

ORDINANCE NO. OR13-05

**AN ORDINANCE AMENDING THE MUNICIPAL CODE,
CHAPTER 10, ANIMALS,
ARTICLE V. KENNELS,
SECTION 10-109 THROUGH SECTION 10-113,
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

Section 1; Chapter 10, Animals, Article V. Kennels, Section 10-109 through Section 10-113 are hereby repealed and recreated as follows;

Sec. 10-109. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial breeding kennel, a permit allows newly annexed properties to keep up to ten unaltered dogs. One acre of land plus other requirements must be met.

Commercial kennel: A pack or collection of dogs or cats on a single premises where animals are maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes, including any shop where dogs are for sale.

Dangerous dog, according to city ordinance: Any dangerous dog is required to be securely confined in an escape-proof locked pen or structure with warning signs on the owner's property.

Owner: Any person, partnership, or corporation owning, keeping or harboring one or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for seven consecutive days or more.

The owner or keeper of a licensed dog shall cause it to wear around its neck or body, a collar of leather or other suitable material with the tag attached. Failure to wear the collar and tag will result in a violation. A warning may be given for first offense and the appropriate fine for a second or subsequent offense. No person may use or display any license or tag for any dog other than the dog for which it was issued.

Pet shop/groom shops/boarding, a permit is required to operate a pet shop or groom shop within the City of Brillion. Such businesses must adhere to minimum standards of sanitation, care, and adequate housing.

Private kennel: A pack or collection of more than two dogs or three cats, three months old or over, owned or kept on a single premises and maintained exclusively as domestic pets and not maintained for sale, commercial breeding, boarding, grooming, training, hunting or for any other commercial purposes.

Quiet times, all dogs are to be kept quiet between the hours of 11:00 p.m. and 7:00 a.m.

Sanitary requirements—Keeping of animals. According to city ordinances, owners shall keep all premises, pens or enclosures in such a manner not to give off offensive odors or to breed or attract flies or other insects. All kennels and property must be cleaned as often as necessary to eliminate odor or insect problems.

Walking dog cleanup (poop scooper law), according to city ordinance it shall be unlawful for any person having custody or control of any dog to place, deposit, discard, or dispose of feces or manure on public property or private property of another unless placed in approved garbage or refuse containers on public property or with the consent of the owner of the private property. Any person walking a dog or cat will be considered to be the depositor of the feces or manure by virtue of having sole control of such animal.

Sec. 10-110. - Licensing of kennels.

- (a) Every person maintaining a commercial kennel or private kennel shall have a kennel license issued by the city clerk. The licensing period shall begin January 1 of each year and terminate thereafter on the thirty-first day of December, both dates inclusive.
- (b) Any owner or keeper of more than three dogs three months old or over who does not maintain a kennel may elect to secure a kennel license under city ordinance hereof and during such time as he does have a kennel license shall be subject to this section and other sections and statutes pertaining to kennels.
- (c) A police officer, animal control officer or the building inspector shall inspect such kennel prior to the issuance of the license. Failure to obtain a kennel license shall be punishable by a fine.
- (d) Kennel licenses may be revoked or suspended or otherwise regulated for cause by the city council, in accordance with the provisions of the Brillion City Ordinance.
- (e) A police officer, animal control officer or the building inspector appointed under the city ordinance of the City of Brillion shall inspect or cause to be inspected any kennel within the city. If unsanitary or inhumane conditions are found, or if records are not properly kept as required by law, the police officer, animal control officer, building inspector or his designee shall recommend to the city council, the revocation or suspensions of the kennel license.
- (f) The owner of a kennel shall submit to the city clerk a certification that all adult dogs on the premises have been properly inoculated.
- (g) The holder of a private kennel license shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather, or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license or dog license, the kennel license shall bear the name of the City of Brillion and the year of issue.

- (h) Upon the transfer of a dog from a commercial kennel to an owner, the owner may use a certificate and tag from the kennel in lieu of a license for a period not to exceed two weeks. The certificate shall contain the kennel number, date of purchase and description of the dog. Upon the licensing of the dog, the city clerk will sign and return the certificate to the commercial kennel. The new owner shall then meet the registration requirements of a private pet owner as described in city ordinance.
- (i) If the license of any kennel is suspended or revoked, no fee can be recovered by the kennel owner. Anyone maintaining a kennel after the license is revoked or during a suspension period shall be fined as prescribed in city ordinance.
- (j) Any person found guilty of cruelty to animals shall forfeit his kennel license and will be ineligible for another kennel license until two years from the date of being found guilty. No fee can be recovered by the kennel owner.
- (k) Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals; however, such groups shall contact the city clerk and be placed on the city council agenda to apply for permission to conduct such operations within the city limits prior to any activity of this kind being conducted.

Sec. 10-111. - Abatement of nuisance at kennel.

Upon the petition of ten citizens filed with the city council, stating that they are aggrieved or annoyed, to an unreasonable extent, by one or more dogs at a kennel because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, the city council, within seven days after receiving the filing of such petition, shall give notice to all parties interested of a public hearing to be held within 14 days after the date of such notice. Within seven days after such public hearing, the city council shall make an order either revoking or suspending such kennel license or otherwise regulating such kennel, or by dismissing the petition. Written notice of any such order shall be mailed forthwith by the city clerk to the holder of such license within ten days after such order, the holder of such license may bring a petition in the Brillion City Council asking for a review of the order by the appropriate court. The court shall review the order and shall affirm it unless it shall appear that the order was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the court shall be final and binding upon the parties.

Sec. 10-112. - Kennel permit fee schedule.

Note: See the city fee schedule for fees regarding the following categories of animals:

- (a) Private kennel—More than two dogs or three cats.
- (b) Commercial kennel annual fee.
- (c) Pet shop annual fee.

- (d) Grooming shop annual fee.
- (e) Replacement of lost kennel tag.
- (f) Up to two dogs per city ordinance (No kennel license required).
- (g) Up to three cats per city ordinance (No kennel license required).

Note: The above does not apply to standard dog or cat license.

Sec. 10-113. - License application process.

- (a) Persons wishing to apply for a kennel permit shall:
 - (1) Complete an application with the city clerk and pay the appropriate, non refundable fee as listed above, to the clerk to cover the cost of inspection of the property which the permit is intended to be used. No additional kennel fees will be charged. The fee paid will cover the cost for the individual animal for the year covered by the permit. The city clerk may charge a prorated fee for the permit if the time covered by the permit will be less than one calendar year. The kennel permit does not excuse the pet owner from registering the pet as required by city ordinance as a private pet, if applicable.
- (b) The completed and paid permit shall then be brought to the police department where an appointment will be made to inspect the described property on the permit.
- (c) Upon completion of the inspection, the applicant shall be advised if they have passed or failed inspection.
- (d) If inspection is completed and the property has passed inspection, the property owner shall be given a date to appear at city council, if desired for the hearing on the permit application. The council shall then either approve or reject the application based upon the presented information at that meeting.
- (e) If the inspection failed, the property owner shall be given a reasonable time period in which to make necessary corrections in order to pass inspection. If the property owner fails to pass the inspection on the second attempt, the fee paid shall be forfeited and the application shall be rejected. Any future applications for inspection shall be started from the beginning and a new fee will be required to start the process over.
- (f) Both successful and rejected applications will be presented to the city council on the next appropriate council meeting and the property owner may appear at that meeting to present their side of the matter to the council. The city council may then either approve or deny the permit based on the information presented at that meeting.
- (g) If the application is approved, the permit will be good until the expiration date on the permit.

SECTION III: This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR13-05 introduced and its adoption moved by Alderperson Edinger; and seconded by Alderperson Wenzel.

Upon a pole vote thereon, the result was as follows:

<u>5</u>	Votes Cast
<u>5</u>	Votes Yes
<u>0</u>	Votes No

The Mayor declared Ordinance Number OR13-05 adopted, approved and signed the same this 24th day of June, 2013.



Gary Deiter
Mayor

Attested:



Lori M. Gosz, CMC
City Administrator/Clerk-Treasurer