

State of Wisconsin  
Monroe County  
Town of Wellington  
Ordinance #11.02  
Animals at Large Ordinance

*adopted February 8, 2011*

NOTICE: The following ordinance is derived from Wisconsin State Statutes Chapter 172 Animals Destrained from Doing Damage. Chapter 172 will be used to clarify any questions concerning this Ordinance's intent or procedures. Forms used to implement this Ordinance are from the Wisconsin Town Law Forms (2009) booklet.

#### 1.1 Retention of At Large Livestock

All livestock (horses, cattle, pigs, sheep, goats, etc.) running at large within the town may be captured and detained.

#### 1.2 Finder's Charges

The owner will pay the finder of the animal(s) \$5 per animal per day in addition to any costs for the animal's care during that time. In addition, the owner will be liable for all damages done during the time the animal is at large. The finder will notify the owner of the animal within 5 days to arrange for its return. The finder will also notify the Town Clerk of the animal's detention within that same 5 day period. The owner will pay any fees due the finder at the time the animal is returned.

#### 1.3 Unknown Owner

If the owner of livestock detained is unknown, the finder will provide the Town Clerk with a description of the animal, the date and location of finding and the location where the animal is being detained. This notice will be provided within 10 days of the animal's detention. The Town Clerk will then submit the information about the animal for publication in a local newspaper.

#### 1.4 Determination of Charges

Owners wishing to reclaim livestock from the finder must prove their rights to the animal(s) and pay all lawful charges to the finder. If disputes arise concerning the ownership of the animal or the amount of any lawful charges, the Town Board will select 3 landowners from the Town to act as a Panel of Review. This panel will meet within 5 days of their appointment to determine ownership of the animal and/or the amount of any charges resulting from the detention of the animals. The Town Board will determine the compensation received by the members of the panel and how these fees will be apportioned. Decisions of the panel are binding on the owner and finder and the decision will be recorded and retained by the Town Clerk.

#### 1.5 Unclaimed Livestock

Livestock unclaimed after 5 days of publication of notice (1.3) will be sold at public auction. The Town Clerk will notify the Sheriff that the animal is to be auctioned. The Town Clerk will post the details of the sale in a public place at least 2 days prior to the event. The finder will provide the Sheriff with a written statement of his/her lawful charges regarding the animal. The Sheriff will deduct the finder's charges and cost of the sale from the proceedings of the sale. If funds remain, one half will go to the finders and one half will go to the Town Treasury.

#### 1.6 At Large Animal Doing Damage

Individuals suffering damage to their person or property as a result of an animal at large are entitled to compensation from the animal's owner. The animals causing the damages may be detained until the cost of damages or other lawful charges are paid. Within 2 days of detaining the animal, the finder will notify the owner and the Town Clerk to arrange for the return of the animal. Any resulting fees due the finder will be paid when the animal is returned to the owner.

#### 1.7 Determination of Damages

If the animal's owner and the individual suffering damage and/or having lawful charges cannot reach agreement on appropriate compensation, the Town Board will select three landowners from the Town to act as a Panel of Review. This panel will within 5 days of their appointment to determine the amount of damages as well as any costs resulting from the detention of the animals. The Town Board will determine the compensation received by the members of the panel and how these fees will be apportioned. Decisions of the panel are binding on the owner and finder and will be recorded or retained by the Town Clerk.

#### 1.8 Payment of Damages

The animal's owner will make payment to the individual suffering damage within 30 days of an agreement between the parties or of the decision of the Panel of Review. The owner will reclaim his/her animal as specified in the agreement or in the decision of the Panel of Review.

#### 1.9 Livestock on Town Roads

No livestock will run loose on township roads or road right-of-ways. Owners will be warned by Town authorities on the first occurrence and may be fined up to \$100 per incident on subsequent occurrences. Livestock being moved from one farm parcel to another are exempt from this section.

Adopted February 8, 2011 by the Wellington Town Board

Mark O'Rourke, Chair, Pete Degenhart, Supervisor, Evan Summerfield, Supervisor