

City of Waukesha, Wisconsin

Ordinance No. 2022 – _____

**An Ordinance Creating Section 33.06 of the Waukesha Municipal Code,
Regarding the Prohibition of the Sale of Cats, Dogs, and Rabbits**

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, referred to as “puppy mills” and “kitten mills,” respectively. According to the Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States; and

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; and

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; and

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; and

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; and

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; and

Whereas prohibiting retail 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; and

Whereas the 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; and

Whereas this ordinance will not affect the ability to obtain a cat, dog, or rabbit from an animal rescue, shelter, or breeder who sells directly to the public; and

Whereas the Common Council finds it is in the best interest of the City of Waukesha to prohibit activities that promote the unethical, inhumane, and cruel treatment of animals; to protect citizens who may purchase cats, dogs, or rabbits that may be the product of unethical breeders; to promote community awareness of animal welfare; and to foster a more humane environment in the City of Waukesha;

Now, therefore, the Common Council of the City of Waukesha ordain as follows:

Section 1. Section 33.06 of the Waukesha Municipal Code is hereby created to read as follows:

33.06 Sale of Cats, Dogs, and Rabbits Prohibited.

- (1) **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.
- (2) **Definitions.** For purposes of this section, capitalized terms have the following meanings.
 - (a) **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.
 - (b) **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.
 - (c) **Cat** means a member of the species of domestic cat, *Felis catus*.
 - (d) **Dog** means a member of the species of domestic dog, *Canis familiaris*.
 - (e) **Rabbit** means a member of the species of domestic rabbit, *Oryctolagus cuniculus domesticus*.
 - (f) **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.

- (3) **Prohibition of the Sale of Cats, Dogs, and Rabbits.** No Retailer having a retail place of business in the City of Waukesha shall Sell Cats, Dogs, or Rabbits in the City of Waukesha. 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 for no consideration.
- (4) **Penalty.** Any individual or entity that violates this section shall be subject to the civil penalty prescribed in Municipal Code §25.05. Each animal offered for sale in violation of this section shall constitute a separate violation.
- (5) **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. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall be effective the day after its publication.

Passed the _____ day of _____, 2022.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk