

**OFFICIAL MINUTES OF THE PROCEEDINGS OF THE
WAUSHARA COUNTY BOARD OF SUPERVISORS**

FEBRUARY 19, 2019

The meeting was called to order at 7:00 p.m. by Chairperson Donna R. Kalata at the Waushara County Courthouse. County Clerk Megan Kapp conducted roll call. All were present: Supvs. Bonfiglio, Eckstein, Kalata, Kapp, Kerschner, King, Lauer, Peterman, Piechowski, Timm and Wedde. A silent prayer was held, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Supv. Wedde made a motion to approve the agenda as presented, seconded by Supv. Kapp. The motion carried by voice vote.

APPROVAL OF MINUTES

Supv. Kapp moved to approve the minutes of the January 29, 2019, monthly County Board meeting; seconded by Supv. Eckstein. The motion carried by voice vote.

PUBLIC COMMENTS - None

UNFINISHED BUSINESS

REPORT/PRESENTATION

County Clerk's Office Annual Report: County Clerk Kapp provided a written and oral report on 2017 statistics relating to the responsibilities of her office. She highlighted office activities from 2017-2018, and shared several goals for the upcoming year.

District Attorney's Office Annual Report: District Attorney Steven Anderson reported that the county has seen a significant increase in methamphetamine and cocaine cases. Waushara County is in need of 3.3 prosecutors according to a caseload analysis from the Wisconsin Department of Administration, and Anderson continues to request one additional Assistant District Attorney.

Parks & Solid Waste Department Annual Report: Superintendent Scott Schuman shared his department's organizational chart and outlined the program areas he oversees. He highlighted the electronics recycling program and the challenges they face including the cost and space required to run the program.

Administration Department Annual Report: Administrator Robert J. Sivick presented facts and figures on the structure of Waushara County Government. He shared ways he is raising standards and expectations, listed economic development highlights and planned improvements, and shared several goals for improvement.

DISCUSSION/POSSIBLE MOTION ACTION ITEM

County Government Day and Rescheduling April Board Meeting

Director of Human Services Dawn Buchholz provided a proposed itinerary for County Government Day open houses. The open houses are scheduled for April 5 and 22, and propose having a regular County Board meeting beginning at 1:45 p.m. on those dates.

Supv. Wedde moved to reschedule the regular April Board meeting to April 5 and 22 in conjunction with County Government Days. The motion was seconded by Supv. Eckstein and carried by voice vote.

NEW BUSINESS

REPORTS/PRESENTATIONS

County Administrator's Monthly Report: Administrator Robert Sivick and other senior managers recently went to the University of Wisconsin Oshkosh to work with graduate students on a market-based study for wages and benefits. He also attended a seminar in Stevens Point regarding the opioid and methamphetamine crisis issues.

ORDINANCE NO. 634

AN ORDINANCE AMENDING CHAPTER 6 OF THE WAUSHARA COUNTY CODE

WHEREAS, the County Board previously adopted Ordinances 311, 325, 442, 504, 555 and 619 which make up the substance of Chapter 6 of the Waushara County Code; and

WHEREAS, the Public Safety Committee received a citizen complaint regarding barking dogs and the ability to enforce the existing ordinance; and

WHEREAS, the Public Safety Committee reviewed the complaint and recommends that Chapter 6 be updated to better address the barking dog issue.

NOW, THEREFORE, the Waushara County Board of Supervisors does hereby ordain as follows:

Chapter 6 - ANIMALS⁽¹⁾

Sec. 6-4. - Definitions.

- (a) *Generally.* Terms or phrases, unless specifically defined, shall be interpreted as having the same meaning as they have in state statutes, state administrative codes and/or judicially interpreted by state case law.
- (b) *Enumeration.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means every living warm-blooded and cold-blooded creature, except human beings.

Animal at large means any animal when off the property of the owner and not under restraint or control.

Animal control officer means any person designated by a government agency (county or township) to enforce the adopted ordinances of the county and statutes as they pertain to animal control, except authority restricted to humane officers under Wis. Stats. § 173.07.

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 chapter or law.

Confined means the restriction of an animal at all times by the owner or an agent of the owner to an escape proof building, vehicle or other enclosure.

DATCP means the state department of agriculture, trade, and consumer protection.

Domestic animal means any animal which normally can be considered tame and converted to home life or livestock.

Dwelling unit means a building, or portion thereof, designated or used exclusively for residential purposes.

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.

Kennel 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.

Licensing authority means the municipal treasurer or its delegated collecting agent.

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

Public nuisance means any domestic animal or animals which engage in one or more of the following:

- (1) Molesting passersby or passing vehicles;
- (2) Attacking persons or animals without provocation when such 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;
- (5) Damaging private or public property; or
- (6) Barking, whining or howling in a ~~continuous manner for a time duration of one hour or longer~~ **so as to materially disturb or annoy persons who are of ordinary sensibilities. Such provision will be considered met, if the Sheriff's Department receives two (2) separate and distinct formal, written complaints within a consecutive four (4) week period or if observed by a law enforcement officer for a continuous period of fifteen (15) minutes or more.**

Quarantine and isolation facility mean a humane society, shelter, veterinary hospital, municipal pound or other place, which is equipped with a pen or a cage which isolates one animal from contact with other animals.

Restraint means any animal secured by a leash, lead, or within the fenced (underground/aboveground) 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.

Veterinarian means a person who is currently licensed in the state to practice veterinary medicine.

Veterinary hospital/clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

Vicious animal means any animal that when, unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property. Two bite incidents occurring off the owner's property constitutes a vicious animal, except:

- (1) No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or a criminal trespass of the dwelling upon the premises occupied by the owner of the animal; or was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate any ordinance which protects person or property.
- (2) No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teased, tormented, abused or assaulted.
- (3) No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity from an unjustified attack or assault.
- (4) No animal may be declared vicious for the act committed by such animal, while being utilized by a law enforcement agency for law enforcement purposes, while under the control and direction of a law enforcement officer.

Wild animal means any indigenous, warm-blooded mammal which is now or historically has been found in the wild, including raccoon, skunk, fox, wolf, wolf-hybrid, coyote or any other indigenous species meeting the definition of the term "animal."

IT IS FURTHER ORDAINED that this ordinance shall take effect upon passage and publication.

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Wedde, seconded by Supv. Kerschner. Motion carried by voice vote.

In response to a citizen complaint, Chapter 6 of the Waushara County Code has been updated to better address the barking dog issue.

ADJOURNMENT

There being no further business, Supv. Eckstein moved to adjourn, seconded by Supv. Kapp; motion carried. The meeting thus adjourned at 8:40 p.m.

I, Megan Kapp, county clerk in and for the county of Waushara, Wis., do hereby certify that the foregoing is the original record of the proceedings of the Waushara County Board of Supervisors at its regular monthly meeting held February 19, 2019. These minutes are subject to amendment or change at subsequent meetings of the County Board, and any such changes will be detailed in the minutes of the meeting at which the amendments are proposed.

/s/ Megan Kapp, Waushara County Clerk