

## ORDINANCE NO. 2023-12

**AN ORDINANCE AMENDING CHAPTER 1  
OF THE MUNICIPAL CODE OF THE VILLAGE OF ROCHESTER  
AS TO THE APPOINTMENT OF HUMANE OFFICER**

**WHEREAS**, the Village of Rochester seeks to update certain sections of the Village of Rochester Municipal Code for the sake of clarification, consistency, and to remedy oversights within the Code; and

**WHEREAS**, currently, the Code states that the Village's Humane Officer is the Racine County Humane Officer, a Racine County employee; and

**WHEREAS**, Racine County does not currently employ a Humane Officer; and

**WHEREAS**, the Code contains no provision for the appointment of a Humane Officer in the event that no County employee serves in that position; and

**WHEREAS**, the Village Board believes that it is in the best interest of the Village that the Code include a provision for appointment of a qualified Village Humane Officer.

**NOW, THEREFORE**, the Village Board of the Village of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

**Section 1:** Chapter 1 of the Village of Rochester Municipal Code entitled "General Government," Section 1-2 entitled "Appointed Officials," Subsection B entitled "Appointed Officials and Terms" is hereby amended to include the addition of the following within the table of appointed officials:

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
Humane Officer	Majority of the Village Board	2 years

**Section 2:** Chapter 1 of the Village of Rochester Municipal Code entitled "General Government," Section 1-12 entitled "Humane Officer" is hereby repealed and recreated as follows:

**1-12. HUMANE OFFICER.**

- A. The Village Board may appoint one or more qualified Humane Officers. Any Humane Officer so appointed must be certified in accordance with Section 173.05, and shall have the powers and responsibilities provided for throughout Chapter 173, of the Wisconsin Statutes.
- B. Abatement orders issued under Wis. Stat. s. 173.11 by a Village of Rochester Humane Officer may be modified or withdrawn by the Village Board.

- C. The Village Board may choose not to appoint a Village Humane Officer, and instead designate the Racine County Humane Officer, a Racine County employee, to function in this capacity. The Racine County Humane Officer shall then have jurisdiction throughout the Village per Wis. Stat. s. 173.03(3).

**Section 3:** CONTINUATION OF PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution, or proceeding brought for the enforcement of any right or liability established, accrued, or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provision is stayed pending the final resolution of such actions, including appeals.

**Section 4:** SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**Section 5:** EFFECTIVE DATE


This ordinance shall take effect on October 24, 2023 after passage and posting and/or publication as provided by law.

Passed and adopted this 23 day of October, 2023.

VILLAGE OF ROCHESTER

  
Edward Chart, Village President

ATTEST:

  
Sandra J. Swan, Village Clerk