Amendatory Ordinance
No. 2019-17

Creating Chapter 9: Captive Cervids in
Bayfield County Ordinance Title 5: Public Safety

WHEREAS, Wisconsin Statutes §59.03(2) provides that, except as elsewhere specifically provided in the statutes, the board of any county is vested with all powers of a local, legislative and administrative character; and

WHEREAS, Wisconsin Statutes §59.02(2) permits the enactment of ordinances by the County Board of Supervisors; and

WHEREAS, Section 2-2-3, Code of Ordinances, Bayfield County, Wisconsin, authorizes County Board committees or individual supervisors to introduce proposed ordinances; and

WHEREAS, The County Board of Supervisors, at their July 30, 2019 meeting, directed the establishment of these ordinances.

WHEREAS, it is deemed to be in the best interest of the County of Bayfield to create Chapter 9 “Captive Cervids” in Chapter 1 “Traffic and Parking” of Title 5 “Public Safety,” Code of Ordinances, Bayfield County, Wisconsin; and

WHEREAS, it is deemed to be in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin, be further modified and amended in the manner hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Section 5-9-1 [Fencing Standards] of Chapter 9 [Captive Cervids] of Title 5 [Public Safety] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

Chapter 9: Captive Cervids

Sec. 5-9-1 Fencing Standards Adopted

1. Adoption of Standards. In addition to the Wisconsin Statutes and other state laws adopted, there is also adopted in its entirety NR 16.45, Wis. Adm. Code, entitled “Farm Raised deer; white-tailed deer, specifications” including all amendments to the same.

2. Compliance. All captive cervid operations in Bayfield County, whether new or existing at the time of enactment of this ordinance, must comply with the fencing standards specified in NR 16.45, Wis. Adm. Code.

3. Annual inspection.
   a. The Bayfield County Planning and Zoning Agency and Bayfield County Conservation Department shall ensure captive cervid operations comply with all applicable fencing standards.
   b. Inspection of all captive cervid operations shall occur on at least an annual basis.
   c. A captive cervid operation may be inspected any time there is cause to believe a fence is not in compliance with standards or after a weather event that is known to have impact on fences within Bayfield County.
d. In the event the Bayfield County Planning and Zoning Agency or Bayfield County Land Conservation Department determines that a fence is out of compliance with applicable fencing standards, either department may, but is not required to, send written notice to the landowner to correct the violation within a specified time period prior to Bayfield County initiating enforcement action.

e. Bayfield County retains the authority to proceed directly to enforcement through citation or the initiation of legal proceedings in the event any fence is found not to comply with applicable fencing standards.

Section 2. Section 5-9-2 [Importation of Live Cervids] of Chapter 9 [Captive Cervids] of Title 5 [Public Safety] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows:

Sec. 5-9-2 Importation of Live Cervids.

1. Adoption of Standards. In addition to the Wisconsin Statutes and other state laws adopted, there is also adopted in its entirety ATCP 10.53 ("Farm-raised deer; chronic wasting disease herd status program") and 10.56 ("Moving farm-raised deer in Wisconsin"), including all amendments to the same.

2. Importation requirements. Importing into Bayfield County via any means a live cervid that is to be housed in the county is prohibited unless all of the following provisions are complied with:
   a. The animal comes from a herd enrolled in the Herd Status Program as specified in ATCP 10.53.
   b. The animal has a certificate of veterinary inspection (CVI) as specified in ATCP 10.56(2-3).
   c. An "Affidavit Certifying Cervid Origin" is submitted demonstrating the animal comes from a location that is not within 10 miles of where there is a documented case of a communicable disease in a wild or captive cervid recorded within five years prior to the animal being moved.

3. Submission of Documentation. The documentation required by paragraph 2, above, shall be submitted via certified mail to the Bayfield County Clerk within thirty (30) days of the date the live cervid(s) was brought into Bayfield County. The County Clerk shall then provide copies to the Planning and Zoning Agency and the Land Conservation Department.

Section 4. Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 5. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 6. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its passage.

By the action of the:

Dennis M. Pocernich, Chair

STATE OF WISCONSIN )
BAYFIELD COUNTY )ss.
I, Scott S. Fibert, Bayfield County Clerk, hereby certify that the foregoing is a true and correct copy of Amendatory Ordinance in Volume 26, adopted by the Bayfield County Board of Supervisors at their meeting held on the 1st day of October 2019.

Scott S. Fibert, Bayfield County Clerk

Date Published: October 9, 2019