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CHAPTER 459

1969 Assembly Bill 621

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CHAPTER 459, LAWS OF 1969

AN ACT to amend 93.07 (11), 95.80 (1) (a), 134.52 (3), 173.31 (1) and 174.10 (1); and to repeal and recreate 58.07 and 97.73 of the statutes, relating to the appointment of humane officers, regulation of branding antifreeze solutions and testing of weights and measures by the department of agriculture.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 58.07 of the statutes is repealed and recreated to read:

58.07 HUMANE OFFICERS. (1) The board or council of any town, village, city or county may appoint one or more humane officers and may appropriate money to carry on such programs and pay such salaries as the board or council deems necessary. Humane officers shall serve until their appointments are terminated by the board or council. The board or council shall report all appointments and terminations of appointments to the department of agriculture. Before appointing any humane officer the board or council shall secure the recommendations of any humane society existing within such county or municipality. The board or council may appropriate to humane societies any sums of money deemed needful for the prosecution within their respective boundaries of the work for which they were organized.

(2) The board or council shall prescribe the duties of such officers, which shall include the enforcement of the laws relating to the prevention of neglect or cruelty to animals. Humane officers are vested with the powers of police officers or constables within their counties or municipalities for the purpose of carrying out their duties.

(3) The appointment of any humane society superintendent, agent or officer which has been approved by the governor prior to the effective date of this section (1969) shall remain in full force until terminated by such humane society and such superintendent, officer or agent shall have the same powers and duties as appointees under this section.

SECTION 2. 93.07 (11) of the statutes is amended to read:

93.07 (11) HUMANE ACTIVITIES. To ~~superintend and assist in the organization of~~ cooperate with humane societies in the several counties and to administer and enforce and assist duly appointed humane officers in the enforcement of the laws relating to humane education and the prevention of cruelty to animals and for this purpose the department and its authorized agents when engaged in this work shall have the powers of police officers and constables.

SECTION 3. 95.80 (1) (a) of the statutes is amended to read:

95.80 (1) (a) "Slaughterer" means any person operating a slaughterhouse licensed under s. 97.07 or 97.20, or registered under s. 97.21.

SECTION 4. 97.73 of the statutes is repealed and recreated to read:

97.73 ANTIFREEZE. (1) DEFINITION. "Antifreeze" includes all substances intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines in order to prevent freezing of the cooling liquid, or to lower its freezing point.

(2) ADULTERATION. An antifreeze is adulterated if:

- (a) It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine; or
- (b) It will make the operation of an engine dangerous to the user; or

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(c) Its strength, quality or purity falls below the standards represented.

(3) MISBRANDING. An antifreeze shall be deemed to be misbranded if:

(a) Its labeling is false or misleading in any particular; or

(b) When in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller or distributor, together with an accurate statement of the quantity of the content in terms of weight and measure on the outside of the package; or

(c) It does not bear a statement warning of any hazard of substantial injury to human beings which may result from the intended use or reasonably foreseeable misuse of the antifreeze, and which complies with the requirements of the hazardous substances labeling act under s. 97.71.

(4) PERMIT. No antifreeze shall be sold in this state unless a permit has been issued by the department for each brand. Upon the issuance of a permit for any brand of antifreeze no other person shall be required to secure a permit for such brand. The manufacturer or any seller may make application for a permit. Such application shall be accompanied by a copy of the label and an annual fee of \$20 for each brand. Permits shall expire on June 30 of each year. The department may revoke a permit if it finds that an antifreeze is adulterated, misbranded, or sold under a brand name or trademark other than the name stated in the application for permit or otherwise fails to comply with this section.

(5) INSPECTION. The department shall enforce this section by inspection, chemical analyses or any other appropriate method and the department may promulgate such rules as are necessary to effectively enforce the provisions of this section.

(6) ENFORCEMENT. It is unlawful to sell any antifreeze unless a permit has been issued for such antifreeze or to sell any antifreeze which is adulterated or misbranded. In addition to the penalties provided herein, the department may bring an action to enjoin violations of this section.

(7) PENALTY. Any person violating this section may be fined not less than \$50 or not more than \$500 for each offense.

SECTION 6. 134.52 (3) of the statutes is amended to read:

134.52 (3) Whenever ~~any regularly appointed agent of any humane society officer~~ or any peace officer in this state shall ascertain or observe ~~ascertains or observes~~ any shipment of chickens in a crowded or congested condition, such ~~agent or peace officer~~ may take or cause to be taken such steps as to give immediate relief.

SECTION 7. 173.31 (1) of the statutes is amended to read:

173.31 (1) Any sheriff, constable, village marshal, police officer or ~~agent of any humane society officer~~ may remove, shelter and care for any horse or other animal found to be cruelly exposed to the weather, starved, neglected or abandoned, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary; but in all cases the owner, if known, shall be immediately notified; and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

SECTION 8. 174.10 (1) of the statutes is amended to read:

174.10 (1) The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag, unless it ~~shall appear~~ appears affirmatively that the dog is duly licensed and that a tag had been properly attached to the collar of the dog and had been lost or removed without the knowledge or consent of the owner, or that the dog is not required to be licensed. The sheriff and his

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deputies, any marshal or constable or other police officer, *any humane officer* or a duly authorized humane society shall seize, impound or restrain any dog for the keeping of which no license has been issued and for which one is required or seize, impound or restrain any dog found running at large and any such officer may enter the premises of the owner to seize such dog. Any officer who ~~shall seize, restrain, impound or kill~~ *seizes, restrains, impounds or kills* any dog found in any place without a license as required under ~~sections ss. 174.05 to 174.12, inclusive,~~ upon delivery of such dog or carcass and the proper disposal of the carcass and after making a report to the village, town or city treasurer of the village, town or city in which the dog was seized or killed, showing that the dog did not have a license, shall receive therefor a payment of ~~two dollars~~ \$2, the same to be made from any funds of the village, town or city treasury not otherwise appropriated. Any dog unaccompanied by its owner or keeper which enters the field, pasture, meadow or farm ~~inclosure~~ *enclosure* of another shall constitute a private nuisance and the owner or tenant of such field, pasture, meadow or farm ~~inclosure~~ *enclosure* may seize, impound or restrain such dog while therein without liability or responsibility of any nature therefor. Any person may kill a dog, whether licensed or unlicensed, if found killing or worrying any domestic animal.

Approved February 16, 1970.
