

# AGENDA FOR THE PLAN COMMISSION

Members noticed must notify the person who prepared agenda (see below) at least 24 hours before the meeting as to whether they will not be able to attend this meeting.

**Date and Time:** Tuesday, June 18, 2019, **5:15 PM**

**Location:** Council Chambers, Municipal Building, 101 South Blvd., Baraboo, Wisconsin

**Plan Comm Notices:** Mayor Palm, P. Wedekind, D. Thurow, R. Franzen, P. Liston, J. O'Neill, T. Kolb, D. Marshall

**Others Noticed:** T. Pinion, E. Geick, E. Truman, Alison Taber, Ashley Ziegler, Library, and Media.

## **PETITIONERS OR REPRESENTATIVES MUST BE PRESENT OR SUBJECT WILL NOT BE HEARD BY THE COMMISSION!**

### **1. Call to Order**

- a. Note compliance with the Open Meeting Law.
- b. Roll Call
- c. Approve agenda.
- d. Approve May 21, 2019 meeting minutes.

### **2. Public Invited to Speak** (Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.)

### **3. New Business**

- a. Request by Alison Taber, d/b/a Tuttle Heights LLC, to rezone the 132' x 198' parcel of land on the northwest corner of the intersection of Albert Rd and Tuttle Street from R-1A Single-Family Residential to R-3 One- to Four-Family Multi-Family Residential.
- b. Request to Vacate the unimproved Monroe Avenue right-of-way between Amundson Drive and Birch Street.
- c. Consideration of an amendment to the General Code of Ordinances to regulate add Pet Stores.

### **4. Adjournment**

Phil Wedekind, Mayor Designee

Agenda prepared by Kris Jackson, 355-2730, Ext. 7309  
Agenda Posted by Donna Munz on June 13, 2019

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**PLEASE TAKE NOTICE**, that any person who has a qualifying as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 101 south Blvd., or phone 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

It is possible that members of, and possibly a quorum of members of, other governmental bodies of the City of Baraboo who are not members of the above Council, committee, commission or board may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above stated meeting, **other than the Council, committee, commission, or board identified in the caption of this notice.**

**FOR INFORMATION ONLY, NOT A NOTICE TO PUBLISH.**

**PLAN COMMISSION ITEM SUMMARY**  
**Jun 18, 2019**

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**SUBJECT: REQUEST BY ALISON TABER, D/B/A TUTTLE HEIGHTS LLC, TO REZONE THE 132' X 198' PARCEL OF LAND ON THE NORTHWEST CORNER OF THE INTERSECTION OF ALBERT RD AND TUTTLE STREET FROM R-1A SINGLE-FAMILY RESIDENTIAL TO R-3 ONE- TO FOUR-FAMILY MULTI-FAMILY RESIDENTIAL.**

**SUMMARY OF ITEM A:** The owners of this property introduced the concept of rezoning at the Commission's April meeting. They have decided to proceed with a request to rezoning the property to R-3.

The petitioners' property consists of 2 existing buildings – a 3-unit apartment building at 1425/1427 Tuttle Street and a four-unit apartment building at 622/624 13<sup>th</sup> Street. Both of the buildings occupy the same parcel, were constructed in 1973, and the underlying zoning classification is R-1A Single-Family Residential. Since the buildings are non-conforming with regard to the current R-1A zoning, the petitioners would like to rezone the property to R-3 so the use conforms with the underlying zoning. It is also worth noting that the property on the opposite side of Tuttle Street is already zoned R-3.

**ACTION: Forward to Common Council for a Public Hearing on the Rezoning with a recommendation to Approve/Conditionally Approve/or Deny the Proposed Rezoning to an R-3 One- to Four-Family Residential zoning classification.**

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**SUBJECT: REQUEST TO VACATE THE UNIMPROVED MONROE AVENUE RIGHT-OF-WAY BETWEEN AMUNDSON DRIVE AND BIRCH STREET.**

**SUMMARY OF ITEM C:** The adjoining property owners along both side of this platted, unimproved Monroe Avenue right-of-way have submitted a petition requesting the vacation of the unimproved alley right-of-way. I have included a location map and a copy of the signed petition in the packet.

**COMPLIANCE/NONCOMPLIANCE: N/A.**

**ACTION: Approve/ Deny this request. If approved, forward this matter to the Common Council for their consideration.**

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**SUBJECT: CONSIDERATION OF AN AMENDMENT TO THE GENERAL CODE OF ORDINANCES TO REGULATE ADD PET STORES.**

**SUMMARY OF ITEM C:** This item is included on the Agenda pursuant to the discussion at last month's meeting. The City Attorney has drafted the appropriate amendments to the General Code of Ordinances for your consideration, which are included in the Agenda Packet

**ACTION: Forward to Common Council with a recommendation to amend the General Code of Ordiances to regulate Pet Stores.**

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## Minutes of Plan Commission Meeting May 21, 2019

**Call to Order** – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Phil Wedekind, Dennis Thurow, Roy Franzen, Pat Liston, Jim O’Neill, Tom Kolb, and Dee Marshall.

Also in attendance were Tom Pinion, Atty Emily Truman, Dan Goff, and Brian Zawistowski.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Kolb, seconded by Liston to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Liston, seconded by Kolb to approve the minutes of the April 16, 2019 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) –There were no speakers.

### **New Business**

- a. Review Condominium Plat for a 7-unit single-family residential development on a 2.46-acre parcel on the north side of Inverness Trail for Vintage Investments, LLC – Dan Goff, 340 Inverness Terrace introduced himself to the Commission. Pinion presented the background information to the Commission. Pinion said originally this was for seven individual homes; however, in the interim, Goff has had two perspective buyer expressing a desire for a duplex, so Goff is proposing a total of eight units, six single-family homes, and one duplex. This will include an extension of a proposal private drive, which will be a common space. Pinion presented the map saying that this development would be regulated by the City’s Subdivision Ordinance, and what has been submitted does comply with the Subdivision Ordinance. He said along with the map is set a documents entitles Condominium Declarations, which spells out what is allowed, and what is not, such as setbacks, accessory buildings, etc. Pinion then stated that the Stormwater Management design also complies with the State and the City’s Wasterwater Ordinance. After Pinion’s detailed presentation and short discussion, it was moved by Liston, seconded by Franzen to approve the Condominium Plat as presented. On roll call vote for the Motion, Ayes – Thurow, Franzen, Liston, O’Neill, Kolb, Marshall, and Wedekind. Nay – 0, motion carried 7-0.
- b. Review signage for DEZ Arms – Brian Zawistowski, Wisconsin Dells introduced himself to the Commission. Pinion presented background to Commission. Pinion said that it would be monument sign close to driveway. It was stated that DEZ has revised their logo. It was moved by O’Neill, seconded by Kolb to approve the signage for DEZ Arms as presented. On roll call vote for the motion, Ayes – Franzen, Liston, O’Neill, Kolb, Marshall, Wedekind, and Thurow. Nay – 0, motion carried 7-0.
- c. Consideration of an amendment to the Zoning Code to add Pet Stores to allowable permitted used in the B-1 Downtown Business, B-2 Neighborhood Business, B-3 Highway-Oriented Business, and I-4 Planned Industrial/Business districts and creation of a corresponding Licensing Provision to Chapter 12 of the General Code of Ordinances – Pinion presented the background to the Commission for this topic. Pinion stated that the proposed solution is to add as permitted uses in the zoning code, have it well defined, and then have a parallel licensing requirement in the ordinance similar to what was done for short-term rental dwellings. Kolb felt that pet stores should not be in the Downtown Business or Neighborhood Business Districts. Liston asked how this would apply to the live meat sale at the Fair. Truman said that the definition of a pet store is dogs, cats, rabbits, rodents, insects, reptiles, or birds. Truman said that under this proposed ordinance, it would have to be one of this mentioned species, and a permanent establishment, and feels that the meat sale could be comfortable excluded. Liston asked about Farm & Fleet selling chicks once a year, and Truman felt that this would be licensed under this proposed ordinance. Pinion said that because they have been doing this for years, it would be a non-forming use and be grandfathered in; however, if they discontinued it for one or two years, then they would have to seek special permission to resume it. Kolb asked if the grandfathered pet stores would need to be licensed. Truman did not have the answer directly; however, she felt that the intent is to require all existing businesses to have a license, because the City would want to make sure that the businesses that currently exist are meeting all requirement of the ordinance. Kolb would like to see all businesses, even if grandfathered to have to pay a yearly license fee. Liston said he did not feel that Farm & Fleet should have to pay a license fee, because they only sell about two weeks in the spring. Truman said that the definition could be changed that a pet store is one that continuously sells animals for a 12-month period. Wedekind asked if the establishments would be inspected. Truman said that this is one concern of the CSO is that she does not have the ability to enforce anything at this time, because there is no ordinance. Kolb asked about State Statutes Chapter 951 and what it was. Truman stated that it is entire Chapter on animal cruelty laws. Truman said that most animal sale laws on a municipality level, Legislature has refused to adopt animal sale laws. She said that there are other states that do have rather strong animal sale laws, but this is primarily regulated on a municipal level. Truman said that she would work on sample language for puppy mills, and dog fighting. O’Neill wanted something in the ordinance regarding endangered species. Truman stated that as part of the proposed definition does include the exclusion of any animal listed in Chapter 9.10,

which was too long to include in the summary. After a lengthy discussion, Truman summarized saying she will provide an amendment with no grandfathering clause, add some immunizations language, record of sale information, will provide sample ordinances from other municipalities. She said that she would also provide the Commission with current Ordinance 9.10, which list the current prohibited animals. Kolb said that he would like the elimination of B-1 and B-2 in the amendment. Pinion mentioned no puppy mills. Franzen mentioned pigs; Truman said that this was an ordinance specifically for pet stores. Truman said that some municipalities specifically for pigs, and she offered to draft an ordinance regarding pigs as pets. It was the consensus of the Commission to postpone this issue. It was moved by Liston, seconded by Kolb to postpone this amendment until the next meeting. On roll call vote for the motion, Ayes – Liston, O’Neill, Kolb, Marshall, Wedekind, Thurow, and Franzen. Nays – 0, motion carried 7 to 0.

**Adjournment** - It was moved by Wedekind, seconded by Liston to adjourn at 5:50 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee

For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Notices Mailed by _____	_____
<input type="checkbox"/> Fee received by Treasurer _____	_____	<input type="checkbox"/> Public Hearing Published by _____	_____
<input type="checkbox"/> Filed with City Clerk _____	_____	<input type="checkbox"/> Plan Commission Held _____	_____
<input type="checkbox"/> Zoning Administrator Certification _____	_____	<input type="checkbox"/> Public Hearing Held _____	_____
<input type="checkbox"/> Referred for Staff Review _____	_____	<input type="checkbox"/> Council Action _____	_____
<input type="checkbox"/> Public Hearing Set _____	_____		

**City of Baraboo**  
 101 South Blvd.  
 Baraboo, WI 53913  
 (608) 355-2730 phone  
 (608) 355-2719 fax

**PETITION FOR ZONING CHANGE**

(A non-refundable \$250 fee must accompany this application upon filing.)

FOR TREASURER USE	
Receipt #	<u>1001349</u>
Account #	100-22-4440

Date of Petition: 6/10/2019

The undersigned, being all the owners of the real property covered by this zoning change request, hereby petition the City of Baraboo Plan Commission and Common Council as follows:

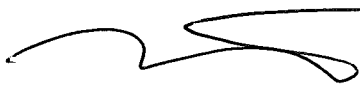
- Name and address of each owner: Michael and Alison Taber,  
W10967 Pigtail Alley Rd., Portage WI 53901
- Address of site: 1425 & 1427 Tuttle St & 622 & 624 13th. St. Baraboo
- Tax parcel number of site: 206 0370-00000
- Accurate legal description of site (state lot, block, and recorded subdivision or metes and bounds description) (Attach copy of owner's deed): See attached deed.
- Present zoning classification: R-1A Single-Family Residential
- Requested zoning change: R-3 One to Four Family Multi-Family Residential
- Brief description of structures presently existing on site (include photos): 2 buildings - a 3-unit apartment building at 1425/1427 Tuttle St, and a 4-unit apt. building at 622/624 13th. St.
- Brief description of present use of site and structures thereon: residential apartments - One to Four Family Multi-Family Residential
- Brief description of any proposed change in use or structures if request for zoning change is granted (include change in number of employees): none. No changes requested. Zoning change requested for zoning to conform with current usage.
- The following arrangements have been made for serving the site with municipal sewer and water: no change to existing service

11. Name, address, and tax parcel number of all owners of each parcel immediately adjacent to the boundaries of the site and extending 200 feet from and all the owners of the land directly opposite from the site extending 200 feet from the street frontage of such opposite land. (see section 17.11(1)(c) and City Code).
12. A scale map or survey showing the location, boundaries, dimensions, uses, and size of the site and its relationship to adjoining lands is attached. The map or survey shows the approximate location of existing structures, easements, streets, alleys, loading areas and driveways, off street parking, highway access and access restrictions, existing street, side and rear yards, surface water drainage, grade elevations and the location and use of any lands immediately adjacent to each of the boundaries of the site and extending 200 feet, plus the location of any existing structures on each such identified parcel. The name and address of each owner is attached.
13. A statement with supporting evidence indicating that the proposed zoning change or special zoning exception shall conform to the purpose, intent, spirit and regulations of the Zoning Code.


WHEREFORE, the undersigned property owners hereby state that the foregoing information and all attachments to this Petition are true and correct to the best of our knowledge.

Dated this 6th day of June, 2019.

Property Owner

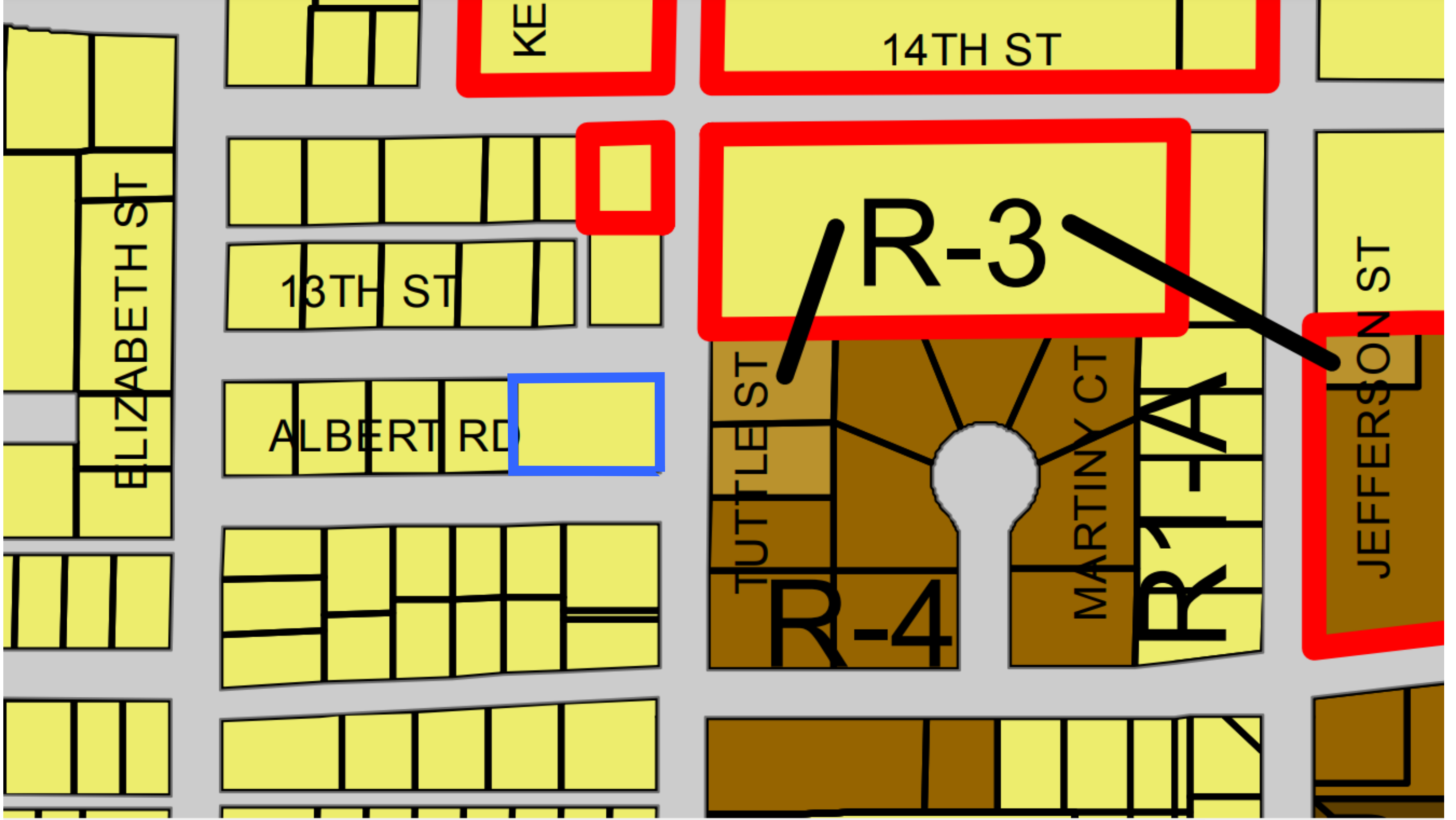
  
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 Property Owner

Property Owner

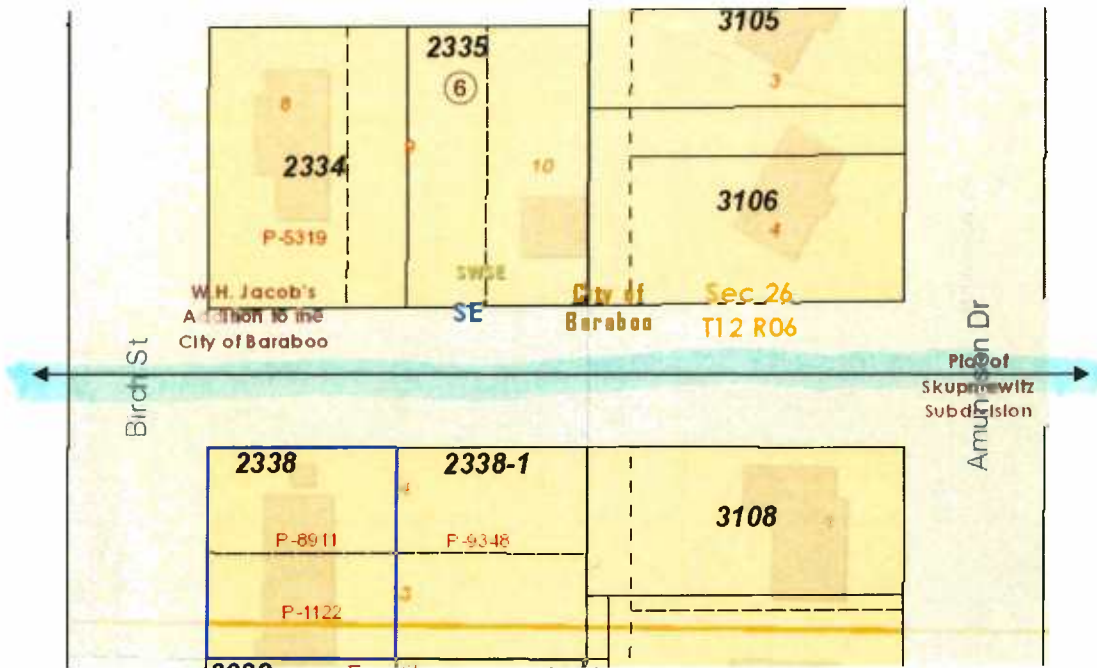
  
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 Property Owner

<p>I have reviewed this application for completeness:</p> <p><b>Date:</b> _____</p> <p><b>Zoning Administrator:</b> _____</p>
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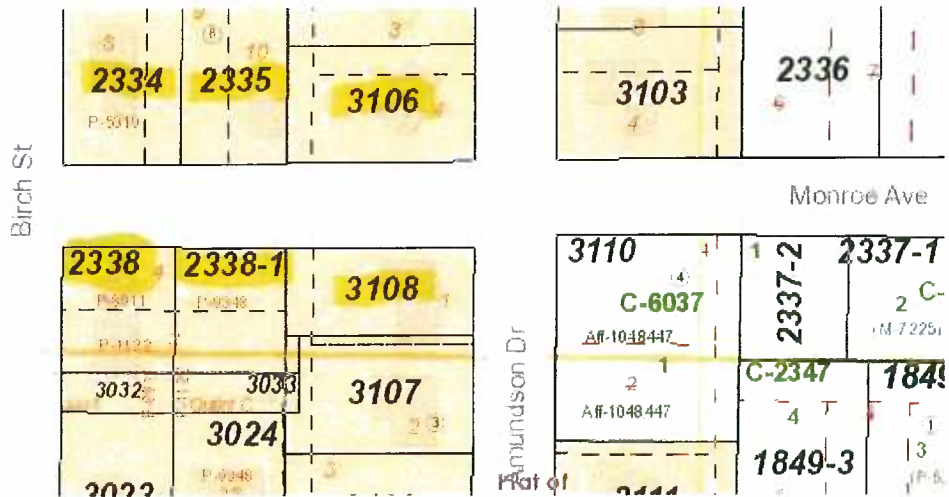




**Petition to Vacate Unused**  
**AND**  
**Undeveloped Public Roadway**  
**Monroe Street Alley Way**  
**Baraboo, WI 53913**



Parcels numbers 2334, 2335, 3106, 2338, 2338-1 and 3108 are all highlighted and are the affected parcels to the vacated roadway.



As seen below, all surrounding properties to the proposal of the vacated roadway are fully developed, and no further development of the roadway would be necessary.



**Petition to Vacate Public Roadway**

We, the undersigned owners of the real property described and highlighted below, hereby petition the City of Baraboo to vacate the public roadway which abuts to our properties, and allow the road way to become partial part of the adjoining properties, along with a shared driveway easement in the middle.

Each adjoining property of the 6 tax parcels listed below will be awarded 23' wide public roadway, adjoining a 20' shared driveway easement in the middle.

Owners: John Stanton & Kristina Stanton  
Address: 1718 BIRCH ST, BARABOO, WI 53913  
Tax Parcel ID Number: 2338

Signature: [Signature] Signature: Kristina M. Stanton Date: 5.27.19

Owners: Samantha Doro & Kyle Wedel  
Address: 218 15TH AVE, BARABOO, WI 53913  
Tax Parcel ID Number: 2338-1

Signature: [Signature] Signature: [Signature] Date: 5/27/19

Owners: Jedidiah Strobel & Megan Thompson  
Address: 1802 BIRCH ST, BARABOO, WI 53913  
Tax Parcel ID Number: 2334

Signature: [Signature] Signature: [Signature] Date: 5/27

Owners: Charles Gunderson & Ruth Gunderson  
Address: 1801 AMUNDSON DRIVE, BARABOO, WI 53913  
Tax Parcel ID Number: 2335 & 3106

Signature: Ruth Gunderson Signature: CEG Date: May 27, 2019

Owners: Race Frame & Ashley Zirzow  
Address: 1707 AMUNDSON DRIVE, BARABOO, WI 53913  
Tax Parcel ID Number: 3108

Signature: [Signature] Signature: [Signature] Date: 5/27/19

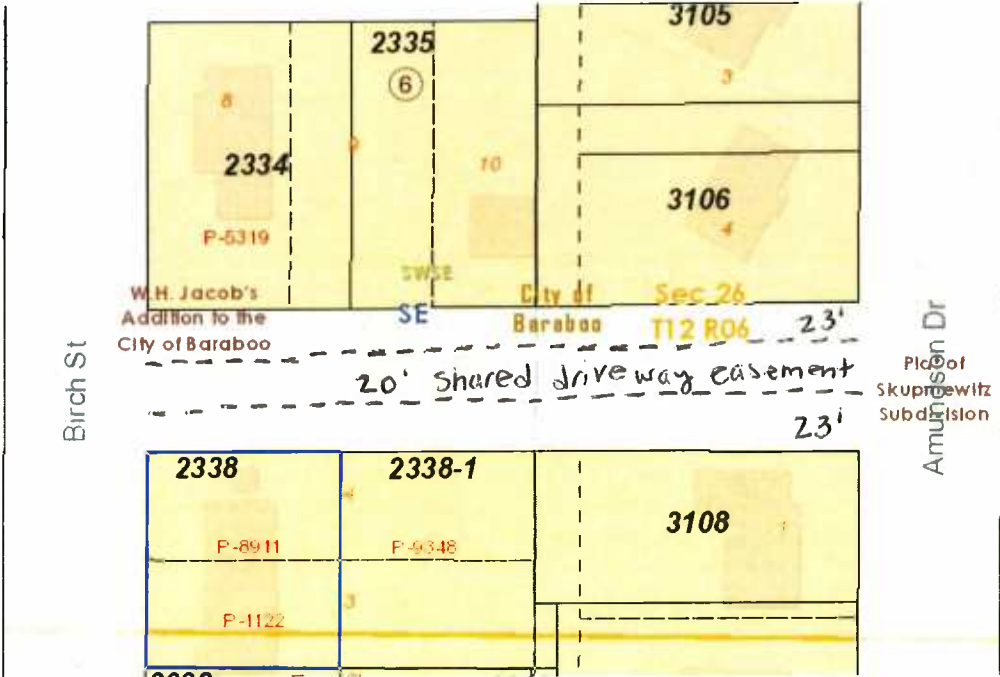
Owner (s) STANTON, JOHN C STANTON, KRISTINA M		Location Section,Sect. 26, T12N, R6E	
Mailing Address JOHN C STANTON KRISTINA M STANTON 1718 BIRCH ST BARABOO, WI 53913		School District 0280 - Sch D of Baraboo	
Tax Parcel ID Number 2338-00000	Tax District 206-City Of Baraboo	Status Active	
Alternate Tax Parcel Number		Acres 0.0000	
Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.) S 26-12-6 WH JACOB'S ADD W 90' LOTS 3 & 4 BLK 10			
Site Address (s) (Site address may not be correct and could be incorrect. DO NOT use the site address in lieu of legal description.) 1718 BIRCH ST BARABOO, WI 53913			

Owner (s) STROBEL, JEDIDIAH THOMPSON, MEGAN		Location SW-SE,Sect. 26, T12N, R6E	
Mailing Address JEDIDIAH STROBEL MEGAN THOMPSON 1802 BIRCH ST BARABOO, WI 53913		School District 0280 - Sch D of Baraboo	
Tax Parcel ID Number 2334-00000	Tax District 206-City Of Baraboo	Status Active	
Alternate Tax Parcel Number		Acres 0.0000	
Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.) S 26-12-6 WH JACOB'S ADD LOT 8 & LOT 9 EXC E37.5', BLK 6			
Site Address (s) (Site address may not be correct and could be incorrect. DO NOT use the site address in lieu of legal description.) 1802 BIRCH ST BARABOO, WI 53913			

Owner (s) DORO, SAMANTHA L WEDEL, KYLE C		Location Section,Sect. 35, T12N, R6E	
Mailing Address SAMANTHA L DORO KYLE C WEDEL 218 15TH AVE BARABOO, WI 53913		School District 0280 - Sch D of Baraboo	
Tax Parcel ID Number 3024-00000	Tax District 206-City Of Baraboo	Status Active	
Alternate Tax Parcel Number		Acres 0.0000	
Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.) CITY OF BARABOO ROLLING MEADOWS SUBD LOT 23			
Site Address (s) (Site address may not be correct and could be incorrect. DO NOT use the site address in lieu of legal description.) 218 15TH AVE BARABOO, WI 53913			

Owner(s): GUNDERSON, CHARLES E GUNDERSON, RUTH E		Location: Section, Sect. 35, T12N, R6E	
Mailing Address: CHARLES E GUNDERSON RUTH E GUNDERSON 1801 AMUNDSON DR BARABOO, WI 53913		School District: 0280 - Sch D of Baraboo	
Tax Parcel ID Number: 3106-00000	Tax District: 206-City Of Baraboo	Status: Active	
Alternative Tax Parcel Number:		Acres: 0.0000	
Description: Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document): CITY OF BARABOO SKUPNIEWITZ SUB DIV S23' LOT 3 & ALL LOT 4 BLK 2 & VAC ALLEY PER R206-195			
Site Address (es): Site address may not be correct and should be verified. DO NOT use the site address in lieu of legal description. 1801 AMUNDSON DR BARABOO, WI 53913			

Owner(s): FRAME, RACE E ZIRZOW, ASHLEY A		Location: Section, Sect. 26, T12N, R6E	
Mailing Address: RACE E FRAME ASHLEY A ZIRZOW 1707 AMUNDSON AVE BARABOO, WI 53913		School District: 0280 - Sch D of Baraboo	
Tax Parcel ID Number: 3108-00000	Tax District: 206-City Of Baraboo	Status: Active	
Alternative Tax Parcel Number:		Acres: 0.0000	
Description: Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document): CITY OF BARABOO SKUPNIEWITZ SUB DIV N 80' OF LOT 1 BLK 3 & VAC ALLEY PER R206-195			
Site Address (es): Site address may not be correct and should be verified. DO NOT use the site address in lieu of legal description. 1707 AMUNDSON DR BARABOO, WI 53913			



OFFICE OF THE CITY ATTORNEY  
MEMORANDUM

TO: City of Baraboo Plan Commissioners  
Tom Pinion, City Zoning Administrator  
Mark Schauf, Chief of Police

FROM: Emily Truman, City Attorney

RE: Pet Store Ordinance

Date: June 12, 2019

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At the May 21, 2019, Plan Commission meeting, the first proposed draft of an ordinance to create regulations for pet stores was reviewed by the Commissioners. The Commissioners requested changes to the draft, which are provided below in [blue](#). Also attached please find the City's code that is referenced in the proposed Pet Store ordinance.

**PROPOSED ORDINANCE**

**Suggested placement is in Chapter 12 of the City Ordinances, which addresses licensing and permitting**

12.XX PET STORES.

(1) DEFINITIONS.

- (a) ["Existing Pet Store" means any pet store existing within the corporate city limits on the effective date of this Chapter.](#)
- (b) ["Person" has the meaning found in §25.01\(3\) of this Code of Ordinances.](#)
- (c) ["Pet Store" means any establishment includes every place kept or maintained where any dog, cat, rabbit, rodent, insect, reptile or bird is bought, sold, exchanged, or offered for sale to the public, unless the activity occurs no more than 30 days out of any 365-day period.](#) The buying, selling, exchanging or offering for sale any animal other than those listed in this definition, [and/or](#) as listed in §9.10, City Code, [and/or](#) as otherwise prohibited by State or Federal law, is prohibited. Pet stores are allowed only in the following zoning districts: [B-1 Central Business District, B-2 Neighborhood Business, B-3 Highway-Oriented Business and I-4 Planned Industrial/Business Districts.](#)
- (d) ["USDA" means the United States Department of Agriculture.](#)

- (2) LICENSE REQUIRED. No person shall operate a pet store unless the person holds a valid license issued by the City Clerk.

- (a) A written application for initial and renewal licenses shall be filed with the City Clerk and must contain: (i) the name and address of the applicant, (ii) the location of the pet store, and (iii) other such information as may be [lawfully](#) required by the Clerk.
- (b) New and renewal license applications shall be reviewed by the City Clerk, Chief of Police, City Humane Officer and City Zoning Administrator or their respective designees. Licenses will be denied:
  - i. If the location of the pet store is not within a permitted zoning district,
  - ii. If the applicant has a conviction for animal abuse, neglect or cruelty, or for an offense under Ch. 951, Wis. Stat., or any comparable state or federal law,
  - iii. If City Humane Officer is not permitted by the applicant to inspect the premises to ensure compliance with this ordinance,
  - iv. If the City Humane Officer finds that the premises is not in conformity with this ordinance, and/or
  - v. Pursuant to §12.01(11), City Code.
- (c) The license term shall be from July 1 to June 30. Licensees may apply for a renewal license no sooner than three months prior to the license expiration date and no later than five days prior to the license expiration date.
- (d) The license fee shall be as stated in the Official Fee Schedule for the City of Baraboo. Refunds and prorated fees are not be permitted.
- (e) [Existing pet stores shall have 60 days after the date that this law has been passed to apply for a license.](#)

## 2. OPERATIONS.

- (a) ~~A.~~—Pet stores shall be operated in accordance with the requirements set forth in §12.13, City Code, and shall at all times be maintained in a clean and sanitary manner including providing the animals with adequate food, water, bedding, light and ventilation.
- (b) ~~B.~~—All animals shall be displayed in a healthy condition or, if ill, removed from display and given appropriate treatment.
- (c) [Pet stores shall ensure that all dogs and cats they obtain are from dealers properly licensed by the USDA, when applicable, and must keep a copy of the dealer's federal identification number for a minimum of 2 years after the pet store receives the dog or cat.](#)
- (d) [Pet stores shall deliver in writing to the recipient of a dog or cat at the time of the exchange the following information:](#)

- i. The breeder's name and address and, if the person is a dealer licensed by the USDA, the dealer's name, address and federal dealer identification number.
- ii. The date of the dog or cat's birth and the date the pet store received the dog or cat.
- iii. The breed, sex, color and identifying marks of the dog or cat.
- iv. A record of each inoculation and worming treatment administered, if any, to the dog or cat, including the date of administration and the type of vaccine or worming treatment.
- v. A record of veterinarian treatment or medication received by the dog or cat while in the possession of the pet store.
- vi. A document signed by a veterinarian licensed in the State of Wisconsin stating (a) that the dog or cat has no known disease or illness, and that the dog or cat has no known congenital or hereditary condition that adversely affects the health of the dog or cat at the time of the exchange or that is likely to adversely affect the health of the dog or cat in the future; or (b) describing any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat, or that is likely to adversely affect the health of the dog or cat in the future.

(e) Pet stores shall retain a copy of all records required herein for a period not less than two (2) years after the exchange of a live animal and shall make the copy available for inspection by a humane officer or law enforcement officer during business hours.

(f) Pet stores shall be prohibited from selling, exchanging or offering for sale any animal to any person if the pet store reasonably believes that the animal will be used by the person for any unlawful purpose including, but not limited, to dog fighting.

### 3. SUSPENSION AND REVOCATION OF LICENSE.

(a) —If a licensee or pet store has two violations of ~~Subs. 2, Operations of this ordinance, above,~~ within any 12-month period, or five violations within any 36-month period, or if the licensee is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute or code, the City Clerk shall revoke the license 10-business days after the service of a Notice of Revocation on the licensee by the City Clerk.

- i. The Notice of Revocation shall be deemed served on the day of mailing when sent by certified mail or if personally served. Service shall be made to the licensee at the address provided by the licensee on the license application.
- ii. The licensee may appeal of the revocation by providing the City Clerk a notice of appeal on or before the date of revocation; the revocation shall be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting, or may call a special

meeting, and make a final determination on the revocation based on whether there are clear and convincing violations of this ordinance and/or convictions as required herein.

- iii. For purposes of this section, a “violation” need not result in a conviction so long as the City Humane Officer or designee is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

(b) — A license may be suspended or revoked in accordance with §12.01(10), City Code.

4. DENIALS AND NON-RENEWALS. The denial or revocation of a license shall not preclude an applicant from applying for a license at any time in the future, although no applicant may apply more than twice during any 12-month period.

**ATTACHMENT A**  
**CITY ORDINANCES REFERENCED IN PROPOSED CODE**

**Baraboo Municipal Code §9.10 – Prohibited Animals**

**9.10 PROHIBITED KEEPING OF CERTAIN REPTILES, INSECTS, CROCODILIANS, SPIDERS, WILD ANIMALS AND OTHER CREATURES; REGULATION OF LIVESTOCK AND POULTRY (2079 07/23/02)**

(1) **PROHIBITED ANIMALS.** After November 1, 2002, no person shall own, keep, maintain, harbor or have in his or her possession or under his or her control within the City any poisonous or venomous reptile, insect, snake, crocodilian, spider or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities, including, but not limited to any of the following animals, reptiles, crocodilians, insects, spiders, or creatures:

- (a) All poisonous or venomous animals and reptiles including snakes
- (b) Apes: Chimpanzees (Pan); Gibbons (Hylobates); Gorillas (Gorilla); Orangutans (Pongo); and Siamangs (Symphalangus)
- (c) Baboons (Papoi, Mandrillus)
- (d) Bears (Ursidae)
- (e) Bison (Bison)
- (f) Cheetahs (Acinonyx jubatus)
- (g) Crocodilians (Crocodilia)
- (h) Constrictor snakes three feet or more in length, except a ball python snake up to four feet in length shall be allowed or a boa constrictor snake up to eight feet in length shall be allowed; snakes not indigenous to Wisconsin,

and any other snake exceeding three feet in length

- (i) Coyotes (Canis latrans)
- (j) Deer (Cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose; Elephants (Elephas and Loxodonta)
- (k) Game cocks and other fighting birds
- (l) Hippopotami (Hippopotamidae)
- (m) Hyenas (Hyaenidae)
- (n) Jaguars (Panthera onca)
- (o) Leopards (Panthera pardus)
- (p) Lions (Panthera leo)
- (q) Lynxes (Lynx)
- (r) Monkeys, old world (Ceropithecidae)
- (s) Ostriches (Struthio)
- (t) Piranha fish (Characidae) exceeding 6 inches in length
- (v) Pumas (Felis concolor); also known as cougars, mountain lions and panthers
- (w) Rhinoceroses (Rhinocero tidae)
- (x) Sharks (class Chondrichthyes) exceeding 6 inches in length
- (z) Tigers Panthera tigris
- (aa) Wolves (Canis lupus)
- (bb) Wolf-dog hybrids
- (cc) Raccoon, skunk, fox, opossum, or any other warm-blooded animal that can normally be found in the wild state
- (dd) Poisonous or venomous biting insects
- (ee) Poisonous tarantula and poisonous or venomous biting spiders

**Baraboo Municipal Code §12.01(11) – One Reason a License can be Deined**

**(11) LICENSE CONDITIONS - NON-PAYMENT OF CITY TAXES AND CLAIMS.**

(a) No license shall be granted or renewed for the operation of any trade, profession, business or privilege, for which a license or

permit is required by any provision of this Chapter, for operation upon any premises upon which taxes or assessments or other financial claims of the City, or of any City utility are delinquent and unpaid.

(b) No person who is delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City, shall be granted or renewed any license for any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Chapter.

**Baraboo Municipal Code §12.13 – Current Animal Code**

~~and the statutory provisions in §95.21, Wis. Stats., describing and defining regulations with respect to rabies control~~ are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this section.” (2082 04/15/2002)

- (2) **APPOINTMENT, JURISDICTION, AND POWERS OF HUMANE OFFICER.** The Chief of Police shall be authorized to appoint one or more Humane Officers pursuant to §173.03(1), Wis. Stats.
- (a) Pursuant to §173.03(2), Wis. Stats., the City Administrator, or in his/her absence, the City Engineer, is designated as an official who may modify or withdraw abatement orders issued under §173.11, Wis. Stats., by a Humane Officer.
- (b) Each appointed Humane Officer shall carry out his or her duties within the boundaries of the City. In addition, the Humane Officer appointed by the County of Sauk shall have jurisdiction within the boundaries of the City as provided by Ch. 173, Wis. Stats.
- (c) A Humane Officer shall have the powers and duties as set forth in §173.07, Wis. Stats.
- (3) **LICENSE REQUIRED.** It shall be unlawful for any person in the City to own, harbor or keep any cat more than 5 months of age without complying with the provisions of this chapter, or to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this chapter and §§ 174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of same.
- (4) **LICENSE FEES.** The license fee for dogs and cats shall be the fee required by the City's Official Fee Schedule, Chapter 1, Subch. IV. (1923 11/11/97, 2040 12/19/00)

real estate within the City.

**12.13 REGULATION AND LICENSING OF ANIMALS.** (2072 01/22/2002)

- (1) **STATE LAWS ADOPTED.** Except as otherwise specifically provided in this §12.13, the statutory provisions in Ch. 173, Wis. Stats., describing and defining regulations with respect to animals and humane officers

The license year shall commence on January 1 and end on December 31. Persons applying for a license during the license year shall be required to pay 50% of the fee stipulated in this subsection if the

dog or cat becomes five months of age after July 1<sup>st</sup> of the licensing year.

- (5) **LATE FEES.** The City Clerk shall assess and collect a late fee as set forth in the City's Official Fee Schedule from every owner of a cat or dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable cat or dog, or if the owner failed to obtain a license before the cat or dog reached a licensable age.
- (6) **KENNEL LICENSE OPTION.** The owners of kennels may opt to pay a kennel license fee as set forth in the City's Official Fee Schedule for a kennel in lieu of the fees provided in sub. (4) above and the City Treasurer shall issue tags for each dog or cat owned by the kennel owners. No kennel may be located in a residential district and each kennel location shall be subject to applicable zoning and other City conditions and regulations. Kennel operators must have all dogs vaccinated for rabies. (1923 11/11/97)
- (7) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep a dog in the City which is over 5 months of age and has not received a rabies vaccination as required by §95.21, Wis. Stats., or to keep a cat in the City which is over 5 months of age and has not received a rabies vaccination. No dog or cat license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs and cats at all times, except as provided in §95.21, Wis. Stats.
- (8) **DEFINITIONS.** In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:
- (a) **Adult Dog.** A dog over five months of age.
- (b) **Animal.** Any live vertebrate or invertebrate creature, either domestic or wild.
- (c) **Animal Shelter.** Any facility operated by the Sauk County Humane Society for the purpose of impounding and caring for animals held under the authority of this ordinance, Sauk County ordinances, and/or State law.
- (d) **At Large.** This term shall be defined as set forth in §9.09(1) of this Code. (2092 09/10/02)
- (e) **Confined.** Restriction of an animal at all times by the owner or his/her

agent to an escape-proof building or other enclosure.

- (f) **Domestic Animal.** Any animal that normally can be considered tame and converted to home life.
- (g) **Household.** One or more persons residing in a single-family dwelling unit.
- (h) **Humane Officer.** Any person designated by the Police Chief or County of Sauk pursuant to Subs. (2) above to enforce City Ordinances and State Statutes adopted by reference as they pertain to animal regulations and control.
- (i) **Kennel.** Any premise where a person owns or engages in the business, service, or hobby of boarding, breeding, buying, selling, letting for hire or trading, more than 12 adult dogs per year solely on one premise or a combination of premises. The breeding or selling of more than one litter, per owner or business, per premise per year.
- (j) **Owner.** Any person owning, harboring, possessing, maintaining, or keeping a dog, cat, or vicious animal and the occupant of any premises on which the dog, cat, or vicious animal remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog, cat, or vicious animal within the meaning of this section. A dog, cat, or vicious animal shall also be deemed to be harbored if it is fed and sheltered.
- (k) **Restraint or Restrained.** Securing an animal by a leash not more than 8 feet in length at any time which is of sufficient strength to completely restrain and control the animal and the leash is held by and under the active control of a person of sufficient age and competency to govern the animal and to prevent it from annoying or worrying any other person or domestic animal or from trespassing on private property or trespassing on public property where such animals are forbidden. (2092 09/10/02)
- (l) **Shelter.** An enclosure to protect animals from the elements and a structure that provides a clean, healthy living environment.
- (m) **Trained Individual.** Has the meaning as defined in Wisconsin Administrative Code ATCP 13.
- (n) **Veterinarian.** Has the meaning as defined in Wisconsin Administrative Code ATCP 13.

(o) Veterinary Hospital/Clinic. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries of animals.

(p) Vicious Animal. Vicious animal shall mean:

1. Any animal that, when unprovoked, inflicts bites, injures, kills, damages, or attacks a human being or domestic animal; or
2. Any animal that has on two (2) or more reported occasions when unprovoked, bitten, injured, killed, damaged, or attacked a human being on public or private property; or
3. Any animal that has a propensity, tendency, or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury, damage, or which may otherwise endanger the safety of any human being or domestic animal; or,
4. Any animal trained or used for fighting against another animal.

Notwithstanding the definition of a "vicious Animal" above, no animal may be declared vicious if death, injury, or damage is sustained by a person who, at the time such was sustained, was committing a criminal trespass upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing, or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects person or property.

No animal may be declared vicious if death, injury, or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing, or assaulting the animal.

No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

No dog may be declared vicious for acts committed by said dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(9) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the City to own, harbor or keep any dog that:

- (a) Habitually pursues vehicles upon any street, alley or highway.
- (b) Molests passersby or assaults or attacks any person without provocation.
- (c) Is at large within the limits of the City. (See §9.09.)
- (d) Frequently or habitually barks, yelps, or howls, and thereby greatly annoys or unreasonably disturbs the surrounding neighborhood or a person of ordinary sensibilities in the vicinity. (This paragraph shall not apply to hospitals conducted for the treatment of small animals.) (See §10.05(10).) (2130 12/09/03)
- (e) Kills, wounds, or worries any domestic animal.
- (f) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.

(10) DOGS AND CATS RUNNING AT LARGE AND UNTAGGED DOGS AND CATS.

- (a) Dogs or Cats Running at Large. A dog or cat is considered to be running at large if it is off the premises of its owner as described and defined in §9/09(1) of this Code. (2002 09/10/02)
- (b) Untagged Dogs and Cats. A dog or cat is considered to be untagged if a valid license tag is not attached to a collar

which is kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is securely confined in a fenced area.

- (c) Dogs and Cats Subject to Impoundment Police officers, City Humane Officers, or County Humane Officers shall attempt to capture and restrain any dog or cat running at large or any untagged dog or cat.
  - (d) Penalties. The owner of a dog or cat who negligently or otherwise permits the dog or cat to run at large, or who permits a dog or cat to be untagged shall be subject to a penalty as provided by subs (19).
- (11) **DUTY TO REPORT ANIMAL BITE.** Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.
- (12) **NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED.** No person, except a kennel licensee, shall own, harbor or keep more than two dogs and two cats that are more than five months of age. If more than two dogs and two cats are owned, harbored or kept in or by any one household, the head of the house-hold shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals. The Common Council shall be authorized to grant a special exception to this section and thereby allow a greater number of dogs and/or cats that are more than five months of age for a specific household provided the following conditions are satisfied: (1885 10/08/96, 2448 09/13/16)
- (a) No more than a total of five animals (dogs and cats combined) shall be owned, harbored or kept by one household.
  - (b) The need for the additional animals shall be based on either a change in household circumstances or a need for an additional animal due to a disability in the household. An existing household acquiring a new animal shall not be considered a change in household circumstances.
- (c) Each permitted animal shall be neutered or spayed.
  - (d) Each permitted animal shall be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner. If a permitted animal dies, it shall not be replaced with another animal.
  - (e) Each permitted animal shall be kept or harbored inside the residence.
  - (f) The owner of the household where such animals are harbored or kept shall give his/her written consent to the granting of an exception under this subsection.
  - (g) Each permitted animal shall be properly registered with the City and all license fees paid.
  - (h) The Council may impose such additional conditions as the Council deems necessary for the public health, safety and general welfare.
  - (i) In granting or denying a special exception, the Council shall take into consideration how and when the excess number of animals were acquired by the household, and whether such animals were acquired with knowledge of the limited number of such animals permitted by the City Codes.
  - (j) City police officers, community service officers and/or the zoning administrator shall be authorized to inspect the household at any reasonable time without notice to the owner or occupants thereof for compliance with the conditions established by the

Council. A single violation of any of the above conditions or of any other condition ordered by the Council shall be sufficient grounds for revocation of the special exception permit. The Council shall be empowered to revoke any permit issued under this subsection.

- (k) Before considering an application for a special exception permit under this section, the Common Council shall refer the application to the Administrative Committee. If the Administrative Committee finds that a permit should not be issued, this determination shall be final and shall constitute a formal denial of the permit. If the Administrative Committee finds that the permit should be granted, this determination shall be deemed a recommendation only and the final determination to grant or deny the permit shall be made by the Council.
- (l) Only one special exception permit shall be allowed per household so that in no case shall a person have more than 3 dogs or 3 cats.
- (m) An attempt shall be made to contact neighboring property owners regarding a request for a special exception permit.

(12A) NUMBER OF DOGS PER HOUSEHOLD: ANIMAL RESCUE OPERATION (2370 01/10/2012 [created])

- (a) As used in this subsection, "animal rescue household" means a single-family residence working in conjunction with a bona fide animal rescue organization to temporarily board dogs or cats until a new home can be found for the animal.
- (b) A "bona fide animal rescue organization" is an organization dedicated to the adoption of surrendered, abandoned, homeless, or otherwise owner-less dogs of a

specific breed or cats, and which:

1. Has been in existence as an organization for a minimum of two years;
  2. Does not allow animals in the organization's care to be mated or bred;
  3. Requires that animals live indoors in an environment suitable for socializing with humans;
  4. Requires that animals have up-to-date vaccinations;
  5. Requires a personal visit to the home of potential clients of their animals; and
  6. Is a member of the Alliance of Wisconsin Animal Rehoming Efforts.
- (c) In addition to the number of dogs and cats allowed per household pursuant to sub. (12), above, a licensed animal rescue household shall be allowed two additional dogs or cats in the household. The additional animals shall not be vicious animals as defined by §12.13(18), Ordinances.
  - (d) A license shall be issued by the City Clerk for an animal rescue household that meets the following requirements:
    1. Completes the required application form.
    2. Provides a letter of recommendation dated within 60 days of the date of application from a doctor or veterinary medicine supporting

- the household for animal rescue operations.
3. Provides evidence that the animal rescue organization the applicant is associated with is a bona fide animal rescue organization as defined in this ordinance.
  4. Provides a letter dated within 60 days of the date of application documenting service of the household with a bona fide animal rescue organization.
  5. Has licensed all other dogs and cats in the household.
- (c) An animal rescue household license shall be valid for period of two years.
  - (f) No animal rescue household license shall be issued or renewed where two or more convictions of violating §9.09, Animals at Large and Animal Waste regulations, §12.13(16), Cruelty to Animals, §12.13(17), Animal Waste violation, and/or §12.13(9)(c), Barking dogs, have been taken against members of the household within the two calendar year which precedes the application.
- (13) **UNLAWFUL TO FREE CONFINED OR RESTRAINED ANIMAL.** No person shall open any door or gate of any private premises or loosen, untie or cut any leash, rope or chain for the purpose of setting any dog, cat or other animal at large, except with the permission of the owner of such animal.
- (14) **IMPOUNDMENT, QUARANTINE, AND VIOLATION NOTICES.**
- (a) **Impoundment of Dogs and Cats at Large.** Unrestrained dogs and cats and dogs and cats running at large, shall be taken by the City Police Department or Humane Officer and impounded in the Sauk County Animal Shelter.
  - (b) **Impoundment Fee.** An owner reclaiming an impounded dog or cat shall pay the impoundment fee and expenses to the Sauk County Animal Shelter, and shall comply with the provisions of Ch. 173, Wis. Stats., prior to the release of the dog or cat.
- (15) **SAUK COUNTY ANIMAL SHELTER.** The Sauk County Animal Shelter shall be the designated site for the care, treatment, or disposal of dogs, cats, and other animals taken into custody by a Humane Officer or law enforcement officer.
- (16) **CRUELTY TO ANIMALS.**
- (a) No person owning, harboring, or having custody of an animal shall fail to provide it with good and wholesome food at least once daily and provide a constant supply of potable water to sustain the animal in good health.
  - (b) No person shall fail to provide any animal that he/she owns, harbors, or has custody of with shelter from inclement or adverse weather or to ensure the protection and comfort of the animal. In the case of dogs and cats which are kept outdoors or in an unheated enclosure, shelter and bedding shall be provided as set forth in this section as a minimum.
    1. **Outdoor Standards.** When sunlight is likely to cause overheating or stress to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors shall be provided with moisture resistant and wind resistant shelter of a size which allows the dog or cat to turn around freely and to easily sit, stand, and lie in a normal position and to keep the dog or cat clean, dry, and comfortable. Whenever the outdoor temperature falls below 40 degrees Fahrenheit, clean bedding material shall be provided in such shelters for

insulation and to retain body heat of the dog or cat. Feces shall be removed as specified in Subs.(17) below.

2. Indoor Standards. All animals confined to a cage, kennel run, or secure enclosure of any kind, shall be provided with quarters in a clean condition and in good state of repair. Each animal shall have sufficient space to turn around freely and to easily sit, stand, and lie in a normal position. The temperature and ventilation of the quarters shall be compatible with the health of the animal. There shall be sufficient clean, dry bedding to meet the needs of each individual animal and feces shall be removed as specified in Subs. (17), below.
- (c) Chains, ropes, or leashes shall be so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water, and shelter. Such chains, ropes, or leashes shall be located so as not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.
  - (d) No person shall fail to provide any animal that he/she owns, harbors, or has custody of with veterinary care when needed to prevent suffering.
  - (c) No person shall beat, kick, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering, or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under Wisconsin law.
  - (d) No person shall abandon or neglect any animal he/she owns, harbors, or has custody of.
  - (e) No person shall transport any animal in their possession in a manner which could cause injury, pain, undue stress, or death to the animal.
  - (f) No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement or offer the same as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
  - (g) No person shall cause, instigate, or permit any dogfight, cockfight or other combat between animals or between animals and humans.
  - (h) No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any dog or cat, provided that it shall not be unlawful for a person to expose, on his property, poisons designed for the purpose of rodent or pest elimination. This provision shall not prohibit police or Public Works personnel or licensed pest-control operators from providing rodent or pest-control services.
  - (i) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to report such injury or death to the animal's owner or the City Police Department.
  - (j) No person may cause or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time, without adequate ventilation, as to endanger the health or well being of such animal due to temperature, humidity, lack of food or drink, or such other conditions as may be reasonably expected to cause suffering, disability, or death.
- (17) ANIMAL WASTE.
- (a) The owner or person having immediate control of a dog or cat shall immediately remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal, upon public or non-animal owner private property. This section shall not be applicable to cases where a person is physically unable or is legally

blind and is being assisted by a certified companion dog.

- (b) All pens, yards, structures, or areas where animals are kept shall be maintained in a clean, sanitary, odor free, and nuisance free condition. Droppings and excrement shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.
- (18) VICIOUS ANIMALS. No person shall own, possess, harbor, keep, or maintain a "vicious animal" contrary to the terms of this section. (2092 09/10/02)
- (a) Vicious Animal License
    1. Any person who may own, possess, harbor, keep, or maintain a "vicious animal" or any owner as defined in this §12.13 shall do so only after first having obtained a "vicious animal" license from the City Clerk and only after complying with the terms of said "vicious animal" license.
    2. The license term shall be from January 1 through December 31. The license fee, as set forth in the City's Official Fee Schedule, which fee shall cover the costs of City issued tags and administrative follow-up of compliance.
    3. A license may be granted and issued subject to proof of the following:
      - a. A liability insurance policy written by an insurance company licensed to do business in the State of Wisconsin, covering death and personal injury, in the amount of at least three hundred thousand dollars (\$300,000) and property damage in the amount of at least fifty thousand dollars (\$50,000). The policy shall provide notice to the City Clerk thirty (30) days in advance of any material change therein and of its termination or non-renewal.
      - b. Current vaccination for rabies.
      - c. Current license where the "vicious animal" is a dog or cat.
      - d. Neutering or spaying, where the "vicious animal" is a dog or cat.
      - e. Permanently marking the animal with a tattoo or a subcutaneous microchip and providing the identification information on the application for license. (2279 04/22/08)
  - 4. A license granted and issued hereunder is conditioned upon the following:
    - a. Compliance with subsection (3) above.
    - b. The posting of signs no smaller than twenty-four inches (24") in size on each of four sides, made of metal or plastic, fluorescent yellow in color, bearing the wording, "WARNING VICIOUS ANIMAL," in English print, no smaller than three inches (3") high and also bearing the license number of each "vicious animal" no smaller than one inch (1") high, which signs shall be posted at each entrance to the building in which the "vicious animal" is kept and at each entrance through a fence, and at such location as is viewable from the public sidewalk, if any, in the vicinity of any walk or drive approaching any entrance to the building in which the "vicious animal" is kept.
    - c. The "vicious animal," while off the premises where kept, shall be muzzled with a no-bite type muzzle, restrained as to movement by a choke-type collar or harness and leash secured by and under the direct control and supervision of a mentally competent adult person.
    - d. The "vicious animal," while on the premises where kept shall be placed within a secured building, or within a secured fence of sufficient height and construction to

maintain the animal within, which fence shall be inspected and approved by the Police Department.

- (b) A "vicious animal" which is owned, possessed, harbored, kept, or maintained in violation of this section may be impounded or destroyed by the City, or its agents, at the expense of the violator, following notice and an opportunity to be heard by the Baraboo City Administrator, or his/her designee. Any police or humane officer of the City shall have the authority to enforce the provisions of this ordinance, including, but not limited to, seizing any animal that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this section. Any such animal seized pursuant to this section shall be held in the Sauk County Animal Shelter, or in such other facility deemed appropriate by the impounding officer. Any person aggrieved by the decision of the City Administrator or his/her designee, may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk within five (5) business days of the mailing of the written decision and order by the City Administrator, or his/her designee. The vicious animal shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The City may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding the animal during the appeal period. If it is determined that the animal has been owned, possessed, harbored, kept, or maintained in violation of this section, the costs incurred by the City for impounding and holding the animal shall be paid by the violator. A person found to be in violation of this section shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal to the City humane officer or police officer for such destruction or disposition as deemed proper. The City elects not to be bound by Ch. 68, Wis.Stats., with respect to the administrative procedure under this section. (2092 09/10/02)

- (c) No person shall:  
1. Sell or transfer possession of a "vicious animal" to another

person without first notifying the person to whom the "vicious animal" is being sold or transferred, of the fact that such is a "vicious animal," and of any requirements imposed upon the selling or transferring party by this Ordinance.

2. Sell or transfer possession of a "vicious animal" to another person without first notifying the City Clerk thereof, in writing at least five (5) business days in advance of the sale or transfer of possession.

- (d) If a vicious animal is euthanized, the owner thereof shall provide to the City Administrator within ten (10) days of the date of death of the animal a certificate or other written proof of euthanasia from a licensed veterinarian. If a vicious animal is killed, destroyed or dies from any other cause or means, the owner shall, within ten (10) days of the date of death of the animal, provide in writing to the City Administrator, verification of the death of the animal.

(19) ENFORCEMENT.

- (a) The provisions of this ordinance shall be enforced by City and Sauk County Humane Officers or City Police Officers.
- (b) City or Sauk County Humane Officers and City Police Officers are authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon non-animal owner private property. It shall be a violation of this ordinance to interfere with or obstruct the City or County Humane Officer or City Police Officers in the performance of their duties under this section.

- (20) PENALTIES. Any person violating any provisions of this section shall be subject to a penalty as provided in §25.04 of this Code.

~~12.14 REGULATION OF ALARM SYSTEMS.~~

~~(1833 09/26/95)~~

- ~~(1) PURPOSE. The purpose of this section is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm businesses and alarm uses. Both society in general and public safety in particular will be aided by~~

**Baraboo Municipal Code §25.01(3) – Definition of “Person”**

- (3) PERSON. The word "person" extends and applies to natural persons, firms, corporations, associations, limited liability companies, joint ventures, partnerships, or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable. (1805 04/11/95)

**Wisconsin Statute §951.08 – Animal Fighting Prohibited**

951.08 Instigating fights between animals.

(1) No person may intentionally instigate, promote, aid or abet as a principal, agent or employee, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(2) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

(2m) If a person has been convicted under sub. (1) or (2), the person may not own, possess, keep or train any animal for a period of 5 years after the conviction. In computing the 5-year period, time which the person spent in actual confinement serving a criminal sentence shall be excluded. The person may move the sentencing court to have this requirement waived. The court may waive the requirement except that the waiver may not authorize the person to own, possess, keep or train animals of the species involved in the offense under sub. (1) or (2).

951.08(3) (3) No person may intentionally be a spectator at a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person.

**ATTACHMENT B**  
**SOURCES AND SAMPLE ORDINANCES**

**SOURCES USED IN DRAFTING THE PROPOSED LANGUAGE:**

- DuPage County, IL, Animal Services, Puppy Mill Information Packet, (278 pages): [https://www.dupageco.org/uploadedFiles/DupageCo/Departments/Animal Care and Control/DMS\\_Files/Puppy%20Mill%20Information%20Packet\\_October%202018.pdf](https://www.dupageco.org/uploadedFiles/DupageCo/Departments/Animal%20Care%20and%20Control/DMS_Files/Puppy%20Mill%20Information%20Packet_October%202018.pdf)
- The Humane Society of the United States, Sample Ordinances Guide (27 pages): [http://www.humanesociety.org/sites/default/files/archive/assets/pdfs/pets/puppy\\_mills/sample\\_ordnances\\_guide.pdf](http://www.humanesociety.org/sites/default/files/archive/assets/pdfs/pets/puppy_mills/sample_ordnances_guide.pdf)
- The Humane Society of the United States, A Guide to Using Local Ordinances to Combat Puppy Mills (7 pages): <https://www.humanesociety.org/sites/default/files/docs/ordinance-combat-puppy-mills-guide.pdf>

**ADDITIONAL SAMPLE ORDINANCES:**

**St. Paul, MN**

Chapter 347. - Pet Shops/Animal Facility<sup>191</sup>

Sec. 347.01. - License required.

No person shall keep or maintain a pet shop in Saint Paul without a license.

Sec. 347.02. - Definitions.

*Animal control authority* means any government entity which is responsible for animal control operations in its jurisdiction.

*Animal facility* includes every place which is engaged in the operation of a pet shop but not a retail shop or veterinary hospital.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue of animals and the placement of those animals in permanent homes, and which does not breed animals.

*Animal shelter* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, which (1) accepts animals into a physical facility; (2) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted or surrendered animals; (3) places animals in permanent homes or with animal rescue organizations; and (4) does not breed animals.

*Cat* means a mammal that is wholly or in part the species *Felis domesticus*.

*Certificate of source* means any document from an animal control authority, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address, and telephone number of the source (animal control authority, animal rescue organization, or animal shelter) of the dog or cat.

*Dog* means any mammal that is wholly or in part the species *Canis familiaris*.

*Pet shop* means and includes every place kept or maintained for the care, exhibition for sale, sale or purchase of live dogs, cats, rabbits or other small animals, or any birds, reptiles or fish, but shall not include veterinary hospitals or persons or places selling only frogs, fish, worms or reptiles for use as live

bait for fishing, animal control authorities, animal shelters, or animal rescue organizations. Pet shop licensees shall be exempt from obtaining a dog and cat grooming license pursuant to Chapter 382 of the Legislative Code. In addition, such dog and cat grooming facilities shall be exempt from obtaining a pet shop license.

*Pet shop facility* means any facility engaged in the operation of pet shops.

Sec. 347.03. - Fee.

The fee required for each license shall be established by ordinance as specified in section 310.09(b) of the Legislative Code.

Sec. 347.04. - Application.

*Application.* Every applicant for a pet shop license shall file an application with the department of safety and inspections. The application shall be on a form prescribed by the department of safety and inspections containing such information as the director of such department may require including, but not limited to, the applicant's name, address and telephone number and the name, address and telephone number of the pet shop. Each pet shop facility shall be separately licensed. An applicant may also elect to apply for permission to act as a deputy dog license vendor as part of its license and as such is entitled to retain one hundred (100) percent of the license fee for each animal initially licensed.

Sec. 347.05. - Regulations.

- (a) *Premises.* Every person keeping or maintaining a pet shop shall do so entirely within a closed building, shall not keep or maintain any outside kennel service, and shall be subject to and shall comply with all of the rules and regulations of the department of safety and inspections.
- (b) *Exotic animals.* No pet shop shall maintain, keep or harbor any skunk, whether captured in the wild or raised domestically, descended or not descended, vaccinated against rabies or not vaccinated against rabies. No pet shop shall maintain, keep, harbor or sell any red-eared turtle (*Pseudemys scripta elegans*) with a shell length of less than four (4) inches.
- (c) *Sale of dogs and cats.* No pet shop shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section prohibits pet shops from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for such entities to showcase adoptable dogs and cats inside pet shops. Such animals may not be younger than eight (8) weeks old.
- (d) *Permit required.* Every licensee shall affix in a prominent position to the exterior of the cage, pen, enclosure, or tank housing of any animal requiring a permit to keep within the city, a tag or notice with the words "Saint Paul permit required."
- (e) *Rules and regulations.* The director of the department of safety and inspections may upon notice and hearing promulgate such rules as he or she deems necessary to carry out the provisions and purposes of this chapter, to provide for the proper care of animals and to provide for the cleanliness and proper sanitation in such facilities. Notice of the promulgation of such rules and the hearing date shall be given to all licensees, and notice of the hearing date published once in the legal newspaper. The notice shall advise that at the hearing written or oral comments on proposed rules will be received, and how a copy of the proposed rules can be obtained. Such rules shall be effective after such hearing when filed in the office of the city clerk. Violations of such rules shall be sufficient grounds for adverse action against licenses issued under this chapter.
- (f) *Records.* Every licensee shall keep an accurate record of any live animal purchased or sold, including the name and address of the person by or to whom such purchase or sale is made. These records should be kept for three (3) years from the time of purchase or sale.
- (g) *Reporting.* Every licensee shall inform the person by or to whom such purchase or sale is made for any animals requiring a permit in order to keep it within the city of the guidelines for obtaining a keeping-of-animal permit.

- (h) *Inspection.* The department of safety and inspections is authorized hereby to inspect the pet shop for the purpose of ensuring compliance with this section.

Sec. 347.06. - Certificate of source.

- (a) A pet shop shall post and maintain a certificate of source in a conspicuous place on or within three (3) feet of each dog or cat's kennel, cage or enclosure.
- (b) A certificate of source shall be provided to the adopter of any dog or cat.
- (c) A pet shop must maintain certificate of source records for each dog or cat for at least one year from the last date that a dog or cat appeared in the shop.
- (d) Pet shops shall make certificate of source immediately available for review upon request of a peace officer, the department of safety and inspections, an animal control authority, or a humane agent pursuant to Minn. Stat. § 343.06 acting on behalf of the city.

Sec. 347.07. - Violation.

It shall be deemed a violation of this section for any person to:

- (a) Falsify a certificate of source.
- (b) Resist, impede or hinder a city employee in the performance of his or her duties in inspecting any pet shop.