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**(4) ISSUE CITATIONS.** If authorized by the appointing political subdivision, a humane officer shall issue citations under s. 66.0113 for violations of ordinances relating to animals.

**(4m) REQUEST PROSECUTIONS.** A humane officer may request law enforcement officers and district attorneys to enforce and prosecute violations of state law and may cooperate in those prosecutions.

**(5) PROHIBITED ACTIONS.** Unless also a law enforcement officer, a humane officer may not in the course of his or her duties do any of the following:

**(a)** Execute a search warrant.

**(b)** Carry firearms.

**(c)** Stop or arrest persons.

**(d)** Stop, search, or detain vehicles, except under an inspection warrant under s. 66.0119.

**(e)** Enter any place or vehicle by force or without the consent of the owner, except in an emergency occasioned by fire or other circumstance in which that entry is reasonable and is necessary to save an animal from imminent death or a person from imminent death or injury.

**(f)** Remove any animal from the custody of another person by force.

**(6) CONFLICT OF INTEREST PROHIBITED.** No humane officer may sell or otherwise dispose of any animal that came into the humane officer's custody in the course of his or her duties.

**History:** 1997 a. 192; 2001 a. 30.

**173.09 Investigations.** In the course of investigation of suspected violations of statutes or ordinances, a humane officer may enter any building, vehicle, or place where animals may be present for the purpose of inspection, examination of animals, or the gathering of evidence. If the building, vehicle, or place to be entered is not public, and consent of the owner or person in charge is not obtained, entry shall be under authority of a special inspection warrant issued under s. 66.0119 or a search warrant.

**History:** 1997 a. 192; 2001 a. 30.

**173.10 Investigation of cruelty complaints.** A person may apply for a search warrant under s. 968.12 if there is reason to believe that a violation of ch. 951 has taken place or is taking place. If the court is satisfied that probable cause exists, it shall issue a search warrant directing a law enforcement officer in the county to proceed immediately to the location of the alleged violation with a doctor of veterinary medicine, if the court determines that a veterinarian is necessary for purposes of the search, and directing the law enforcement officer to search the place designated in the warrant, retaining in his or her custody subject to the order of the court such property or things as are specified in the warrant, including any animal. If the person applying for the search warrant is a humane officer, the warrant shall direct that the humane officer accompany the law enforcement officer who is directed to perform the search. The warrant shall be executed and returned to the court which issued the warrant in accordance with ss. 968.15 and 968.17. This section does not affect other powers and duties of law enforcement officers.

**History:** 1973 c. 314; 1977 c. 449; 1987 a. 332 s. 54; Stats. 1987 s. 951.16; 1995 a. 90; 1997 a. 192 s. 26; Stats. 1997 s. 173.10.

**173.11 Abatement of violations.**

**(1) ISSUANCE OF ORDER.** If a humane officer or law enforcement officer after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons. An official designated in an ordinance under s. 173.03 (2) may not participate in the decision to issue the order or in any activity leading to that decision.

**(1m) CONTENT OF ORDER.** An abatement order issued under sub. (1) shall contain all of the following:

**(a)** The name and address of the person to whom directed.

**(b)** The statute or ordinance alleged to be violated.



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- (3) **DECISION.** Within 10 days after a hearing under sub. (2), the official who conducts the hearing shall affirm the order, modify and affirm the order or withdraw the order.
- (4) **APPEAL.** Any person adversely affected by a decision under sub. (3) may seek judicial review by commencing an action in circuit court within 30 days after the day that the decision is issued.

**History:** 1997 a. 192.

**173.12 Animal fighting.** Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known.

**History:** 1981 c. 160; 1983 a. 95; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.165; 1997 a. 192 ss. 28, 29; Stats. 1997 s. 173.12; 2015 a. 64, 233.

## 173.13 Taking custody of animals.

### (1) INTAKE.

(a) A humane officer, on behalf of a political subdivision in which the humane officer has jurisdiction under s. 173.03 (3), or a law enforcement officer, on behalf of a political subdivision, may take custody of an animal if the humane officer or law enforcement officer has reasonable grounds to believe that the animal is one of the following:

1. An abandoned or stray animal.
2. An unwanted animal delivered to the humane officer or law enforcement officer.
3. A dog not tagged as required by ch. 174.
4. An animal not licensed in compliance with any ordinance.
5. An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.
6. An animal that has caused damage to persons or property.
8. An animal used in any crime under ch. 951 or that constitutes evidence of a crime under ch. 951.
9. An animal delivered by a veterinarian under sub. (2).

(b) A humane officer shall accept into custody any animal delivered by a law enforcement officer or delivered under a court order.

(c) A person other than a humane officer or a law enforcement officer may not take an animal into custody on behalf of a political subdivision unless the animal is an abandoned or stray animal. If a person other than a humane officer or a law enforcement officer takes custody of an abandoned or stray animal on behalf of a political subdivision, he or she shall deliver the animal to a person contracting under s. 173.15 (1), to a humane officer or law enforcement officer for disposition under s. 173.23 or to a pound.

### (2) DELIVERY OF ANIMAL BY VETERINARIAN.

(a) A humane officer or law enforcement officer or a person contracting under s. 173.15 (1) may accept an animal delivered by a veterinarian, or his or her employee, if the animal has not been picked up by its owner and all of the following apply:

1. The veterinarian notified the owner of the animal by certified mail, return receipt requested, that the animal was ready to be picked up and that the animal would be delivered to a humane officer if not picked up within 7 days.
2. The veterinarian retained the animal for 7 days after the day on which the return receipt was signed or until the letter was returned to the veterinarian as undeliverable.
3. The veterinarian certifies in writing to the humane officer or law enforcement officer that subs. 1. and 2. apply.

(b) If an animal is accepted under par. (a), the veterinarian shall provide the person accepting the animal with any requested records concerning the animal's ownership, health or licensure.

### (3) NOTIFICATION.

the humane officer shall identify

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or she can be identified. The owner can

recover the animal, including the procedure under s. 173.22, and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody. If the humane officer or law enforcement officer takes custody of the animal under sub. (1) (a) 8., the notice shall explain the provisions of s. 173.22 (4).

- (c) If the owner informs the humane officer or law enforcement officer in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under s. 173.23 (1m).

**History:** 1997 a. 192; 1999 a. 32; 2015 a. 233.

## 173.15 Provision of care, treatment or disposal services.

- (1) PROVIDING SERVICES. A political subdivision may provide for the care, treatment or disposal of animals taken into custody by a humane officer or law enforcement officer. A political subdivision may provide these services directly or by contracting with any other person. A political subdivision may establish standard fees for the care, custody and treatment of animals in its custody. The political subdivision may establish different fees for animals released to their owners and animals released to persons other than their owners. If the political subdivision does not establish standard fees, it may charge no more than the actual costs of care, custody or treatment to any person required to pay for the care, custody or treatment of an animal.
- (2) CONTRACT FOR SERVICES. Every person entering into a contract with a political subdivision under sub. (1) shall agree to do all of the following:
- (a) Provide adequate care and treatment of all animals delivered under the contract.
- (b) Maintain adequate records consistent with s. 173.17.
- (c) Release or dispose of animals under s. 173.23 or as provided in a court order.

**History:** 1997 a. 192.

**173.17 Records.** A humane officer or law enforcement officer taking custody of an animal on behalf of a political subdivision shall maintain, or require any person to whom the animal is delivered under a contract under s. 173.15 (1) to maintain, as appropriate, records for each animal containing the following information:

- (1) A physical description of the animal.
- (2) The date that custody was taken of the animal, the date that the animal was delivered into the possession of another person and the identity of the person to whom delivered.
- (3) The reason for taking custody of the animal.
- (4) The ultimate disposition of the animal, including the name and address of any person into whose custody the animal was ultimately released.

**History:** 1997 a. 192.

## 173.19 Animals considered unclaimed.

- (1) Except as provided in sub. (1m), a political subdivision or person contracting under s. 173.15 (1) may treat any animal taken into custody under s. 173.13 (1) (a) 1. as an unclaimed animal subject to s. 173.23 (1m) if, within 4 days after custody is taken of the animal, it is not claimed by and returned to its owner under s. 173.23 (1).
- (1m) Notwithstanding sub. (1), a political subdivision or person contracting under s. 173.15 (1) may not euthanize the animal taken into custody under s. 173.13 (1) (a) 1. before 7 days have elapsed after custody is taken, except to alleviate physical suffering or to protect the safety of shelter staff, volunteers, or the public.
- (2) Except as provided in sub. (3), a political subdivision or person contracting under s. 173.15 (1) may treat any animal taken into custody under s. 173.13 (1) (a) 3., 4., or 9. as an unclaimed animal subject to s. 173.23 (1m) if, within 7 days after custody is taken of the animal, it is not claimed by and returned to its owner under s. 173.23 (1), except that an animal taken into custody under s. 173.13 (1) (a) 3. or 4. may not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7 days after custody is taken.
- (3) If an animal is taken into custody under s. 173.13 (1) (a) 3., 4., or 9. and also taken into custody under s. 173.13 (1) (a) 1., only sub. (1) applies to that animal.

**History:** 1997 a. 192; 2015 a. 233.

(b) There are   h, safety or welfare.

(d) A court has ordered the animal withheld for any reason.

(2) **EXAMINATION PERMITTED.** If an animal is withheld under sub. (1), upon request by the owner, a veterinarian retained by the owner may examine the animal.

(3) **COSTS.** The owner of an animal withheld under sub. (1) is not liable for any costs of custody, care or treatment except as provided by court order.

(4) **RETURN.** Except with respect to an animal taken into custody under s. 173.13 (1) (a) 8., a political subdivision or person contracting under s. 173.15 (1) having custody of an animal withheld under sub. (1) shall release the animal to the owner at the direction of the humane officer or law enforcement officer that took custody of the animal if the requirements of s. 173.23 (1) (a) to (c) are satisfied.

**History:** 1997 a. 192; 2015 a. 233.

## 173.22 Review of seizure or withholding.

(1) **PETITION.** A person claiming that an animal that he or she owns was improperly taken into custody under s. 173.13 (1) (a) 3., 4., 5., or 6. or is wrongfully withheld under s. 173.21 (1) (b) or (d) may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.

(2) **NOTICE AND HEARING.** The court shall provide notice of a petition under sub. (1) to the humane officer or law enforcement officer who took the animal into custody or to the political subdivision that withheld the animal and shall hold a hearing on the issue of whether the animal was improperly taken into custody or is wrongfully withheld.

(3) **ORDER.**

(a) If the animal is withheld under s. 173.21 (1) (b) or (d), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:

2. There are reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.

4. A court has ordered the animal withheld for any reason.

(b) If the animal was taken into custody under s. 173.13 (1) (a) 3., the court shall order the animal returned to its owner if the court determines that the animal was tagged or was not required to be tagged under ch. 174.