

**LANGLADE COUNTY
SPECIAL MEETING JOINT BOARD OF HEALTH AND PUBLIC SAFETY COMMITTEES**

Meeting Date: 01/16/2017

Time: 7:00 p.m.

Location: Health Service Center Community Room

CHAIRMAN: Robert Benishek, Board of Health and Arlene Bonacci (Acting Chr.), Public Safety

MEMBERS PRESENT: Robert Benishek, Richard Hurlbert, Julie Webb, Richard Schuh, Duff Leaver, Arlene Bonacci, Larry Poltrock

MEMBERS ABSENT: Holly Matucheski, Dale Dahms

OTHERS PRESENT: Louie Krivoshein, Rick Parilek, Dave Kautza, Ron Barger, John Schunke, Stephanie Thiede, Jon Petroskey, Joe Grennell, Marie Schuh, Pete Pennington, Ron Nye, Dave Solin, Robin Stowe, Judy Nagel and Sarah Lautzenhiser.

The meeting was called to order at 7:00 p.m., by Chairman Benishek at Health Service Center Community Room.

Pledge of Allegiance.

Motion by Bonacci, second by Hurlbert to excuse Supervisor Dahms and Supervisor Matucheski, all ayes, 2 absent, motion carried.

Approve/amend the Agenda of January 16, 2017 Joint Board of Health and Public Safety. No comment.

Public comment on agenda items, and consideration of requests for items to be added to future meeting agendas. None

Review animal control/humane officer discussion and proposal. Robin Stowe, Corporation Counsel, reviewed the draft Animal Control Ordinance stating that by adopting this Ordinance the following enumerated sections of the Wisconsin Statutes are adopted and made a part of the Code of Ordinances. Any act required to be performed or prohibited by any statute incorporated herein by reference is required by this section.

Chapter 95 of Wisconsin Statutes entitled "Animal Health".

Chapter 172 of Wisconsin Statutes entitled "Animals Distained or Doing Damage".

Chapter 173 of Wisconsin Statutes entitled "Animals; Humane Officers".

Chapter 174 of Wisconsin Statutes entitled "Dogs".

Chapter 951 of Wisconsin Statutes entitled "Crimes Against Animals".

The definition of "animal" for the purposes of this Ordinance includes all animals that are subject to the aforementioned state statutes.

Review process of handling animal related complaints

- a. **Role of Health Department**, Ron Barger, Health and Social Service Director, explained the process when a complaint is received by the Health Department about children and/or animal neglect or abuse. Ron stated that that the information is taken and Law Enforcement is contacted along with the Village or Township of the complaint received. Ron explained if they are at a residence for a different investigation and see any type of neglect to animal(s), they follow the County's policy and try and re-educate the owner of the animal and if it is out of their expertise, they call in a veterinary to look at the animal.
- b. **Role of Law Enforcement**, John Schunke, Interim Sheriff, stated that when a complaint is received from the Health Department or the Public, the Sheriff Department actively reacts to that complaint as quickly as possible, assessing the situation. If it is criminal, the Sheriff's Department will try to establish the elements of the crime and work with the individual to resolve the complaint whether it is through prosecution or re-education. The Sheriff's Department goes by the State Statutes on the determination of level of care. John stated that all individuals have a different level of care for their animals but the Sheriff's Department must follow the State Statutes. The Sheriff's Department is asked by the public why cases are not prosecuted or referred to the District Attorney more often and the answer given is with the resources available, the motivation of the owner and the best interest of the animal all parts of the procedure that law enforcement uses to determine if they enforce the State Statutes.

Discuss and review additional options for handling animal related complaints

- a. **Review proposed County ordinance adopting all State Statutes relating to animal care and control, the process of adoption and its application.** Robin Stowe, Corporation Counsel reviewed the proposed Ordinance adopting all State Statutes relating to animal care and control. It was noted that in the absence of this draft Ordinance, law enforcement has the authority to enforce these State Statutes and has done so, with at least 7 criminal cases prosecuted for animal abuse since 2011.

Activities involving the care, control and/or treatment of animals that violate the State Statutes incorporated by reference herein are declared public nuisances in violation of this Ordinance.

This Ordinance may be enforced by a Law Enforcement Officer, or by the County Humane Officer, consistent with the procedures set forth in the State Statutes incorporated by reference, including but not limited to the issuance of abatement orders.

Forfeitures for violations of this Ordinance are set forth in the penalty provisions contained in Section 25.04, Langlade County Code of Ordinances.

Prosecutions for violations of this Ordinance that are criminal in nature (i.e., violate a criminal statute such as Chapter 951) shall be referred to the District Attorney.

If any provision of this Ordinance is adjudged invalid by any Court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Ordinance.

This Ordinance shall not apply to any municipality within Langlade County which has adopted similar animal control ordinances.

Animals may be taken into custody, seized or surrendered with the owner's consent, or without the owner's consent subject to the procedures outlined in Chapters 173 and 951 of Wisconsin Statutes.

- b. **Review proposal to train County Health Department and law enforcement staff as Humane Officers.** Referral coming out of the Public Safety Committee felt there would be a benefit of training a Deputy as a Humane Officer. Having that person go through the state training for the Humane Officer, when an officer is called to scene, they can do the search, the investigation and the arrest. They can do everything and they would be knowledgeable of the process. It was also proposed to have a person from the Health Department also go through the State training to become a Humane Officer. It was noted that the County will need to adopt an Ordinance to recognize the designation of a Humane Officer.
- c. **Review establishment of a Memorandum of Understanding for receiving services from local veterinarians on animal related complaints.** Robin Stowe, Corporation Counsel, reviewed the draft proposed Memorandum of Understanding for providing veterinary services to Langlade County Sheriff's office and Langlade County Health Department.

When responding to animal-related complaints, the Langlade County Sheriff's Office and the Langlade County Health Department (hereinafter referred to as "County") may need to retain the services of a veterinarian who possesses the requisite knowledge to determine the health of a given animal and to provide advice regarding the proper care and treatment of a given animal. The services provided by the veterinarian would include inspecting the animal at the request of the County with the understanding that the County has either taken the animal into custody and/or that the County has secured the right for the inspection to take place on private property. In the event that the veterinarian provides these services on a voluntary basis (at no cost to the County), then the County agrees to indemnify and hold the veterinarian harmless for any claims filed against the veterinarian in providing services under this Memorandum of Understanding (MOU). In the event that the veterinarian charges the County a fee for providing services under the terms of this MOU, then the veterinarian shall be responsible for any claims filed against the veterinarian for providing services under this MOU. While providing services under this MOU, it is understood that the veterinarian is an independent contractor and no employment relationship with the County is expressed or implied.

A question was raised about allowing the veterinarian acting under the terms of the MOU to take an animal into their custody as this is likely the best practical approach and the statute does not prohibit this practice as a conflict of interest.

- d. **Review process of developing resources to care for "large" animals.** Robin Stowe, Corporation Counsel, stated that Langlade County will need to develop resources to care for large animals. Dr. Sarah indicated that she has been putting together a list of resources for the Humane Officer to utilize.
- e. **Discuss the needs for a "dog catcher" to collect dogs running at large.** Robin Stowe, Corporation Counsel, sent out a questionnaire to all Langlade municipalities on what the municipality's policies are for dogs at large. It was determined that the townships adhere to different policies and procedures, so Robin stated that this item will need to be discussed further in order to develop a plan that may work within all

municipal areas of Langlade County as a whole. It was noted that the current County Ordinance should be revised to clarify that the Langlade County Sheriff's Department will not be able to act as the "dog catcher" for all municipalities in the County.

- f. **Discuss the costs associated with the removal and/or care of animals (such as recovering the costs from the responsible party or seeking reimbursement from the local municipality).** The owner of the animal shall be responsible for any and all costs incurred by the County in the enforcement of this Ordinance, including but not limited to the costs of care, treatment and disposal. If the owner of the animal cannot be determined, or if the owner of the animal fails to reclaim an animal that has been taken into custody within seven (7) days of receiving notice to reclaim the animal, then the municipality from which the animal was taken into custody by law enforcement shall be responsible for the costs of care, treatment and disposal.

If the owner of the animal cannot be determined, or if the owner fails to reclaim an animal taken into custody under this Ordinance, then pursuant to the procedures set forth in Chapter 173 of Wisconsin Statutes, the animal may be released to another person or otherwise disposed of in accordance with Wisconsin Statutes and the policies of the facility accepting custody of the animal.

Discuss any recommendations for further action to be reported back to the County Board. Robin Stowe, Corporation Counsel, discussed the next step that would need to be taken at the committee level to have this proposed Ordinance brought before the County Board.

Motion by Bonacci, second by Schuh for the Public Safety Committee to take the lead in establishing the Humane Office within Langlade County. Supervisor Webb stated that when Health Department staff are trained, the Board of Health Committee would like to be involved in all decisions involving the Humane Officer, all ayes, motion carried.

Motion by Schuh, second by Hurlbert to adjourn the meeting at 8:30 p.m., all ayes, 2 absent, motion carried.

Also, request from Supervisor Bonacci to add the regulation of "exotic" animals to the draft Ordinance.

Respectfully Submitted,

Becky Rank, Recording Secretary