

15-21

**AN ORDINANCE CREATING SECTION 3-25 OF CHAPTER 3 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PROHIBITION ON LARGE SCALE COMMERCIAL DOG OR CAT BREEDING.**

(Safety and Licensing Committee – 4/21/2021)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 3-25 of Chapter 3 of the Municipal Code of the City of Appleton, relating to prohibition on large scale commercial dog or cat breeding, is hereby created to read as follows:

**Sec. 3-25. Prohibition on large scale commercial dog or cat breeding.**

(a) **Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this paragraph:

***Animal care facility*** means an animal control facility 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 that 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.

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

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

***Pet store*** means 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.

(b) **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 of these animals. Dogs may not be kept overnight.

(c) **Penalty.** A violation of this section shall be subject to a penalty as provided in §1-16, and each dog or cat in violation of this section shall constitute a separate violation.

(d) **Effective date.** This section shall become effective July 1, 2021.

**Section 2:** This ordinance shall be in full force and effect on July 1, 2021.