

**CITY OF SCHOFIELD
MARATHON COUNTY, WISCONSIN
AMENDMENT TO THE CODE OF THE CITY OF SCHOFIELD
CHAPTER 8 ANIMALS,
ARTICLE I. – IN GENERAL,
AMENDING SECTIONS 8-1 ENTITLED “DEFINITIONS” AND
8-3 ENTITLED “PENALTIES”
ARTICLE II. – GENERAL ANIMAL REGULATIONS,
AMENDING SECTIONS 8-33 ENTITLED “NUMBER OF CATS AND DOGS LIMITED”
AND 8-44 ENTITLED “ANIMAL FANCIER”**

The Common Council of the City of Schofield, Marathon County, Wisconsin, do ordain as follows:

Section 1: CHAPTER 8 ANIMALS, ARTICLE I. – IN GENERAL, SECTION 8-1 ENTITLED “DEFINITIONS” of the Code of the City of Schofield is hereby amended with new language underlined and deleted language ~~stricken~~ to provide as follows:

Sec. 8-1. - Definitions.

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

Animal ~~means mammals, reptiles and birds~~ includes every living: warm-blooded creature except a human being, reptile, or amphibian.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Farm animal means any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.

Law enforcement officer means as appears in Wis. Stats. § 967.02(5), and includes a humane officer, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Pet means ~~an animal kept and treated as a pet~~ a domestic or tamed animal kept for companionship or pleasure.

Residential unit means each single-family residence and/or each individual dwelling unit within a multi-family structure.

Section 2: CHAPTER 8 ANIMALS, ARTICLE I. – IN GENERAL, SECTION 8-3 ENTITLED “PENALTIES” of the Code of the City of Schofield is hereby amended with new language underlined and deleted language ~~stricken~~ to provide as follows:

Sec. 8-3. - Penalties.

~~Wis. Stats. § 95.21(10) shall govern fines and penalties for violating the City's ordinances regarding animal health. Except as specifically set forth otherwise, any person violating this Chapter shall be subject to Section 1-14 of this Code.~~

Section 3: CHAPTER 8 ANIMALS, ARTICLE II. – GENERAL ANIMAL REGULATIONS, SECTION 8-33 ENTITLED “NUMBER OF CATS AND DOGS LIMITED” of the Code of the City of Schofield is hereby amended with new language underlined and deleted language ~~stricken~~ to provide as follows:

Sec. 8-33. - Number of dogs and cats limited.

~~No more than two dogs and/or two cats shall be kept in or upon one residential unit or by one or more persons constituting one residential unit, unless the premises is licensed as a kennel or animal fancier.~~

- (a) Not more than four pets that are any combination of dogs and/or cats may be located at any one residential unit.
- (b) Not more than five pets that are any combination of dogs and/or cats may be located at any one residential unit where a person possesses a valid animal fancier permit.
- (c) Not more than ten pets that are any combination of dogs and/or cats may be located at any one residential unit where a person possesses a valid animal fancier permit and provides the City with sufficient evidence, in the sole judgment of the City, of being a foster care provider for a shelter or dog dealer properly licensed under Wisconsin law.
- (d) In all other circumstances, a kennel permit is required pursuant to City Code § 8-104.

Section 4: CHAPTER 8 ANIMALS, ARTICLE II. – GENERAL ANIMAL REGULATIONS, SECTION 8-44 ENTITLED “ANIMAL FANCIER” of the Code of the City of Schofield is hereby amended with new language underlined and deleted language ~~stricken~~ to provide as follows:

Sec. 8-44. - Animal fancier.

- (a) An animal fancier is any person who owns or keeps, when accessory to any established residential use, ~~not more than five dogs or cats combined~~ not more than five pets that are any combination of dogs and/or cats for personal and noncommercial purposes; which includes, but ~~is~~ are not limited to: hunting, tracking, exhibition in shows, obedience trials, field trials, dog sledding, ~~or to enhance or perpetuate a given breed,~~ foster care for a shelter or dog dealer properly licensed under Wisconsin law, and other uses determined by the humane officers City to be similar in nature. ~~A valid foster animal rescue program can have not more than ten dogs or cats combined with any personal pets per residential unit.~~

- (b) Permit required. An animal fancier permit is issued ~~to an animal fancier on an annual basis for the keeping of not more than five dogs or cats combined or ten with a valid foster animal rescue program pursuant to the regulations of this section~~ dogs and/or cats as set forth in City Code § 8-33(b) & (c).
- (c) Application and fee.
- (1) Each person requiring a permit under this ~~s~~Section shall complete an application form furnished by the eCity and shall file the completed application along with a written consent letter from a landlord, if applicable, with the eCity eClerk and pay a nonrefundable application permit fee as provided in ~~section~~ City Code § 5-19.
 - (2) Each person requiring a permit under this ~~s~~Section ~~who have a valid foster animal rescue program that desires the keeping of dogs and/or cats as set forth in City Code § 8-33(c),~~ shall complete an application form furnished by the eCity eClerk and, must present the program certificate include evidence of affiliation with a shelter or dog dealer properly licensed under Wisconsin law at the time of filing the completed application, and pay a nonrefundable application permit fee as provided in section City Code § 5-19.
 - (3) Completed applications must be in the eCity eClerk's office no later than two weeks prior to the regularly scheduled common council meeting to ensure consideration of the permit at such meeting.
- (d) Grant or denial of permit. Following review and approval by the humane officer, if applicable, the health and sanitation committee shall review the application and shall make a recommendation to the common council whether to grant or deny the license.
- (e) Limitations.
- (1) There shall be no more than one animal fancier permit issued to any qualified property residential unit.
 - (2) No person in a multiple-family dwelling (City zoning districts R-2 and R-3) shall be granted an animal fancier permit unless approved by the humane officer and by written consent from a landlord, if applicable.
- (f) Operation.
- (1) All animals kept or maintained on a premises under an animal fancier permit issued under this ~~s~~Section must also be duly licensed by the eCity and owned by the license holder. ~~Animals that are in temporary foster care are not required to be licensed.~~ being kept by a foster care provider for a shelter or dog dealer properly licensed under Wisconsin law must either be duly licensed by the City or have applicable State paperwork.

- (2) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
 - (3) Feces and odorous materials shall be removed from yards, pens, and enclosures in a timely manner and such material shall be stored in tightly covered ~~metal~~ containers until final disposal. The premises must also be kept free of insect infestation.
 - (4) All animal pens or enclosures shall be large enough to permit reasonable freedom of movement to the animals.
 - (5) No ~~owner~~permittee may have a conviction for cruelty, neglect, or mistreatment of an animal.
- (g) ~~Term of permit and licensing.~~
- (1) Permits issued under this ~~s~~Section shall expire annually on ~~April 1~~December 31 regardless of the date first issued. There shall be no proration of the application fee.
 - (2) Owners will not receive their yearly ~~licenses~~permits until the permit has been approved by the common council. ~~If the permit is denied and upheld, the owner will only be allowed to license two dogs and/or cats as provided in section 8-33.~~
- (h) ~~Inspection.~~
- (1) Any person accepting a permit under this ~~s~~Section thereby agrees to allow inspections by the City's humane officer or their designee of those parts of the premises where animals are kept. Such inspections shall be made following five days written notice between the hours of 8:00 a.m. and 8:00 p.m. ~~In a special situation, the sole discretion of the humane officer, the five-day written notice may be waived upon the discretion of the humane officer or their designee for in favor of more~~ immediate inspection of the property.
 - (2) Any person accepting an animal fancier permit license under this ~~s~~Section and who has a valid foster animal rescue program certificate will who desires the keeping of dogs and/or cats as set forth in City Code § 8-33(c) shall be inspected before the initial issuance of such permit is issued.
- (i) ~~Violations.~~ Permit holders ~~will~~shall be allowed ten days, following a written notification of any violations of this ~~s~~Section or any ~~s~~Section of this ~~e~~Chapter by the humane officer or their designee, to correct any violations. Failure to correct these violations ~~shall~~may result in ~~immediate~~ revocation of the permit by the common council.
- (j) ~~Appeal; denial or revocation of a permit.~~

- ~~(1) Any person who is denied a permit or whose license is revoked may appeal the denial or revocation to the zoning board of appeals within 60 days of the date of the denial or revocation of the permit.~~
- ~~(2) All requests for appeals must be in writing and addressed to the clerk; whereupon, the clerk shall set the appeal for hearing within 45 days of the receipt of the written request.~~

Section 5: If any provision of these Ordinances is invalid or unconstitutional or if the application of these Ordinances to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of these Ordinances which can be given effect without the invalid or unconstitutional provision or application.

Section 6: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7: These Ordinances shall be in full force and effect from and after their date of passage and publication as required by law.

Adopted this 13th day of August, 2019.

CITY OF SCHOFIELD

By: _____
Kregg Hoehn, Mayor

ATTEST:

By: _____
Lisa Quinn, Clerk/Treasurer

Adopted: 8/13/19

Published: _____