

**AN ORDINANCE CREATING CHAPTER 5.80 PROHIBITING THE
RETAIL SALE OF DOGS, CATS, AND RABBITS**

Presented:

Adopted:

Publication:

Ordinance No.:

ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. That CHAPTER 5.80 of the Sun Prairie Municipal Code is created to read as follows: (Additions are noted by underline, deletions are noted by overstrike.)

Chapter 5.80 - PROHIBITION ON RETAIL ANIMAL SALES

5.80.010 - Intent. The purpose of this section is to protect the health and well-being of animals, and to discourage large-scale commercial breeding and the unethical treatment of animals that occurs in large-scale commercial breeding facilities.

5.80.020 - Definitions. For purposes of this section, capitalized terms have the following meanings:

(1) 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 Animal Rescue Organizations.

(2) 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.

(3) Cat means a member of the species of domestic cat, *Felis catus*.

(4) Dog means a member of the species of domestic dog, *Canis familiaris*.

(5) Rabbit means a member of the species of domestic rabbit, *Oryctolagus cuniculus domesticus*.

(6) Retailer means any individual or entity holding a seller's permit issued by the Wisconsin Department of Revenue. It does not include any Animal Care Facility or Animal Rescue Organization.

(g) Sale or Sell means to convey possession or ownership for consideration, or to offer to the general public to do so. Consideration includes, but is not limited to, money and any other legal tender, including virtual currency; bartered goods; credit exchanges; and exchanges of any other animals or tangible personal property; but does not include fees for vaccinations, microchipping, neutering, or spaying, provided those fees are at cost and do not include any profit.

5.80.030 – Prohibition of the sale of cats, dogs, and rabbits. No Retailer having a retail place of business in the City of Sun Prairie shall Sell Cats, Dogs, or Rabbits. This section does not prohibit Retailers from displaying and offering Cats, Dogs, or Rabbits provided by Animal Care Facilities or Animal Rescue Organizations for adoption.

5.80.040 – Penalty. Any individual or entity that violates this section shall be subject to a civil forfeiture not to exceed \$500 per animal. Each animal offered for sale in violation of this chapter shall constitute a separate violation.

5.80.050 – Severability. If any subsection, paragraph, sentence, clause, or phrase of this section is declared unenforceable for any reason whatsoever, such declaration shall not affect the remaining portions of this section, which shall continue in full force and effect, and to this end the provisions of this section are severable.

SECTION 2. Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: _____
Paul T. Esser, Mayor

Date Approved: _____

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the _____ day of _____, 2022, and was submitted for signatures on the _____ day of _____, 2022.

Elena Hilby, City Clerk