

Ordinance No. 40-11

Ordinance To Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic  
Animals  
(Wisconsin Statute § 174.11(5))

TO THE HONORABLE SUPERVISORS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
POLK:

¶1 WHEREAS, § 174.11, Wis. Stats., permits persons who have claims for damages by dogs to certain domestic animals to bring such claims against the County Dog License Fund; and,

¶2 WHEREAS, § 174.11(4), Wis. Stats., requires the County Board to allow the fair market value of the domestic animal as the amount of the claim for domestic animals killed by a dog; and,

¶3 WHEREAS, § 174.11(4), Wis. Stats., requires that the County Board allow the costs of the injury to a domestic animal, including any loss of fair market value, but not to exceed the fair market value of the domestic animal, as the amount of the claim for a domestic animal injured or killed by a dog; and,

¶4 WHEREAS, § 174.11(5), Wis. Stats., authorizes the County Board to establish the maximum amount that may be allowed for a claim under § 174.11, Wis. Stats., regardless of fair market value; and,

¶5 WHEREAS, the County of Polk has designated the Arnell Humane Society to provide a pound for collecting, caring for, and disposing of dogs; and

¶6 WHEREAS, § 174.09(2), Wis. Stats., provides that in counties that have designated county humane society that moneys in the Dog License Fund may pay for the county's expenses incurred in administering the dog license law and the expenses incurred by a humane society designated by the county in collecting, caring for, and disposing of dogs; and

¶7 WHEREAS, § 174.09(2), Wis. Stats., further provides that after paying such expenses incurred by the county and the county designated humane society, the amount remaining in the Dog License Fund shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid; and

¶8 WHEREAS, § 174.09(2), Wis. Stats., further provides that any surplus in excess of \$1,000 which may remain from the dog license taxes of any license year shall on March 1 of the succeeding year be paid by the county treasurer to the county humane society designated by the county board to provide a pound.

¶9 WHEREAS, unlimited claims under § 174.11, Wis. Stats., could exhaust the Dog License Fund.

¶10 NOW, THEREFORE, that pursuant to §174.11(5), Wis. Stats., the Polk County Board of Supervisors does ordains as follows:

Section 1: Purpose:

This ordinance limits the amount that the Polk County Board of Supervisors may allow for claims that are processed for damages by dogs to certain domestic animals pursuant to §174.11(5), Wis. Stats, and as amended hereafter by the Wisconsin Legislature.

Section 2: Limitation:

The maximum amount that may be allowed for a claim for damages by dogs to domestic animals, including loss of fair market value, injury or death, under § 174.11, Wis. Stats. shall be limited to \$1,000.00 per claim, regardless of the number of domestic animals that may be injured or killed in the incident or occurrence that gave rise to the claim.

Section 3: Treatment of Multiple Claims Arising from Single Incident:

In the event that more than one claim for damages is presented for the injury or death of domesticated animals in which such claims all arose out of the same incident or occurrence, the Polk County Board of Supervisors shall treat such multiple claims as one claim. Said claim shall be limited by Section 2, regardless of the multiplicity of claims filed.

Funding Amount: Not Applicable                      Funding Source: Not Applicable  
Date Finance Committee Advised:                      Not Applicable  
Finance Committee Recommendation:                      Not Applicable  
Date of Public Hearing:                                      September 20, 2011  
Effective Date: Upon Passage and Publication  
Date Submitted to County Board:                      September 20, 2011  
Submitted and Sponsored By the Polk County Agriculture and Extension Education Committee

  
Herschel Brown

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Review By County Administrator:  
 Recommended  
 Not Recommended  
 Reviewed Only  
  
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Dana Frey, County Administrator

Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

Jeffrey B. Fuge  
 Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on September 20, 2011, the Polk County Board of Supervisors adopted the above-entitled ordinance, Ordinance No. 40-11: Ordinance to Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic Animals (Wisconsin Statute § 174.11(5)), by a simple majority vote of unanimous voice vote in favor and — against.

William Johnson, IV Dated: 09.28.2011  
 William Johnson, IV, County Board Chair

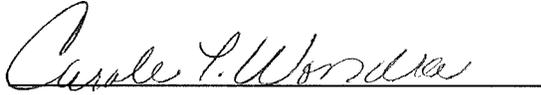
Attest: Carole Y. Wondra Dated: 9-28-11  
 Carole Wondra, Polk County Clerk

Ordinance No. 40-11: Ordinance to Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic Animals (Wisconsin Statute § 174.11(5)), was published in the Inter-County Leader on the 5th day of Oct., 2011.

Carole Y. Wondra Dated: 5-10-11  
 Carole Wondra, County Clerk

## CERTIFIED COPY OF POLK COUNT ORDINANCE

I, Carole T. Wondra, Polk County Clerk do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance to Limit the Amount for Claim for Damages by Dogs to Certain Domestic Animals. Adopted by the Polk County Board of Supervisors on the 20<sup>th</sup> Day of September, 2011.

A handwritten signature in cursive script, reading "Carole T. Wondra", is written over a horizontal line.

Carole T. Wondra, Polk County Clerk