



CLAIM FOR DAMAGE TO ANIMALS

Report of investigations under provisions of Wi. State Statutes, Chapter 174

NOTE: This form should be sent to the County Clerk, 711 N. Bridge Street, Chippewa Falls, WI 54729. Ensure that this form is filled out in its entirety, as any omission will necessitate return or possible rejection.

AFFIDAVIT OF OWNER

State of Wisconsin)

ss.

County of Chippewa)

I, _____ (insert name) _____, being first duly sworn on oath and depose and say that I am the legal owner of certain animals located in the City, Village, or Town of _____, Chippewa County, and that on the ____ day of _____, 20____, _____ (describe animal(s) – give size, weight, breed, etc.) _____

met with death or injuries resulting from and directly caused by a dog or dogs owned by: (give name and address of dog(s) owner, or state "unknown") _____

That upon or before the discovery of the death or injury of said animal(s), I observed the following: _____

That by reason of these facts, I claim the death or injury of said animal(s) is due to the work of some dog or dogs. I therefore assess the fair and reasonable market value of said animal(s) as follows: _____

I further declare that I have not neglected to pay a dog license tax on any dog in my possession. This claim was filed with the clerk/town chair/village president/city mayor of the Town, Village or City of _____ (enter municipality name) _____, this ____ day of _____, 20____.

Claimant Name: _____

Address: _____

(Owner Signature)

Subscribed and sworn to before me on this ____ day of _____, 20____.

Notary Public

NOTE: Owner must submit claim to the applicable local official within 3 days from the date of occurrence.

AFFIDAVIT OF INVESTIGATING COMMITTEE

State of Wisconsin)

ss.

County of Chippewa)

We hereby certify that we investigated the claim of _____ (Name of individual filing claim) _____ for damages on the ____ day of _____, 20____, to ascertain and determine whether, in fact, said damage was caused by some dog or dogs. That we have diligently investigated said claim and now find the facts to be as follows:

We further declare our determination of the fair and reasonable market value of said animal(s) to be \$ _____

The source for determination of the value is: _____

Subscribed and sworn before me this ____

day of _____, 20____.

_____, Notary Public

Wisconsin Statutes, Chapter 174 – Dogs (Applicable excerpts)

174.001 Definitions. As used in this chapter, unless the context indicates otherwise:

174.001(2g) “Domestic animal” includes livestock, dogs, and cats.

174.001(3) “Livestock means any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-related deer, as defined in §95.001(1)(ag), or domestic fowl, including any farm-raised game bird, as define in §169.01(12m)

174.09 Dog license fund; how disposed of and accounted for:

174.09(2) Except as provided in sub. (3), expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in administering the dog license law, expenses incurred by the county under §95.21 (4)(b) and (8) and expenses incurred by the county pound or by a humane society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs may be paid out of the dog license fund. The amount remaining in the fund after deducting these expenses shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals because of damages done by dogs during the license year for which the taxes are paid. Any surplus in excess of \$1,000 which may remain from the dog license taxes of any license year shall on March 1 of the succeeding year be paid by the County Treasurer to the county humane association or other organization designated by the County Board to provide a pound. If there is no humane society or other organization designated to provide a pound, these funds shall be paid to the towns, villages, and cities of the county for their use in the proportion in which the towns, villages, and cities contributed to the fund out of which the surplus arises.

174.11 Claims for damage by dogs to domestic animals including ranch mink:

174.11(1) The owner of any domestic animal, including a ranch mink, when it is proven that a dog forcibly entered an enclosure in which the mink was kept, which is attacked, chased, injured, or killed by a dog may, within 3 days after the owner has knowledge or notice thereof, file a written claim for damages with the clerk of the town, village, or city in which the damage occurred or, if it occurred in a town or village, with the chairperson of such town or the president of the village. The form of the claim may be prescribed by the department of agriculture, trade and consumer protection. Upon presentation of a claim, the supervisors of the town, the board of trustees of the village or the common council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees, or the common council shall promptly investigate the claim and may subpoena witnesses, administer oaths, and take testimony relative to the claim and shall within 30 days after filing of the claim make, certify, and return to the county clerk or, in a county in which agreement under §174.10(2) is in effect, to the intergovernmental commission the claim, a report of the investigation, the testimony taken, and the amount of damages suffered by the owner of the domestic animal.

174.11(2)(a) The form of the report and certification under sub. (1) may be prescribed by the department of agriculture, trade and consumer protection, and shall be subscribed by the supervisors, board, or committee making the report and certification.

174.11(2)(b) Except as provided in par. (c), the county clerk shall submit to the county board at its first meeting, following the receipt of any such claim, all claims filed and reported, and the claims shall be acted upon. Except as provided in par. (c), the amount of damages filed and reported to the county clerk shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claim as in other cases, and appeals from the action of the county board shall lie as in other cases.

174.11(3) The claims shall be solely against the dog license fund and shall create no other liability on the part of the county.

174.11(4) Subject to sub. (5), the county board or, in a county in which an agreement under §174.10(2) is in effect, the intergovernmental commission shall allow, as the amount of a claim for a domestic animal, including a ranch mink, killed by a dog, the amount determined to be the fair market value of the domestic animal, including a ranch mink, on the date the death occurred. Subject to (5), the county board or, in a county in which an agreement under §174.10(2) is in effect, the intergovernmental commission shall allow, as the amount of a claim for a domestic animal, including ranch mink, injured by a dog, the amount determined to be the total of the costs resulting from the injury including a loss in fair market value but the total amount of the claim may not exceed the fair market value. No claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

174.12 Actions against owners:

174.12(1) The allowance by a county of any claim for damages done by dogs constitutes an assignment to the county of the cause of the action of the claimant for which the claim is filed, and the county may sue and recover from the owner of the dog or dogs doing damages the full amount thereof and which shall not be limited to the sum paid the claimant by the county.

174.12(2) No claim shall be allowed by a county board or an intergovernmental commission at less than the amount so certified and reported, unless the claimant shall first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of the claimant’s claim.