be formed; and

**WHEREAS,** the CCS Advisory Committee would be composed of three consumers (clients or their family members), two DHHS staff members, two local providers, and one Health and Human Services Board liaison.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Waupaca County Board of Supervisors approves the Department's request to receive certification under HFS 36 and that a CCS Advisory Committee be formed with the membership as presented.

**BE IT FURTHER RESOLVED** that all recommended appointments to the CCS Advisory Committee are presented to the Health and Human Services Board and Waupaca County Board of Supervisors for approval.

**AND BE IT FURTHER RESOLVED** that the CCS Advisory Committee will report directly to the Health and Human Services Board as other Department advisory committees.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE AND PERSONNEL COMMITTEE AND WAUPACA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD BY:** /s/ James Loughrin, Gary Barrington, John F. Penney, Kay Hillskotter, Don Aasen, Duane R. Brown, Patricia Craig, Dick Koeppen, Steve Goedderz, Howard Trudell, John Trambauer, Rose Mary Sasse, Patty Kappelman, Gerald M. Murphy

ATTEST:  
/s/ Mary A. Robbins, County Clerk

APPROVED AS TO FORM:  
/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Barrington moved and Supr. Trudell seconded the motion to adopt Resolution No. 17 (2005-2006). Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005

**RESOLUTION NO. 18 (2005-2006)**

**SUBJECT:** Detective Sergeant Investigator new position for the Sheriff's Department.

**WHEREAS**, the Waupaca County Sheriff's Department has requested an additional Detective Sergeant to meet the needs and demands of the Department; and

**WHEREAS**, the position has been reviewed and determined by the Law Enforcement and Finance and Personnel Committees to be recommended for approval to the County Board;

**NOW, THEREFORE, LET IT BE RESOLVED** that the Waupaca County Board of Supervisors does hereby approve one new position of Detective Sergeant effective January 1, 2006.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE AND PERSONNEL COMMITTEE BY:** /s/ James Loughrin, Gary Barrington, John F. Penney, Kay Hillskotter, Don Aasen, Patricia Craig, Dick Koeppen.

ATTEST:  
/s/ Mary A. Robbins, County Clerk

APPROVED AS TO FORM:  
/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Flink moved and Supr. Jonely seconded the motion to adopt Resolution No. 18 (2005-2006). Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**RESOLUTION NO. 19 (2005-2006)**

**SUBJECT:** Reserve Deputy increase in hourly wage

**WHEREAS**, the current cost of living and economy would justify a pay increase for the Reserve Deputies; and

**WHEREAS**, recruiting these “qualified” individuals for the Reserve Deputy positions has become extremely expensive to the applicant to maintain their uniforms and equipment at the current rate of pay; and

**WHEREAS**, this request has been reviewed and determined by the Law Enforcement and Finance and Personnel Committees to be recommended for approval to the County Board;

**NOW, THEREFORE, LET IT BE RESOLVED** that the Waupaca County Board of Supervisors does hereby approve increasing the Reserve Deputy wage from \$10.00 per hour to \$12.50 effective January 1, 2006.

**RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE AND PERSONNEL COMMITTEE BY:** /s/ James Loughrin, Gary Barrington, John F. Penney, Kay Hillskotter, Don Aasen, Patricia Craig, Dick Koeppen.

ATTEST:  
/s/ Mary A. Robbins, County Clerk

APPROVED AS TO FORM:  
/s/ Jeffrey J. Siewert, Corporation Counsel

Supr. Johnson moved and Supr. Mares seconded the motion to adopt Resolution No. 19 (2005-2006). Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**RATIFY 2005-2007 AFSCME, AFL-CIO CONTRACT**

Personnel Director Mandy Welch was available for any questions. Supr. Craig moved and Supr. Rasmussen seconded the motion to waive the reading of the tentative agreement and to ratify Local 2771 2005-2007 contract. Motion carried 27-0. Passed the 25<sup>th</sup> day of October, 2005.

**ANNOUNCEMENTS AND CORRESPONDENCE**

Chair Koeppen placed the following correspondence for October on file in the County Clerk’s Office: Waupaca County Economic Development Corp. Report and Revolving Loan Fund Report, Apportionment of State and County Taxes for Waupaca County, Capital Improvement Plan Year 2005-2006, Towns Association Quarterly Meeting Invitation, and Employee Newsletter.

Supr. Aasen moved and Supr. Trambauer seconded the motion to adjourn. Motion carried 27-0. Chair Koeppen declared the meeting adjourned at 10:55 a.m.