

**CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403**

<b>ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE</b>			
Creating Section 8.08.115 Restrictions on the sale of animals			
Committee Action:		Approved 5-0	<b>Ordinance Number:</b> 61-5934
Fiscal Impact:		None	
<b>File Number:</b>		23-0112	<b>Date Introduced:</b> January 10, 2023

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 8.08.115 Restrictions on the sale of animals is created to read as follows:

8.08.115 Restrictions on the sale of animals.

*(a) Purpose and intent.*

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills" and "kitten mills," respectively). According to the Humane Society of the United States, an estimated ten thousand puppy mills produce more than two million puppies per year in the United States.

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

WHEREAS, pet store puppies are often sick and have behavioral problems due to the substandard conditions they were likely born into often including that they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies and they were placed in a pet store cage with or near other puppies who are often sick.

WHEREAS, pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away.

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, prohibiting pet 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 burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers.

WHEREAS, the huge majority of pet stores, both large chains and small and family-owned shops, are already in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

WHEREAS, this section will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public.

WHEREAS, the council believes it is in the best interest of Wausau, Wisconsin to adopt reasonable regulations to reduce costs to Wausau, Wisconsin and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Wausau.

(b) *Definitions.*

*Animal* means any live cat or dog.

*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.

*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 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, as defined.

(c) *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 animals. 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 animals 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. Animals may not be kept overnight.

(d) *Penalty.*

A pet store that violates this section shall be subject to a civil penalty of five hundred dollars, and each dog or cat offered for sale in violation of this section shall constitute a separate violation.

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

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted: 1/10/23  
Approved: 1/11/23  
Published: 1/13/23  
Attest: 1/11/23

Approved:

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Katie Rosenberg, Mayor

Attest:

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Kaitlyn A. Bernarde, City Clerk