

GENERAL ORDINANCE NO. 3-10

AN ORDINANCE
CREATING SECTION 6.37,
GREEN BAY MUNICIPAL CODE,
RELATING ANIMAL ESTABLISHMENT LICENSE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.37, Green Bay Municipal Code, is hereby created as follows:

6.37 ANIMAL ESTABLISHMENT LICENSE

(1) **DEFINITIONS.** In this section, the following words and phrases have the designated meanings, unless a different meaning is expressly provided or the context clearly indicates a different meaning:

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

(b) “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.

(c) “Pet shop” means any business where a person offers animals for either wholesale or retail sale.

(2) **LICENSE REQUIRED.** Except for any activity licensed under §173.41, Wis. Stats., no person may operate a pet shop or grooming service without having first obtained an animal establishment license.

(3) **REQUIREMENTS.** Any person who holds an animal establishment license shall:

(a) Keep all animals in enclosures which are appropriate for the types of animals contained therein.

(b) Provide sufficient food and water for all animals.

(c) Provide appropriate care for animals to promote wellbeing, health and safety

(d) Keep animal care records for at least two (2) years and provide them to any humane officer, or his/her designee, upon request.

(4) SPECIFIC BUSINESS REQUIREMENTS.

(a) Pet shops shall ensure each dog and cat receives its first set of shots and testing/treatment for internal parasites from a veterinarian.

(b) Grooming Services shall maintain records of rabies vaccination and veterinarian contact information for each animal which receives grooming service.

(5) LEMON LAW. The operator of a pet shop shall:

(a) Post a copy of this Lemon Law in a conspicuous location.

(b) Provide the buyer of any animal with early 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.

(c) Guarantee the animal was not sick or injured on the date of sale.

(d) Refund the purchase price of the animal if, within seven (7) days of the sale, a veterinarian determines the animal was sick or injured on the date of sale.

(e) If a pet shop operator refuses to refund the purchase price under par. (d), the purchaser may commence a civil action in circuit court. If the court finds by a preponderance of the evidence that the animal was sick or injured on the date of sale, the pet shop operator shall refund the purchase price of the animal and comply with any other orders of the court.

(6) PROCEDURE FOR OBTAINING ANIMAL ESTABLISHMENT LICENSE.

(a) Any person who seeks to obtain an animal establishment license shall make application to the City Clerk on a form provided by the City Clerk and pay a licensing fee of \$100.00.

(b) The City Clerk shall approve and issue an application or renew an animal establishment license unless any of the following applies to the applicant:

1. The applicant owes a delinquent fee, judgment, or other debt to the City; or

2. The animal humane officer determines that at least one of the following applies:

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

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

c. The applicant has been convicted of violating any section of Chapter 8, Green Bay Municipal Code.

(c) An animal establishment license shall be valid for one year.

(7) REVOCATION OF LICENSE. An animal establishment license shall be revoked if any of the following occurs:

(a) The licensee is convicted of any violation under Ch. 951, Wis. Stats., or a local ordinance in conformity therewith.

(b) The licensee is convicted of violating any section of this ordinance.

(c) The licensee refuses to allow an animal humane officer, or his/her designee, to enter the property.

(d) The licensee ceases operation of any pet shop or grooming service for 12 consecutive months.

(8) APPEAL. A license may be suspended, revoked, or nonrenewed for a violation of any provision of this section or any violation that is substantially related to the licensed activity. A hearing for the suspension, revocation, or nonrenewal of the license shall be conducted before the Protection and Welfare Committee. At the conclusion of the hearing, the Protection and Welfare Committee shall recommend to the Common Council that the license be suspended or revoked if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Welfare Committee within 45 days after the Committee adjourns the hearing. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(9) PENALTIES. Any person convicted of violating any section of this ordinance shall forfeit no more than \$500.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 15th day of February, 2010

APPROVED:

/s/James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

First Reading: 02/02/10
Effective Date: 02/20/10