

ORDINANCE NO. 352

Fancier's Permit and Animal Establishment Permit

The Village Board of the Village of Lomira, Wisconsin, hereby ordains Section 4-8 Fancier's Permit be amended to read as follows:

Sec. 4-8. - Fancier's permit and Animal Establishment Permit.

(1) Fancier

- (a) Definition of Fancier: A person who wishes to keep an exotic or wild animal, or who wishes to keep a number of animals in excess of the number allowed under section 4-6(1), may apply for a fancier's permit, which may be granted at the discretion of the village board. The fancier's permit application must be submitted to the village clerk, who shall schedule a public hearing on the matter at the first possible village board meeting. Notice of the public hearing shall be given in accordance with Wis. Stats. § 985.07(1), Class 1 notices, no less than two weeks before the village board meeting at which the public hearing will be held. The village clerk shall also give at least ten days' prior written notice to all property owners within 200 feet of the property for which a fancier's permit is being sought. Failure of any notice to be received by any property owner shall not, however, invalidate the action taken by the village board. A fancier's permit will not be considered for review until the following conditions have been met:
- (1) The owner-keeper has complied with all applicable state and federal importation regulations and permit requirements and possesses any required veterinary health certificate.
 - (2) The owner has submitted to the village clerk a completed application for a fancier's permit, which shall list the type and number of the subject animals and their proposed location within the residence, household or dwelling unit.
 - (3) The animals shall be securely held and maintained in quarters so constructed as to prevent their escape.
 - (4) Should a permit be granted, such permit shall be valid for five years from the date of issuance. The owner may re-apply every five years with updated information on the subject animals by filing a renewal application form at least 30 days prior to the expiration date. If the village board decides not to renew the permit, notice of the nonrenewal shall be provided to the owner, and the owner shall have the option to appeal for a public hearing and reconsideration as described in subsection (c)(3) of this section.
 - (5) Fees for any applications or permits shall be as set by the village board by a duly enacted resolution and may be changed from time to time.
 - (6) Persons living in condominiums or other multifamily buildings must obtain written authorization from their condominium association or building owner to obtain a fancier's permit.
 - (7) The village board has the authority to require additional conditions as it deems appropriate.
- (b) When reviewing an application for a fancier's permit, the village board shall consider, but is not limited to, the following factors:
- (1) Type and number of animals.
 - (2) Size of the subject parcel and proximity to other neighbors.
 - (3) Qualifications of the requester.
- (c) Nonrenewal or revocation of permit.
- (1) Annually prior to renewal of the permit, the village clerk shall inquire of the police department regarding complaints and/or incidents regarding the permittee and the permit address with reference to any of the following:
 - a. Personal injuries or property damages caused by permitted animals.
 - b. Animal noise or animal waste complaints.
 - c. Animals at large.
 - d. Permit violations.

- e. Any other animal-related nuisance or annoyance conditions.
- (2) The presence of three or more separate such incidents within a 12-month period, documented by an investigating police officer and having resulted in a warning or the issuance of a citation to the permittee, shall be presumed to arise to a condition where renewal or continuation of the permit would injure public health, safety or welfare and disrupt the peace and repose of the neighborhood, and shall require nonrenewal or revocation of the permit. The village board also may choose not to renew or revoke a permit for any cause if it finds that the keeping of the animals has an adverse impact upon the health, safety or welfare of the village or the immediate neighborhood where the animals are kept. The village clerk shall promptly notify the permittee of the nonrenewal or revocation by certified mail.
- (3) Any person aggrieved by the nonrenewal or revocation of an animal-related permit may appeal to the village board by submitting a written request to the village administrator within ten days of receipt of the notice of nonrenewal or revocation. The village administrator shall schedule a public hearing on the matter at the first possible village board meeting. Notice of the public hearing shall be given in accordance with Wis. Stats. § 985.07(1), Class 1 notices, no less than two weeks before the village board meeting at which the public hearing will be held. The village clerk shall also give at least ten days' prior written notice to all property owners within 200 feet of the property for which an appeal is being sought. Failure of any notice to be received by any property owner shall not, however, invalidate the action taken by the village board.

Section 4-8 Animal Establishment

(2) Animal Establishment

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal care records means documents which contain any animal medical history, breeder contact information, treatments, acquisitions, disposition, behavior, or any other pertinent information.

Animal shelter means a facility that temporarily houses homeless, lost, abandoned, or seized dogs, cats, or other types of animals until such animals are either reclaimed by an owner, adopted by a new owner, placed with another organization, euthanized, or otherwise removed from the facility.

Breeding dog means any dog which breeds more than once in an 18-month period.

Breeding service means any business where a person causes or allows a dog to breed at least two or more times for compensation within an 18-month period.

Foster home means any place where a person cares for and houses animals upon request by an animal shelter, or by contract with an animal shelter.

Good faith effort means to deliberately act in a manner which a reasonable and diligent person would act to fulfill a duty or follow a guideline.

Grooming service means any business where a person performs cosmetic or cleaning services on animals for compensation two or more times in a two-year period.

Pet shop means any business where a person offers animals for either wholesale or retail sale.

(b) License required. Notwithstanding Wis. Stats. § 173.41, no person may operate a pet shop, grooming service, breeding service, or animal shelter without having first obtained an animal establishment license.

(c) Procedure for obtaining and renewing an animal establishment license.

(1) Any person who seeks to obtain or renew an animal establishment license shall make application to the Village Clerk on a form provided by the Village Clerk and pay a licensing fee as provided in the Village Fee Schedule.

(2) The Village Board shall review the application

(3) The Village Board shall issue or renew an animal establishment license unless the applicant owes a delinquent fee, judgment, or other debt to the Village or the Clerk determines that at least one of the following applies:

a. The applicant has been convicted of any violation under Wis. Stats. Ch. 951, or a local ordinance in conformity therewith.

b. The applicant has been convicted of violating any section of this chapter.

(4) An animal establishment license shall be valid for one year from the date of issuance. A breeding dog registration shall be valid for the life of the dog.

(d) License requirements. Any person who holds an animal establishment license shall

(1) Keep animal care records for at least two years and provide them to any law enforcement officer, or their designee, upon request.

(2) Ensure each dog less than one year of age in their possession wears an identification collar with its USDA official registration number at all times.

(3) Post on the front of all cages/enclosures the following information:

a. Name, business address and phone number of the breeder, broker and facility where the animal was born.

b. USDA License numbers, if any.

c. State license numbers, if any.

d. Whether the animal was purchased from an unlicensed facility.

(4) Ensure that each dog, cat, or ferret at least five months of age is vaccinated for rabies within 30 days of taking possession of the animal or before transferring ownership of the animal, whichever is sooner.

- (e) Specific business requirements.
 - (1) Pet shops shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a veterinarian.
 - (2) Grooming services shall maintain records of rabies vaccination and veterinarian contact information for each animal which receives grooming service.
 - (3) Breeding services shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a veterinarian.
 - (4) Animal shelters shall keep a record of approved foster homes.
- (f) Breeding dogs.
 - (1) Any person who operates a breeding service shall register all breeding dogs and pay the registration fee as provided in the Village Fee Schedule for each breeding dog in addition to the fee for obtaining an animal establishment license.
 - (2) No dog may be used for breeding before reaching two years of age, nor after reaching eight years of age.
 - (3) No dog may be sold before reaching the age of eight weeks.
 - (4) No person may operate a breeding service without having first obtained a seller's permit from the Wisconsin Department of Revenue.
- (g) Lemon Law. A pet shop operator shall post a copy of this Lemon Law in a conspicuous location on the business premises.
 - (1) The operator of a pet shop shall:
 - a. Provide the purchaser of any animal with spay and neutering information, a copy of animal care records for the particular animal, and name and contact information of the animal's treating veterinarian.
 - b. Guarantee the animal was not unhealthy or injured at the point of sale.
 - c. Reimburse the expense to treat an unhealthy or injured animal up to the purchase price of the animal if within seven days of the sale a veterinarian determines the animal was unhealthy or injured at the point of sale. Reimbursement is limited to treatment for the unhealthy condition or injury present at the point of sale. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.
 - (2) If a pet shop operator refuses to refund the treatment expense under subsection (g)(1)c of this section, the purchaser may commence a civil action in Circuit Court. If the court finds by a preponderance of the evidence that the animal was unhealthy or injured on the date of sale, the pet shop operator shall reimburse the purchase price of the animal, pay reasonable costs sustained by the purchaser to

commence and litigate the action, and comply with any other orders of the court. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

- (h) Revocation of license. The Village Board shall revoke an animal establishment license if the law enforcement officer reports any of the following to the Village Clerk:
- (1) The licensee was convicted of any violation under Wis. Stats. Ch. 951, or a local ordinance in conformity therewith.
 - (2) The licensee was convicted of violating any provision of this section.
 - (3) The licensee refused to allow a law enforcement officer, or their designee, to enter the property.
 - (4) The licensee ceased operation of any pet shop, grooming service, breeding service or animal shelter for 12 consecutive months.
- (i) Appeal. A licensee may appeal any revocation under subsection (h) of this section to the Board of Appeals. The Board of Appeals shall conduct a hearing and shall recommend to the Village Board that the license be revoked if it finds that the licensee committed a violation. The Village Board shall consider and take action on the recommendation of the Board of Appeals within 45 days after the Commission adjourns the hearing. The Village Board may uphold the revocation order or reinstate the license. Appeal from a decision of the Village Board shall be to the Municipal Court.
- (j) Penalties. Any person convicted of violating any provision of this section shall forfeit no more than \$500.00 for each violation.

Moved by Tr. More, seconded by Tr. Kohlmann,
to adopt Ordinance No. 352 as presented.

Roll call showed the following results: Ayes: Luedtke, Jewell, Kohlmann,
Loomans, More, Prieszn, Ridge

Nays: — Absent: —

Motion carried.

Passed and adopted this 9 day of August, 2023.

ATTEST:

Donald Luedtke
Donald Luedtke
Village President

Jenpa Rhein
Jenpa Rhein
Village Administrator-Clerk-Treasurer

