

ORDINANCE # 95-2 Animal Control - Amendment 2016-03

STATE OF WISCONSIN
Town of El Paso
Pierce County

SECTION 1 TITLE

This ordinance shall be named the Animal Control Ordinance. Any previous animal control ordinances enacted by the Town of El Paso in conflict herewith are repealed.

SECTION 2 DEFINITIONS

A. Terms. The following terms shall mean:

1. **Animal.** “Animal” includes every living:
 - a. Warm-blooded creature except farm livestock (swine, cattle, horses, sheep, goats) and a human being;
 - b. Reptiles – a member of Reptilia, a class of cold-blooded vertebrates including snakes, lizards, crocodiles, turtles, etc.
 - c. Amphibians – a member of Amphibian, a class of vertebrates between fish and reptiles, i.e. frogs, toads and salamanders.
2. **Owner.** The term “owner” shall mean any person, group of persons or corporation owning, keeping, harboring, having charge or control of, or permitting any animal to habitually be or remain on or be lodged or fed within such person’s residence, yard, or premises for a period of five days or longer. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.
3. **Own.** The term “own” unless otherwise specified shall be deemed to mean keep, harbor, have control, charge or custody of an animal for a period of five days or longer. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.
4. **Dog.** The term “dog” shall apply to canine animals, male or female, altered or unaltered.
5. **Stray.** Any unlicensed animal, the owner of which is unknown, which is at large.
6. **At large.** An animal is “at large” when it is off the property of its owners and not under restraint.
7. **Restraint.** An animal is under “restraint” within the meaning of this ordinance if it is controlled by a leash or by a competent person and immediately obedient to that person’s command or within a vehicle being driven or parked on the streets or roads or within the property limits of its owner.
8. **Nuisance Dog.** Any dog which by frequent and habitual howling, yelping, barking, or other, shall cause serious annoyance or disturbance to persons or to a neighborhood or habitually pursues any bicycle or vehicle upon any public street or highway. The provision of this ordinance shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals.

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9. Dangerous animal.

- a. Any animal which constitutes a physical threat to human beings or to other domestic animals by virtue of a known history to endanger life by an unprovoked assault or bite so as to cause bodily harm.
- b. A dog trained, owned or harbored for the purpose, primarily or in part, of dog fighting.
- c. A dog shall not be deemed dangerous if:
 - i. It bites, attacks or menaces anyone assaulting the owner.
 - ii. It bites, attacks or menaces a trespasser on the property of the owner.
 - iii. It bites, attacks, or menaces any person or other animal who has tormented or abused it.
 - iv. It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person.
 - v. It is protecting or defending its young or other animal.

10. Abused Animal. Any animal which is:

- a. Mistreated, beaten, tormented or teased.
- b. Deprived of sufficient and wholesome water, food or shelter.
- c. Kept under unhealthy conditions.
- d. Trained for fighting other animals.

11. Guard dog. Any dog which has been trained to attack persons independently or upon command.

12. Proper Enclosure. A fence or structure of suitable height, forming or causing an enclosure suitable to prevent the entry of any young children. Such enclosure shall be locked and shall be designed with secure sides to prevent an animal from escaping from the enclosure.

13. Individual Dog Owner. The term “individual dog owner” means a place where no more than five dogs over five months of age are kept on the premises occupied for residential purposes.

14. Private Dog Kennel. The term “private kennel” means a place where more than five but less than eleven dogs over the age of five months are kept and where the business of selling, boarding, breeding, grooming or training dogs is conducted, and where the keeping of such animals is incidental to the occupancy of the premises for residential purposes, and is typically not the primary source of income of the occupant or owner of the property.

15. Commercial Dog Kennel. The term “commercial dog kennel” means a place where over ten dogs over the age of five months are kept by a corporate or individual owner, lessor, breeder of dogs who trains, grooms, boards, breeds and/or sells animals for resale, individually or in litter lots for any purposes other than guides for the blind or public service dogs.

A place where the business may be the primary source of income of the occupant or owner of the property.

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16. **Wild Animal.** Any animal other than domesticated household pets such as dogs, cats, mice, gerbils, hamsters, turtles, and non-poisonous snakes and lizards, and other than farm livestock (cattle, horses, mules, goats, swine) and poultry. Wild Animals includes fur-bearing animals, game, game animals and game birds described in Chapter 29, WI Statutes.
17. **Exotic Animal.** Any animal not native to Wisconsin or to the United States and is imported from another country. Exotic animals include but are not limited to tigers, lions, pandas, llamas, ostriches, peacocks.
18. **Town.** The term “town” as used in this ordinance shall mean the Town of El Paso, Pierce County, Wisconsin.
19. **Animal Shelter.** Any premises designated by the action of the Town Board for the purposes of impounding and caring for all animals found in violation of this ordinance.
20. **Animal Warden.** The Animal Warden shall be the person or persons employed by the Town to enforce this Ordinance, and may include the Town Constable, the Town Health Officer, a representative of a humane society, and any other agent (including veterinarians) who may be appointed from time to time by the Town to enforce this Ordinance.

SECTION 3 RESTRAINT

The owner shall keep his/her dog under restraint at all times. The owner shall not permit his/her dog to run or be at large.

SECTION 4 LICENSING OF DOGS

- A. Vaccination by a veterinarian against rabies is required of all dogs within thirty days after a dog reaches four months of age. Revaccination is required per current veterinary and vaccination standards to prevent expiration of the dog’s vaccination. A certificate of current vaccination must be presented when obtaining a dog license. An owner who fails to have a dog vaccinated against rabies as required by statute or ordinance is required to pay a forfeiture penalty to the town per WI Statutes 95.21 and the Town of El Paso Schedule of Fees and Forfeitures.
- B. No person shall own any dog within the town limits unless such dog is licensed, except as provided under “Exceptions”. Written application shall be made to such person or persons as designated by the town and shall include all pertinent documentation as required for such license.

Exceptions:

1. Hospitals, clinics and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this ordinance, except where such duties are expressly stated.
2. The licensing requirement of this ordinance shall not apply to any dog belonging to a non-resident and kept within the town for less than thirty days, provided that all such dogs shall at all times be kept under restraint.
3. Any dog owned, kept or harbored by an individual or corporation holding either a Private or Commercial Kennel license need not be individually licensed.
4. Every dog specially trained to lead blind or deaf persons or to provide support for mobility impaired persons is exempt from the dog license fee and every person owning such a dog shall receive annually a free dog license.

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C. There shall be three types of dog licenses issued:

1. Individual Dog.
2. Private Dog Kennel.
3. Commercial Dog Kennel.

SECTION 5 TYPES OF LICENSES AND FEES

A. **Individual Dog.** Written application shall be made on a form to be furnished by the town. As a condition for the issuance of said license, the owner shall submit a current certificate of rabies vaccination for the dog(s). At the time of application, numbered durable tag(s) shall be issued to the owner. The amounts of all fees are per the Town of El Paso Schedule of Fees and Forfeitures.

1. **License Fee.**

- a. The individual annual license fee for each dog over the age of five months that is “whole” or unspayed or unneutered.
- b. The individual annual license fee for each dog over the age of five months that is either spayed or neutered. Written documented proof of spay or neuter must be presented at the time of license issue.

2. **Replacement Fee.** In the event that the durable license tab for a dog shall be lost, the owner may obtain a duplicate tag free of charge upon proof that the original license was issued. For the second and subsequent replacement license tags, the license fee shall be prorated.

3. **Deceased Transfer Fee.** If the dog dies within the license year and a dog is secured to replace the dog so dying, the annual license for the deceased dog may be transferred (free of charge) to the replacement dog for the remainder of the licensing year.

4. **Change of Ownership.** If there is a change of ownership of a dog, the new owner must, within thirty days notify the Town Treasurer and have the license transferred to his/her name.

5. **Miscellaneous.**

- a. Any person who secures a dog five months of age or older shall be allowed thirty days to obtain a license. Any dog owner upon becoming a resident of the town shall be allowed thirty days to obtain a dog license.
- b. Upon complying with the provisions of this ordinance, there shall be issued to the owner a durable tag, stamped with a number and the year for which issued.
- c. Every owner is required to keep a valid tag securely fastened to the dog’s collar or harness which must be worn by the dog at all times except when the dog for which the license is issued is indoors or on the premises of the owner or covered by an Exception.

B. **Private Dog Kennel.**

1. Any place with more than five and less than eleven dogs over the age of five months shall be required to have a private kennel license. A private dog kennel license shall not be issued unless the application for such license is accompanied by the written approval thereof by the occupants of all privately owned real estate abutting the premises on which such kennel is to be located or unless the applicant’s kennel is 300 feet or more from any adjacent owner’s property line. Approval of abutting property owners is necessary only for the initial licensing.

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2. The fee for a Private Dog Kennel shall be submitted annually to the Town Treasurer. The fee for a renewal year may be waived if the kennel was first licensed in the preceding six months prior to January 1.

C. Commercial Dog Kennel.

1. Any place with more than ten dogs over five months old shall be required to have a commercial kennel license. A Commercial Dog Kennel license shall not be issued when located less than 700 feet from any lot line shared with premises devoted to residential uses, by persons other than that of the owner of such kennels, his family, agents, employees or tenants.
2. The Town Board of the Town of El Paso may grant a Commercial Dog Kennel license only upon approval of a Conditional Use Permit (or equivalent) after a public hearing as required by Pierce County Zoning.
3. The fee for a Commercial Dog Kennel license shall be submitted annually to the Town Treasurer. The fee for a renewal year may be waived if the kennel was first licensed in the preceding six months prior to January 1.

D. Provisions of Dog Kennel Licenses.

1. All dog kennel licenses shall be issued for one year beginning on January 1. Application for licenses may be made sixty days prior to the start of the licensing year and thereafter during the licensing year.
2. A dog kennel license may be revoked by reason of any violation of the ordinance or by reason of the violation of any health or nuisance ordinances, order, law or regulation as may be determined by the Town Board.
3. Before revoking a dog kennel license, the licensee shall be given notice of the meeting at which such a revocation shall be considered and a copy of the complaint. If the licensee is present at such meeting, he/she shall be first given an opportunity to be heard. Notice of such meeting shall be given to the licensee in writing, mailed to the address of the licensee as set forth in the licensee application for the dog kennel at least ten days prior to the date of the meeting.
4. All dog kennels shall be kept in a clean and healthful condition and at all reasonable times shall be open to inspection by the Town Board, any health officer, animal control officer or other person or persons charged with the enforcement of this ordinance or any health or sanitary regulation order, rule or statute of the Town of El Paso or Pierce County or the State of Wisconsin.
5. All dog kennels shall be insulated to serve as noise abatement. All dogs shall be confined to indoors at night in individual pens. During daylight hours, dogs may be let out into individual fenced areas known as "runs".
6. Dogs in cages shall be monitored as necessary to keep the cage free of urine and fecal matter and excreta.
7. Shelter from sunlight shall be provided for dogs kept outside. When sunlight is likely to cause heat exhaustion to an animal tied or caged outside, and particularly during the months of May through September, inclusive, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
8. The minimum space for dogs kept in pens (not cages), excluding the shelter space (the cage or house) shall be as follows:

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No. of dogs	Dog Size		
	Small (to 25 lbs.)	Medium (25 – 50 lbs.)	Large (over 50 lbs.)
1	21 sq. ft.	60 sq. ft.	80 sq. ft.
2	32 sq. ft.	80 sq. ft.	96 sq. ft.
3	45 sq. ft.	96 sq. ft.	140 sq. ft.

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

Space available to the mammal, reptile or bird shall be useable, maintained in a safe and healthful manner and be free of standing water, accumulated waste and debris.

9. Dog and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
10. **Doghouses.** Every person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide such dog, as a minimum, with shelter and bedding as described in the following:
 - a. Such shelter shall include an insulated, moisture proof and windproof structure of suitable size to accommodate the dog’s postural adjustments yet small enough to allow retention of body heat, made of durable material, with a solid floor raised at least two inches from the ground with the entrance facing away from prevailing winds during the appropriate season.
 - b. Structural strength. The housing facility shall be structurally sound and maintained in good repair to protect animals from injury.
 - c. During the winter season the following shall apply: The entryway shall be protected by self-closing door, an off-set outer door, or a flexible flap made of windproof material. The shelter shall be shaded during the hot months. Bedding, such as cedar shavings, straw or other non-absorbent material, shall be provided in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry.
 - d. If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or objects which will prevent the animals from entering the shelter.
 - e. If dogs are tethered, the chain, rope or appliance shall be equipped with a swivel to prevent tangling.
 - f. Free access to porches, garages or port-a-doors with special areas within shall be considered satisfactory shelter.
 - g. Proper drink shall mean clean, rust and algae free, drinkable water available at all times; exceptions shall be determined by veterinary consultation or professionally accepted practices for the safety and well-being of the animal.

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SECTION 6 IMPOUNDMENT AND REDEMPTION OF ANIMALS

- A. Any dog found to be unlicensed, running at large, or otherwise in violation of this ordinance may be taken and impounded in a designated animal shelter and there confined in a humane manner for a period of not less than seven days. If not claimed prior thereto by its owner it shall thereafter become the property of the animal shelter.
- B. Immediately upon the impounding of a dog wearing a current license, tattoo or other identification, the designated animal shelter shall make reasonable efforts to notify the owner of such dog of the impoundment and of the conditions whereby the owner may regain custody of the dog.
- C. Notwithstanding anything contained herein to the contrary, if a critically injured animal is at large pursuant to this ordinance, it may be destroyed, but only after reasonable efforts have been made to contact its owner.
- D. Any animal impounded hereunder being held for suspected disease (except rabies) may be reclaimed by the owner within seven days upon payment of the owner to the animal shelter any applicable forfeitures in addition to the costs for keeping such an animal during the impoundment, providing that the licensing requirements of this ordinance are complied with.
- E. Impoundment and Redemption Fines and Forfeitures.
 - 1. These fees are subject to the fees set by the town's designated or approved animal shelter.
- F. Quarantine.
 - 1. Any animal that has bitten a person shall immediately be impounded for at least ten days and kept apart from other animals, under the supervision of a veterinarian or at a town designated animal shelter, until it is determined whether such animal had or has a disease which might have been transmitted by such bite.
 - 2. Any animal which has been bitten by a rabid or suspected rabid animal shall be impounded and kept in the same manner for a period of six months, unless the animal has been vaccinated for rabies within the previous year, then the impoundment period shall be sixty days. The owner of an animal which has been bitten by a rabid animal shall notify the Town Board in the event of the animal's illness or death during quarantine.
 - 3. See WI Statutes Chapter 95.21 for current state and additional rabies control guidelines.

SECTION 7 This section blank as original was also blank.

SECTION 8 RECORDS

- A. It shall be the duty of the Town Treasurer to keep, or cause to be kept, accurate and detailed records of the licensing of dogs in the Town of El Paso.
- B. It shall be the duty of the Town Treasurer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the Town pursuant to this ordinance. All checks and money orders for the licensing of dogs and fines shall be made payable to the Town of El Paso.
- C. It shall be the duty of the animal shelter to keep accurate and detailed records of the impoundment and disposition of all animals taken into its custody, including the breed, age, color, date of pickup, and date, place and manner of disposition.

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- D. It shall be the duty of the animal shelter to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. A copy of the report shall be given to the Town Clerk.

SECTION 9 INVESTIGATION

- A. For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Town Board shall fully cooperate and assist the designated or approved shelters, the Department of Agriculture and authorized state health officials identifying and locating animals which pose a risk and/or danger to the public and/or are in need of humane treatment. To such extent as is permitted by state statute, the Town Board or its agent, any law enforcement officer or humane society representative is empowered to enter the premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal and/or license for such animal.
- B. It is further provided that the Town Board shall fully cooperate and assist the Department of Agriculture, authorized health officials and designated humane societies in identifying and locating animals which are being kept in reportedly cruel and/or inhumane manner and demand to examine such animal and to take possession of such animal when it requires humane treatment.
- C. The Town Board shall cooperate and assist any law enforcement officer in the discharge of his duties with respect to animal control.

SECTION 10 INTERFERENCE

- A. No person shall interfere with, hinder or molest the Town Board or the designated or approved shelter representatives in the performance of the duties of his/her/its office or seek to release any animal in the custody of the Town Board or the shelter except as herein provided.
- B. Any such action shall constitute a violation of this ordinance.

SECTION 11 ORGANIZED ANIMAL FIGHTING PROHIBITED

No dog fighting, cock fighting, bull baiting, bear baiting or other setting of or other fighting of one animal against another shall be permitted in the Town of El Paso.

SECTION 12 ABANDONMENT OR ABUSE OF ANIMALS

It shall be unlawful for anyone to knowingly abandon or abuse any animal. Each person who does abandon or abuse knowingly or willingly permits this abandonment or abuse or aids in the abandonment or abuse of any animal shall be in violation of this ordinance and shall be subject to the penalties as herein provided.

SECTION 13 ADDITIONAL REQUIREMENTS FOR PRECAUTIONS TO BE TAKEN BY OWNERS OF DANGEROUS ANIMALS

- A. Whenever outside of its enclosure as provided in Section 2 (Proper Enclosure), but it is on the owner's property, a dangerous dog must be attended by its owner and restrained by a secure collar and leash or sufficient strength to prevent escape.

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- B. No dangerous dog shall be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building outside of its own enclosure as provided for in Section 2 (Proper Enclosure).
- C. In addition to the requirements in Section 2 (Proper Enclosure) for owners of dangerous dogs who maintain the dog out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides: a secure top attached to all sides; the sides must either be buried two feet into the ground, sunken into a concrete pad or securely attached to a wire bottom. The gate to the kennel must be securely locked at all times.
- D. Except when being transported in and securely confined within a vehicle, no dangerous dog shall be permitted off the property of its owner except when it is attended by its owner or designated custodian and is restrained by secure collar and leash not to exceed six feet in length. Both collar and leash must be of sufficient strength to prevent escape and muzzled by any means sufficient to prevent biting other persons or domestic animals.

SECTION 14 ENFORCEMENT OF RESTRICTION ON DANGEROUS DOGS

- A. In the event that the Town Board has received information that a dangerous dog is being harbored in violation of this ordinance, they may:
 - 1. Notify the owner or keeper of the violation and order the violation immediately corrected.
 - 2. If the violation cannot be immediately corrected and the dog is posing an imminent serious threat to human beings or other domestic animals, the dog may be seized and impounded at the owner's expense. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing.
 - 3. If the owner or keeper of the dangerous dog fails to either provide proof that the dog will now be kept restrained or confined in compliance with the provisions of this ordinance, or fails to reclaim it from a designated town shelter after impoundment and if it cannot be adopted by someone providing proof that it will be kept restrained or confined as specified in this ordinance, it will be humanely euthanized.

SECTION 15 WARNING SIGNS, GUARD DOGS AND DANGEROUS DOGS

All owners, keepers or harborers of any guard or officially determined dangerous dog shall display in a prominent place on their premises and at each entrance or exit to the area where such a dog is confined, a sign easily readable by the public using the words "BEWARE OF DOG".

SECTION 16 DUTIES OF ALL ANIMAL OWNERS

- A. It shall be the duty of every owner of any animal or anyone having any animal in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity.
- B. It shall be the duty of every owner of any animal, or anyone having any animal in their possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian.

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- C. It shall be the duty of the owner of any animal or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor or custodian.
- D. Failure to keep any animal confined or under restraint as provided for in this Section shall be unlawful and shall be punishable as herein provided.
- E. No person shall keep or harbor any nuisance dog, nor shall any person keep or harbor any animal or fowl which by frequent or habitual howling yelping, barking, crowing or other making of other noises shall cause serious annoyance or disturbance to persons or to a neighborhood.
- F. Any person owning, keeping or harboring any dog or companion animal will be responsible to keep his property clean of all fecal matter from said animal(s). All animal waste shall be removed so as to keep the surrounding area free from obnoxious odors. Disposition of all animal waste, including urine, fecal matter and excreta shall be in a manner that is consistent with the maintenance of human and animal health. Animal waste shall be disposed of in a manner that does not pollute or contaminate ground water or soil. Acceptable methods for disposing of animal waste include flushing down an indoor toilet where the property is connected to a municipal sewer utility, disposing in a holding tank, composting with suitable quantities of leaves, grass and other organic debris (fecal matter to be less than 20% of gross weight of composed material) or spreading over land after being first treated with lime, provided any crop grown is for non-human use and the spreading is at least 100 yards from the nearest domicile. Disposition of animal waste in an on-site landfill, or burying animal waste, is not an acceptable disposition. Burning and incineration of animal waste is not an acceptable disposition unless the incinerator is one approved by the Department of Natural Resources, and all other state and local agencies which monitor and license such facilities. Disposition of animal waste in a private septic system (including drain field systems or mound systems) is not an acceptable disposition.
- G. No wild animals or exotic animals may be kept within the Town of El Paso except under such conditions as shall be fixed by the Town Board provided that wild animals and exotic animals may be kept for exhibition purposes by circuses, zoos or educational institutions, in accordance with such regulations as shall be established by the Town Board.

SECTION 17 PENALTIES

- A. Unlicensed dog owner shall be subject to a forfeiture penalty together with costs of prosecution plus cost of license.
- B. Any person who violates any provision of this ordinance may be subject to a forfeiture penalty together with the costs of prosecution.
- C. All forfeiture penalty amounts are per the Town of El Paso Schedule of Fees and Forfeitures.

SECTION 18 SEVERABILITY AND CONFLICT

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

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SECTION 19 HISTORY AND EFFECTIVE DATE

Revision Record:

March 13, 1995 Adopted as Ordinance 95-2.

This ordinance is effective on publication or posting.


Adopted as Ordinance 95-2, Amendment 2016-02 this 12th day of September, 2016.



Chairperson: Ronald Kannel



Supervisor: Daniel Fisher



Supervisor: Ron Foley

Attest: 
Clerk: Melanie Schoepp