Ordinance No. 05 -15
Ordinance to Establish Revised Limits on Claims Against Dog License Fund and to Authorize Service Contract for Pound Services to Arnell Memorial Humane Society
(Wis. Stats. §§ 173.15 and 174.11(5))

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

Ladies and Gentlemen:

WHEREAS, Wisconsin law allows counties to limit by ordinance the allowed amount for claims for damages caused by dogs; and

WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 40-11, to establish a maximum amount that may be allowed for claims for damages caused by dogs; and

WHEREAS, Wisconsin law allows counties to provide for humane society services through a contract with a private entity and requires such a contracts to contain certain provisions; and

WHEREAS, in adopting Resolution No. 101-96, the Polk County Board of Supervisors designated the Arnell Memorial Humane Society as the humane society for Polk County to provide a pound for stray and unwanted dogs; and

WHEREAS, it is in the interest of the County to continue the provision of services for the care, treatment and disposal of animals on a contractual basis with Arnell Memorial Humane Society consistent with state law.

WHEREAS, pursuant to Wisconsin Statutes § 174.09(2), the County is subject to a state mandate unrelated to health or safety to administer the dog license fund by paying first the expenses incurred by the organization designated by the County to provide for the collecting, care and disposal of dogs and then, after making appropriate deduction for such expenses, the amount remaining toward allowed claims for damages caused by dogs; and

WHEREAS, pursuant to Wisconsin Statutes § 66.0143, the County may apply for a waiver from a state mandate, except for a state mandate that is related to health or to safety; and

WHEREAS, it is in the interest of the County to revise the limits established in Ordinance No. 40-11 and to structure such a contract and apply for a waiver to state mandate such that the County may pay claims for damages caused by dogs when such claims are allowed and to provide for compensation to Arnell Memorial Humane Society for the care, custody and disposition of dogs as such expenses are incurred irrespective of the financial administration mandate of Wisconsin Statutes §174.09.

NOW, THEREFORE, pursuant to Wisconsin Statutes §§ 173.15 and 174.11(5)), the Polk County Board of Supervisors does amend Ordinance No. 40-11 and does ordain as follows:

Section 1: Purpose:

It is the purpose of ~~T~~this ordinance to:

a. Establish limits on 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;

b. Provide for the administration of the dog license fund and the payment of allowed claims in a manner that is consistent with state law and that pays a claim at the time that the County Board of Supervisors allows such claim; and

c. Provide for the care, treatment and disposal of animals taken into custody by a humane officer or law enforcement officer on a contractual basis and authorize a contract to Arnell Humane Society for the provision of such services.

Section 2: Limitation:

a. 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 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.

b. The maximum amount that may be paid on such allowed claims in any one year shall the limited to $2,000.00, regardless of the number of such claims that may be made against the County in any one year.

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.

Section 4: Administration of Dog License Fund and Payment of Allowed Claims:

a. The administration of the Dog License Fund and the payment of allowed claims provided for pursuant to Wisconsin Statutes § 174.09(2) for damages caused by dogs is a statutory mandate that is not related to health and safety.

b. The financial mandate set forth in Wisconsin Statutes § 174.09(2) unduly restricts the County to require the administration of the dog license fund in a manner that is

detrimental to persons whose claims for damages caused by dogs are allowed consistent with Wisconsin Statutes § 174.11(4).

c. Pursuant to Wisconsin Statutes § 66.0143(2), Wis. Stats., the County Clerk shall file on behalf of the County a request with the Wisconsin Department of Revenue for a waiver from the state mandate contained in Wisconsin Statutes § 174.09 that requires the County to pay allowed claims for damages caused by dogs only after payment of the expenses incurred by the county contracted humane society.

d. Once said filing has been completed, the County Clerk shall pay claims for damages caused by dogs at the time that the County Board allows any such claim and to the extent that the annual aggregate sum of such allowed claims does not exceed the limitation set in Section 2.b., above.

e. The County Clerk shall renew the filing of such waiver every four (4) years as provided pursuant to Wisconsin Statutes § 66.0143(3).

Section 5. Designation of County Humane Society:

a. Pursuant to Wisconsin Statutes §173.15(1), the provision of care, treatment and disposal of animals taken into custody by law enforcement officers or humane officers is authorized.

b. The services for the care, treatment and disposal of animals shall be provided on a contractual basis.

c. A services contract for the provision of such services is authorized and extended to the Arnell Memorial Humane Society for an initial period of four (4) years that is consistent with Wisconsin Statutes §173.15(2)(a)-(c) and contains other terms and conditions determined by the County Administrator as being in the interest of the County.

d. Said service contract may be renewed on terms and conditions consistent with Wisconsin Statutes §173.15(2)(a)-(c) and other terms and conditions as determined by the County Administrator to be in the interest of the County.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	March 17, 2015
Submitted By:	

Review By County Administrator:	Review By Corporation Counsel:
☒ Recommended ☐ Not Recommended ☐ Reviewed Only Dana Frey, County Administrator	☐ Approved as to Form ☒ Recommended ☐ Not Recommended ☐ Reviewed Only Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

Mark As Appropriate:

At its regular business meeting on March 17, 2015, the Polk County Board of Supervisors did consider and act the above-ordinance, Ordinance No. 05-15: Ordinance To Establish Revised Limits on Claims Against Dog License Fund and To Authorize Service Contract for Pound Services to Arnell Memorial Humane Society (Wis. Stats. §§ 173.15 and 174.11(5), as follows:

- ☐ Enacted by a vote of _____ in favor and _____ against.
- ☒ Enacted by majority voice vote.
- ☐ Defeated by a vote of _____ in favor and _____against.
- ☐ Defeated by majority voice vote
- ☐ Action Deferred by Procedural Action, as follows: _____

SIGNED BY: _____
William F. Johnson, IV, County Board Chairperson

Attest: _____
Carole T. Wondra, County Clerk

Certification of Publication

Ordinance No. 5 -15: Ordinance to Establish Revised Limits on Claims Against Dog License Fund and to Authorize Service Contract for Pound Services to Arnell Memorial Humane Society (Wis. Stats. §§ 173.15 and 174.11(5), was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the 25 day of March, 2015.

Carole T. Wondra, County Clerk Dated: 3-25-15
by Sharon E Jorgenson

OFFICE OF
POLK COUNTY CLERK

CAROLE T. WONDRA

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Certified Copy of Ordinance No. 05-15

Ordinance to Establish Revised Limits on Claims against Dog License Fund and to Authorize Service Contract for Pound Services to Arnell Memorial Humane Society

I, Carole T. Wondra, Clerk of Polk County, do hereby certify that attached hereto and incorporated herein is a true and accurate copy of the Polk County Ordinance to Establish Revised Limits on Claims against Dog License Fund and to Authorize Service Contract for Pound Services to Arnell Memorial Humane Society, enacted by the Polk County Board of Supervisors as Ordinance No. 05-15 on the 17th day of March, 2015.

Dated this 19th day of March, 2015

Carole T. Wondra

Carole T. Wondra, County Clerk
Polk County