

ORDINANCE NO. 2012-88

ORDINANCE BY THE GOVERNMENT SERVICES COMMITTEE AMENDING VARIOUS SECTIONS IN CHAPTER 4 OF THE RACINE COUNTY CODE OF ORDINANCES RELATING TO COLLECTION OF DOG LICENSE TAXES AND TO HUMANE OFFICERS

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors does ordain as follows:

Part 1

Section 4-36 of the Racine County Code of Ordinances, relating to the amount of county taxes for dogs, is hereby amended to read as follows:

Sec. 4-36. - Amount of tax.

A four dollar (\$4.00) annual license tax on every altered dog and an eight dollar (\$8.00) annual license tax on every unaltered dog, over five (5) months of age, in the county is hereby enacted in accord with W.S.A., ch. 174. It must be noted to the county clerk by the clerk of the municipality, or his the clerk's duly authorized agent, whether the licensed dog is male, female or altered.

Part 2

Section 4-38 of the Racine County Code of Ordinances, relating to fees charged by the County Clerk for processing of dog licenses, is hereby amended to read as follows:

Sec. 4-38. - Clerk's fee. Reporting and payment of dog license taxes.

(a) On or before December 31 of each year, the clerk of each municipality collecting the dog license tax shall pay to the county treasurer the total amount of dog license taxes collected during that year, less any additional tax that may have been levied by the municipal governing body, and less receive a fee of twenty-five cents (\$0.25) for each dog listed.

(b) At the same time as payment of dog license taxes is made to the county treasurer, the clerk of the municipality shall report in writing to the county clerk the licenses issued, on a form furnished by the county clerk.

(c) The dog license taxes so paid to the county treasurer shall be kept in a separate account and shall be known as the "dog license fund." Within 30 days after receipt of the dog license taxes, the county treasurer shall pay into the state treasury, from the dog license fund, five (5) percent of the minimum tax as provided for under section 174.05 (2), W.S.A., for all dog licenses issued by all county municipalities.

(d) Notwithstanding paragraph (a), above, the county clerk may establish policies and procedures to accomplish any of the following:

- (1) Provide for submission by the clerks of the issuing municipalities periodic, as well as year-end, reports of licenses issued;**
- (2) Permit municipalities to pay dog license taxes to the county later than December 31, but not later than February 20 of the following year; and**
- (3) If the county clerk is able to estimate the expenses payable under section 4-39, below, permit municipalities to pay to the county such lesser sums as the county clerk deems sufficient to meet all anticipated expenses, in proportion to the number and value of the licenses issued by the various municipalities.**

3 **Part 3**

4 Section 4-39 of the Racine County Code of Ordinances, relating to application of the county
5 dog license fund, is hereby amended to read as follows:

6 **Sec. 4-39. –Application of dog license fund.**

7 **Monies in the dog license fund shall be appropriated and disbursed for** ~~The county clerk~~
8 ~~shall pay over to the county for its use in the support of a pound for stray or unwanted dogs all~~
9 ~~sums remaining in the dog license fund on December thirty-first of each year, after the payment of~~
10 ~~the following expenses:~~

11 (1) Five (5) percent of the net statutory fee remitted **for all licenses issued** by the
12 municipalities ~~to the county shall be paid to the treasurer of the state,~~ **as provided for in**
13 **section 4-38(c), above.**

14 (2) Necessary expenses incurred **by the county** in the administration of the dog license
15 law.

16 (3) Payment of claims to owners of domestic animals for damages done by stray dogs.

17 (4) **Retention of** ~~The sum of one thousand dollars (\$1,000.00) shall be retained by the~~
18 ~~county clerk for claims for the next calendar year.~~

19 **If, after payment of all of the foregoing expenses, any amount remains in the dog license**
20 **fund, such amount shall be paid to the various municipalities, in proportion to the number**
21 **and value of the licenses issued by each of them.**

22
23 **Part 4**

24 Section 4-80 of the Racine County Code of Ordinances, relating to duties and powers of
25 humane officers, is hereby amended to read as follows:

26 **Sec. 4-80. - Duties and powers of humane officers.**

27 Humane officers ~~in~~ **appointed by** Racine County shall have the powers and duties set forth in
28 W.S.A. § 173.07.
29

30 **Part 5**

31 Section 4-81 of the Racine County Code of Ordinances, relating to appointment of humane
32 officers, is hereby amended to read as follows:

33 **Sec. 4-81. - Appointment of humane officers.**

34 ~~The Racine County Board of Supervisors shall~~ **county executive may** appoint up to four (4)
35 humane officers for Racine County, **with the approval of.** ~~These appointments shall be made at~~
36 ~~the recommendation of the county executive who shall secure recommendations of any humane~~
37 ~~society existing within the county prior to submitting his or her recommendations to the Racine~~
38 ~~County Board of Supervisors. Said humane officers shall serve a two (2) year term.~~ ~~Any humane~~
39 ~~officers who have been appointed prior to the effective date of this article shall have their position~~
40 ~~as humane officer terminated. The Racine County Board of Supervisors~~ **county executive** shall
41 report all appointments and terminations of humane officers to the Department of Agriculture,
42 Trade and Consumer Protection. All humane officers appointed by ~~the Racine County Board of~~
43 ~~Supervisors~~ shall have the proper certification as defined by W.S.A. § 173.05. Failure of a
44 humane officer to obtain proper certification within the time periods required by the Department of
45 Agriculture, Trade and Consumer Protection shall be grounds for termination of the appointment.
46

3 **Part 6**

4 Section 4-82 of the Racine County Code of Ordinances, relating to jurisdiction of humane
5 officers, is hereby amended to read as follows:

6 **Sec. 4-82. - Jurisdiction.**

7 A humane officer appointed pursuant to this article shall carry out his or her duties within the
8 boundaries of Racine County except for within the boundaries of any town, city or village whose
9 governing body adopts a resolution withdrawing from county enforcement of humane laws and
10 transmits a copy of said resolution to the county.

11
12 **Part 7**

13 Section 4-83 of the Racine County Code of Ordinances, relating to prohibitions concerning
14 humane officers, is hereby amended to read as follows:

15 **Sec. 4-83. - Prohibitions.**

16 Said humane officers shall serve without any compensation from Racine County. **Said humane**
17 **officers are neither employees of Racine County, nor, except with respect to their powers**
18 **to enforce state laws and county ordinances concerning animals, are they to be deemed**
19 **agents of Racine County.** Nothing in this article precludes a humane officer from working for
20 any humane societies, animal control agencies or veterinarians. No humane officer may buy or
21 sell animals for private or personal gain which animals come into the officer's custody in the
22 course of carrying out the officer's official duties.

23 Respectfully submitted,

24
25 **GOVERNMENT SERVICES COMMITTEE**

26 1st Reading _____

27 2nd Reading _____

28 _____
29 Ronald Molnar, Chairman

30 _____
31 Russell A. Clark, Vice-Chairman

32 Adopted _____

33 For _____

34 Against _____

35 Absent _____

36 _____
37 Donnie Snow, Secretary

38 VOTE REQUIRED: Majority

39 _____
40 Mike Dawson

41 Prepared by:
42 Corporation Counsel

43 _____
44 Kenneth Hall

45 _____
46 Kiana K. Johnson

47 _____
John Wisch

1 Ordinance No. 2012-88
2 Page Four
3

4 **The foregoing legislation adopted by the County Board**
5 **of Supervisors of Racine County, Wisconsin, is hereby:**
6

7 **Approved: _____**
8 **Vetoed: _____**
9

10 **Date: _____,**
11

12 _____
13 **James A. Ladwig, County Executive**