

ORDINANCE NO. 23-01

**AN ORDINANCE TO CREATE SECTION 6.19 OF THE CITY ORDINANCE
REGULATING COMMERCIAL SALE OF CATS AND DOGS**

WHEREAS, the Common Council of the City of Pewaukee has been made aware of documented abuses associated with puppy and kitten mills involving over-breeding, inbreeding, minimal or no veterinary care, lack of adequate food, water and shelter, lack of socialization, exercise and enrichment and lack of sanitation; and

WHEREAS, prohibiting retail 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 burdens upon local agencies and taxpayers created by abandoned puppies being placed in animal shelters; and

WHEREAS, the Common Council finds it is in the best interest of the City of Pewaukee to prohibit activities that promote the unethical, inhumane, and cruel treatment of animals; to protect citizens who may purchase dogs or cats, that may be the product of unethical breeders; to promote community awareness of animal welfare; and to foster a more humane environment in the City of Pewaukee;

NOW THEREFORE, the Common Council of the City of Pewaukee hereby creates §6.19 of the City Code of Ordinances as follows:

SECTION 1: §6.19 of the City Code of Ordinances shall provide:

(1) DEFINITIONS.

Animal care facility means 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.

Animal rescue organization means 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.

Breeder means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

Broker means a person that transfers a dog or cat from a breeder for resale by another person.

Pet store means a retail establishment where dogs or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization.

(2) **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 or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats 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 animals.

SECTION 2: 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 3: EFFECTIVE DATE

This ordinance shall be effective upon publication or posting as provided by law.

Dated this ___ day of _____ 2023.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, City Clerk

This ordinance posted or published _____.