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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.

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humane officer of law enforcement officer shall explain the provisions of s. 173.22 (1) to the owner.

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- (b) If a humane officer or law enforcement officer takes custody of an animal without the knowledge of the owner, the humane officer or law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which 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.

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- (a) There are reasonable grounds to believe that the owner has used the animal in a crime under ch. 951 or that the animal constitutes evidence of a crime under ch. 951.
- (b) There are reasonable grounds to believe that the animal poses a significant threat to public health, 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.
 - (c) If the animal was taken into custody under s. 173.13 (1) (a) 4., the court shall order the animal returned to its owner if the court determines that the animal was licensed or was not required to be licensed.
 - (d) If the animal was taken into custody under s. 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court determines that the animal was not subject to a quarantine order or was confined as required by a quarantine order.
 - (e) If the animal was taken into custody under s. 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court determines that the animal did not cause damage to persons or property.
- (4) HOLDING AN ANIMAL INVOLVED IN A CRIME.
 - (a) An owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) may apply for the animal's return to the circuit court for the county in which the animal was taken into custody. No application under this paragraph may be made more than 30 days after the animal was seized. The court shall order such notice as it considers adequate to be given the district attorney, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal, and all persons who have or may have an interest in the animal. The court shall hold a hearing to hear all claims to the animal's ownership within 20 days after a timely application is filed, and the hearing shall be given preference.
 - (b) In the hearing under par. (a), the court shall determine if the animal is needed as evidence or if there is reason to believe that the animal was involved in any crime under ch. 951. If the court determines that the animal is



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- (d) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and its owner is charged with a crime under ch. 951, one of the following applies:
1. If all of the charges are dismissed or the owner is found not guilty of all charges, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to the owner unless the owner is subject to the restrictions under s. 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.
 2. If the owner is convicted of a crime under ch. 951, the animal shall be treated as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24.
- (e) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and the district attorney or the department of justice notifies the political subdivision or person contracting under s. 173.15 (1) with custody of the animal that the animal's owner will not be charged with a crime under ch. 951, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to its owner unless the owner is subject to the restrictions under s. 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.
- (f) Subject to par. (g), the owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) is personally liable to the political subdivision or person contracting under s. 173.15 (1) with custody of the animal for the cost of the custody, care, and treatment of the animal. The political subdivision or person contracting under s. 173.15 (1) shall notify the owner in writing that he or she must pay for the outstanding costs of custody, care, or treatment of the animal upon demand. The political subdivision or person contracting under s. 173.15 (1) may demand such payment no more frequently than every 14 days and shall do so by 1st class mail to the owner's last-known address. If the amount demanded is received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall keep the animal in custody. Except as provided in par. (c), if the amount demanded is not received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall treat the animal as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24. The owner of the animal may challenge the reasonableness of the amount demanded under this paragraph by filing a petition with the court within 20 days after the date the demand is mailed. The owner may not file a petition challenging the reasonableness of the amount demanded more than 20 days after the date the demand is mailed.
- (g) The costs for which a person may be liable under par. (f) may include no more than \$30 per day in boarding costs for each animal in custody.

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

173.23 Disposition of animals.

- (1) CLAIM AND RETURN. Except as provided in sub. (4) or s. 173.21 (1), a political subdivision or person contracting under s. 173.15 (1) shall return an animal described in s. 173.13 (1) (a) 1., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:
- (a) The owner claims the animal and provides reasonable evidence of ownership.
 - (b) If licensure is required by statute or ordinance, the animal is licensed or assurance of licensure by prepayment is given.
 - (c) If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination by prepayment is given.
 - (d) All charges for custody, care, vaccination and treatment are paid.
- (1m) UNCLAIMED ANIMALS. A political subdivision or a person contracting under s. 173.15 (1) that has custody of an animal considered unclaimed under sub. (3) (a) 3., (5) (c), or (6) or s. 173.13 (3) (c), 173.19, or 173.22 (4) (d) 2. or (f) or an unwanted animal may do any of the following:
- (a) Release the animal to any person other than the owner if all of the following apply:
 1. The person provides his or her name and address.
 2. If licensure is required by statute or ordinance, the animal is licensed or assurance of licensure is given by evidence of prepayment.



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2013-14 Wisconsin Statutes updated through 2015 Wis. Act 392 and all Supreme Court and Controlled Substances Board Orders effective on or before November 21, 2016. Published and certified under s. 35.18. Changes effective after November 21, 2016 are designated by NOTES. (Published 11-21-16)

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