

**THE TOWN OF WEST BEND
WASHINGTON COUNTY, WISCONSIN
ORDINANCE 2024-04**

**AMENDING THE TOWN OF WEST BEND CODE OF ORDINANCES
TO DESIGNATE THE WASHINGTON COUNTY SHERIFF’S DEPARTMENT
AS THE TOWN LAW ENFORCEMENT AGENCY**

The Town Board for the Town of West Bend, Washington County Wisconsin, does hereby ordain as follows:

Section I. Section 5-3 of the Town of West Bend Code of Ordinances is amended to read as follows:

Officials	How Appointed	Term
Town Police Chief	Town Board	Indefinite
Building Inspector	Town Chairperson, subject to confirmation by Town Board	Indefinite
Plumbing Inspector	Town Chairperson, subject to confirmation by Town Board	Indefinite
Electrical Inspector	Town Chairperson, subject to confirmation by Town Board	Indefinite
Zoning Administrator	Town Board	Indefinite
Fire Warden	Town Board	Indefinite
Weed Commissioner	Town Chairperson	1 year

Section II. Article I Section 104-4 of the Town of West Bend Code of Ordinances is amended to read as follows:

The Town Clerk shall notify the Building Inspector and the ~~Town Police Chief~~ Washington County Sheriff’s Department of each new license and permit application, and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Town Board, in writing, the information derived from such investigation. Except as otherwise specifically set forth in this article, no license or permit provided for in this article shall be issued without the approval of a majority of the Town Board.

Section III. Article I Section 104-15(B) of the Town of West Bend Code of Ordinances is amended to read as follows:

Repossession of license or permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Town Clerk shall notify the licensee or permit and the ~~Town Police Chief~~ Washington County Sheriff's Department of such revocation or suspension, and the Town Chairperson or designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk.

Section IV. Article I Section 111-12(A) of the Town of West Bend Code of Ordinances is amended to read as follows:

Impounding of dogs. ~~The Town Police Chief~~ Any designated Town official or other person restraining a dog running at large shall notify the county pound or take such animal to the pound. ~~The Police Chief~~ person restraining the dog shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

Section V. Article I Section 111-14(B) of the Town of West Bend Code of Ordinances is amended to read as follows:

Refusal to comply with quarantine order. An owner of a dog or other animal who refuses to comply with an order issued under this article to deliver the animal to ~~a police officer~~ the Washington County Sheriff's Department, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, be subject to a forfeiture of \$500.

Section VI. Article II Section 111-17(A) of the Town of West Bend Code of Ordinances is amended to read as follows:

No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to

inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the ~~Town Police Chief~~ Washington County Sheriff's Department.

Section VII. Article II Section 111-17(F) of the Town of West Bend Code of Ordinances is amended to read as follows:

Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this article, provide proof to the ~~Police Chief~~ Town Clerk of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten-day written notice is first given to the ~~Police Chief~~ Town Clerk. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This subsection does not apply to dogs kept by law enforcement agencies.

Section VIII. Article II Section 111-18 of the Town of West Bend Code of Ordinances is amended to read as follows:

The ~~Police Chief~~ Washington County Sheriff's Department shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in § 111-16 above. In the event the ~~Police Chief~~ Washington County Sheriff's Department makes a determination that a dog is "vicious," he or she shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this article.

Section IX. Article II Section 111-19 of the Town of West Bend Code of Ordinances is amended to read as follows:

Any person aggrieved by the determination of the ~~Police Chief~~ Washington County Sheriff's Department, as provided in § 111-18 above, may appeal such determination, as provided in Chapter 8, Administrative Review, of this Code.

Section X. Article II Section 111-20 of the Town of West Bend Code of Ordinances is amended to read as follows:

Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by ~~a police officer~~ the Town or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

Section XI. Article I Section 118-6(M) of the Town of West Bend Code of Ordinances is amended to read as follows:

Report of violations. ~~The police~~ Washington County Sheriff's Department or other Town officers shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this article.

Section XII. Section 193-6 of the Town of West Bend Code of Ordinances is amended to read as follows:

Whenever complaints are made to the Town Chairperson that a public nuisance exists within the Town of West Bend, the Chairperson shall promptly notify the ~~Town of West Bend Chief of Police~~ Washington County Sheriff's Department, Health Officer or Building Inspector, who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of the finding to the Town Chairperson. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

Section XIII. Section 193-7(A) of the Town of West Bend Code of Ordinances is amended to read as follows:

Notice to owner. The Town Chairperson shall direct the ~~Chief of Police~~ Washington County Sheriff's Department to serve notice on the person causing, permitting, or maintaining such nuisance or upon the owner or occupant of the premises which such nuisance is caused, permitted, or maintained and to post copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that, unless such nuisance is so abated, the Town of West Bend will cause the same to be abated and

will charge the cost thereof to the owner, occupant or person causing, permitting, or maintaining the nuisance.

Section XIV. Section 193-7(B) of the Town of West Bend Code of Ordinances is amended to read as follows:

Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the ~~Chief of Police~~ Washington County Sheriff's Department, Health Official, or other Town designated representative, shall cause the abatement or removal of such public nuisance.

Section XV. Article III Section 202-8(D) of the Town of West Bend Code of Ordinances is amended to read as follows:

User's permit. As provided in § 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Town Chairperson, or other Town official designated by the Town Chairperson. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount he or she deems necessary. A copy of the permit and proof of insurance shall be filed with the Town Clerk and copies of the permit shall be given to the ~~Town police officer~~ Washington County Sheriff's Department and the Fire Chief at least two days before the authorized use.

Section XVI. Article II Section 244-22 of the Town of West Bend Code of Ordinances is amended to read as follows:

The Town Board shall designate someone to act as an attendant at the Leaf and Yard Waste Recycling Center site during its hours of operation. The attendant shall be responsible for carrying out this article, and with assistance of the ~~Town Police Chief~~ Washington County Sheriff's Department, issuing any citations for violations of this article.

Section XVII. Section 275-5(C)(2) of the Town of West Bend Code of Ordinances is amended to read as follows:

Declaration of emergency. The Chairperson or, in his/her absence, any Supervisor, or the Director of Public Works ~~or the Chief of Police~~, in such order of priority,

may, when necessary, declare a state of public emergency and the duration thereof. Declarations of emergency shall be made by public proclamation.

Section XVIII. Section 275-10(B) of the Town of West Bend Code of Ordinances is amended to read as follows:

Duty of police to enforce. ~~Town police officers Police Department~~ The Washington County Sheriff's Department shall enforce all the provisions of this chapter.

Section XIX. Article II Section 325-12(7) of the Town of West Bend Code of Ordinances is amended to read as follows:

Request assistance and cooperation from the ~~Town Police Department~~ Washington County Sheriff's Department and Town Attorney, as deemed necessary.

Section XX. This ordinance shall take effect upon publication and posting in compliance with the requirements of the Wisconsin Statutes.

Adopted this _____ day of _____, 2024.

Town of West Bend

Troy Zagel, Chairman

Attest:

Julie Ihlenfeld, Clerk