



## Legislation Text

File #: 55028, Version: 1

### Fiscal Note

There is no fiscal impact from this change.

### Title

Amending Section 7.04 of the Madison General Ordinances to establish that an Administrative Hearings Committee of the Board of Health for Madison and Dane County hear abatement orders.

### Body

DRAFTER'S ANALYSIS: This ordinance establishes that an Administrative Hearing Committee of the Board of Health for Madison and Dane County to hear all humane officer abatement orders issues pursuant to Wis. Stat. § 173.11. The Board of Health for Madison and Dane County has established within its bylaws the process for an Administrative Hearing Committee.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

Section 7.04 entitled "Humane Officers Abatement Orders" of the Madison General Ordinances is amended to read as follows:

#### "7.04 HUMANE OFFICERS ABATEMENT ORDERS.

- (1) An Administrative Hearing Committee of the Board of Health for Madison and Dane County is hereby designated and authorized, pursuant to Wis. Stat. § 173.03(2), to affirm, modify, or withdraw abatement orders issued under Wis. Stat. § 173.11 by any humane officer or law enforcement officer.
- (2) Any person named in an abatement order may appeal such order to the Administrative Hearing Committee of the Board of Health for Madison and Dane County within ten (10) days of service of the order. The notice of appeal must state the grounds for the appeal with specificity. The Administrative Hearing Committee of the Board of Health for Madison and Dane County shall schedule a hearing to be held within ten (10) days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The Board of Health for Madison and Dane County 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 (10) days after the hearing, the Administrative Hearing Committee of the Board of Health for Madison and Dane County shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue their decision in writing and serve it upon the appellant and other interested parties.
- (3) Any person adversely affected by a decision under subsection (2) may seek judicial review by commencing an action in circuit court within thirty (30) days after the date that the decision is issued."