

Sub. 1 to ORD. AMEND. NO. 8, 2008-2009

AMENDING CHAPTER 47 OF THE DANE COUNTY CODE OF ORDINANCES,  
AUTHORIZING THE ENVIRONMENT, AGRICULTURE AND NATURAL  
RESOURCES COMMITTEE BOARD OF HEALTH FOR MADISON AND DANE  
COUNTY TO REVIEW ANIMAL ABATEMENT ORDERS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 47.44 is amended to read as follows:

**47.44 ABATEMENT ORDERS.** (1) ~~The Zoning and Environment, Agriculture & Natural Resources Committee Board of Health for Madison and Dane County~~ is hereby designated and authorized, pursuant to sec. 173.03(2) of the Wisconsin Statutes, to affirm, modify, or withdraw abatement orders issued under sec. 173.11 of the Wisconsin Statutes by any humane officer or law enforcement officer.

(2) Any person named in an abatement order may appeal such order to the ~~Zoning and Environment, Agriculture & Natural Resources Committee Board of Health for Madison and Dane County~~ within 10 days of service of the order. The notice of appeal must state the grounds for the appeal with specificity. The ~~Zoning and Environment, Agriculture & Natural Resources Committee Board~~ shall schedule a hearing to be held within ten days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The ~~Zoning and Environment, Agriculture & Natural Resources Committee Board~~ shall make reasonable efforts to notify the appellant, the officer issuing the abatement order, and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing. The hearing shall be informal in nature. Within ten days after the hearing, the ~~Zoning and Environment, Agriculture & Natural Resources Committee Board~~ shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue their ~~its~~ decision in writing and serve it upon the appellant and other interested parties.

(3) Any person adversely affected by a decision under sub. (2) may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision.

*[EXPLANATION: This substitute amendment transfers to the Board of Health for Madison and Dane County the authority to hear appeals of animal welfare related abatement orders issued under s. 47.44.]*

Submitted By:

Supervisor John Hendrick

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(3) Any person adversely affected by a decision under sub. (2) may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision.

*[EXPLANATION: This amendment clarifies that the Environment, Agriculture & Natural Resources Committee is now the committee designated to consider abatement orders issued under s. 47.44.]*

Submitted by Supervisors Hendrick, Matano, Miles, Jensen, and Solberg, June 5, 2008.

**Fiscal and Policy Notes not required.**

Referred to ENVIRONMENT, AGRICULTURE & NATURAL RESOURCES and ZONING & LAND REGULATION.