

ORDINANCE NO. 797

**AN ORDINANCE
TO CREATE SECTION 10-14 OF THE
CITY OF FORT ATKINSON MUNICIPAL CODE
RELATING TO THE
PROHIBITION OF LARGE-SCALE COMMERCIAL ANIMAL BREEDING**

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits (“puppy mills” and “kitten mills,” respectively). According to the Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation; and

WHEREAS, pet store puppies are often sick and have behavioral problems due to the substandard conditions they were likely born into often including that they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies and they were placed in a pet store cage with or near other puppies who are often sick; and

WHEREAS, pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking; and

WHEREAS, prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers; and

WHEREAS, the majority of pet stores, both large chains and small and family-owned shops, are already in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events; and

WHEREAS, this ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public; and

WHEREAS, the City Council believes it is in the best interest of Fort Atkinson, Wisconsin to adopt reasonable regulations to reduce costs to the City and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Fort Atkinson.

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 10-14 of the City of Fort Atkinson Municipal Code is hereby created to read as follows:

“Sec. 10-14. – Large-scale Commercial Animal Breeding Prohibited.

(a) The purpose of this section is to prohibit large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits.

(b) Definitions:

- (1) Animals shall be defined as live, cats, dogs, or rabbits.
- (2) Animal care facility: an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.
- (3) Animal rescue organization: any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.
- (4) Breeder: a person that maintains a dog or cat for the purposes of breeding and selling their offspring.
- (5) Broker: a person that transfers a dog or cat from a breeder for resale by another person.
- (6) Cat: a member of the species of domestic cat, *Felis catus*.
- (7) Dog: a member of the species of domestic dog, *Canis familiaris*.

- (8) Pet Store: a retail establishment where companion animals are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include an animal care facility or animal rescue organization, as defined.
- (c) Restrictions on the Sale of Animals. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, dogs, or rabbits. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations or offer space for such entities to showcase adoptable dogs, cats, or rabbits provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. Dogs may not be kept overnight.
- (d) Penalty. A pet store that violates this section shall be subject to a civil penalty as outlined in Sec. 1-10 of this Code; and each dog, cat, or rabbit offered for sale in violation of this section shall constitute a separate violation.
- (e) Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.”

Section 2. This ordinance shall take effect upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this fourth day of May, 2021.

Chris Scherer, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director