

CHAPTER 19

Pet Shop/Store Permit

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
7-19-1	Pet Shop/Store		

SEC. 7-19-1 PET SHOP/STORE.

- (a) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
- (1) **Animal.** Any living vertebrate, domestic or wild, except a human being.
 - (2) **Disinfectant.** An agent, usually a chemical, that kills growing forms, but not necessarily resistant spore forms, of the disease-producing microorganisms.
 - (3) **Disinfecting.** The act of destroying infectious agents.
 - (4) **Humane Officer.** Any person appointed by the Village as a humane enforcement officer who is qualified to perform duties of animal control as provided by the laws of the state and the Village.
 - (5) **Pet.** Any animal kept for pleasure rather than utility.
 - (6) **Pet Shop.** Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that sells, offers to sell, exchanges, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets. However, a person who sells only such animals that he has produced and raised shall not be considered a Pet Shop under this Section and a veterinary hospital or clinic operated by a licensed veterinarian or veterinarians shall not be considered a Pet Shop under this Section.
 - (7) **Pet Shop Operator.** Any person who sells, offers to sell, exchanges, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets. However, a person who sells only such animals that he has produced and raised shall not be considered a Pet Shop Operator under this Section and a veterinary hospital or clinic operated by a licensed veterinarian or veterinarians shall not be considered a Pet Shop Operator under this article.
- (b) **Sale or release of certain animals restricted.**
- (1) **Animal unfit for sale or release.** The following shall deem an animal unfit for sale or release:
 - (a) Obvious signs of infectious disease such as distemper, hepatitis, leptospirosis, rabies, para influenza (kennel cough) or other similar diseases.
 - (b) Obvious signs of nutritional deficiencies, which may include rickets, emaciation, etc.

- (c) Obvious signs of severe parasitism.
 - (d) Obvious fractures or congenital abnormalities affecting the general health of the animal.
 - (e) Skin diseases such as ringworm or fungus.
- (2) **Restriction of sale.** The Humane Officer or other appropriate Village Official may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a veterinarian, at the expense of the enforcement agency, may be requested.
- (c) **Purchase, keeping or sale of endangered or dangerous species.** No Pet Shop shall engage in the purchase, keeping or sale of any species of primates, bats, foxes, raccoons, skunks, turtles, turtle eggs, poisonous snakes, or any species of animal considered "endangered" or considered a public health hazard by the U.S.D.A. or the Food and Drug Administration, unless licensed by federal permit issued for the sale of endangered species.
- (d) **Pet Shop Permit.**
- (1) **Required.** No person, party, firm or corporation shall operate a Pet Shop without first applying for and obtaining a permit in compliance with the Village Code. Application for any permit required under this Section shall be made on a form provided by the Village Clerk. The Village Clerk, in conjunction with the Humane Officer, shall determine the contents of the application. Applications for permits shall be submitted to the Village Clerk along with the appropriate fee. Applications will be reviewed for compliance with this Section.
 - (2) **Issuance.** When all applicable provisions of this Section have been complied with by the applicant and a valid occupancy permit for this type of business has been issued by the Village Building Inspector, the Village's Legislative and Licensing Committee shall review the application and shall approve the permit if this Section's requirements are met. The Village Clerk shall issue any approved permit to operate.
- (e) **Term.** The permit period for a Pet Shop shall be from July 1 until June 30 of the following year. Renewal applications for Pet Shop permits shall be made not later than May 30th of each year. Application for a permit to establish a new Pet Shop under the provisions of this Section may be made at any time.
- (f) **Permit and Inspection Fees; Examination Fees.** The initial annual permit and the renewal fees for each Pet Shop shall be set by resolution of the Village Board from time-to-time. Application for a renewal permit made after June 30 for the following calendar year shall be assessed a late fee of \$15.00. If there is a change in ownership of a Pet Shop, the new owner may request that the current permit be transferred to the new name upon payment of a transfer fee of \$10.00 and review by the Legislative and Licensing

Committee. Inspection and Examination Fees shall be set by resolution of the Village Board from time-to-time.

- (g) **Display of Permit.** The current permit issued under this Section must be prominently displayed at the permitted premises.
- (h) **Enforcement.**
 - (1) **Notice of violation.** Whenever the Humane Officer or other appropriate Village official, upon inspection, is aware of any violation of this Section, the permittee shall be notified by means of a written notice of inspection. This notice of inspection shall contain references to the specific conditions found, the corrections necessary, and a specific and reasonable time for compliance.
 - (2) **Service of Notice.** Each notice or order provided under this section will be considered to have been properly served when it has been delivered personally, or when it has been mailed, postage prepaid, by first class mail with return receipt requested, to the permit holder.
 - (3) **Suspension/Revocation of permit.** If, at the end of the period specified in the notice served under subsection (2) of this Section, a reinspection by the Humane Officer or other appropriate Village Official reveals that corrections have not been made, the Humane Officer or other appropriate Village Official shall give the permit holder notice in writing that it intends to suspend or revoke the permit.
 - (4) **Appeal of Suspension/Revocation order.** Any permit holder who has received a notice of intention to suspend or revoke the Pet Shop permit may, within 30 days after service of this notice, demand a hearing before the Village's Legislative and Licensing Committee. Enforcement of any order issued by the Humane Officer or other appropriate Village Official, and any proceedings to suspend the permit, shall be stayed pending decision of the Committee.
 - (5) **Hearing.** The Legislative and Licensing Committee shall conduct the hearing on any appeal filed by a permit holder under this Section. At the conclusion of such a hearing, the Committee may sustain, modify or withdraw the notice or order, depending upon its findings as to whether the provisions of this Section have been complied with. The Legislative and Licensing Committee may also modify any order so as to authorize a variance from the provisions of this Section if a literal enforcement of these provisions will result in practical difficulty or unnecessary hardship because of special conditions. If the Committee sustains or modifies a notice or order, the permit holder shall comply with all provisions of the order within a reasonable period of time, as determined by the Committee. If the Committee upholds a notice of intention to suspend or revoke any permit required by this Section, then that permit shall be suspended or revoked as of the date of the hearing, until all provisions of the order are fulfilled. Any subsequent appeal shall be pursuant to Title 4 of this Code.
- (i) **Inspections.** Inspection of the premises and animals of a permit holder under this Section to determine compliance with this Section may be made by the Humane Officer or other appropriate Village Official or authorized agents during normal business hours or

with reasonable notice during non-business hours. Any applicant for a permit under this Section consents to such inspections. The right of entry, inspection and examination shall include the right to take photographs, obtain biological samples and remove ill or injured animals from the premises for treatment and evidence. The permit holder shall be responsible for the costs of all inspections and examinations and shall pay any fees for such inspections and examinations within ten (10) days of notice of the costs and fees. A failure to pay shall be a reason to suspend or revoke the permit. The Village may pursue all remedies available at law and equity for collection of such costs and fees owed to it.

(j) **Operator requirements.**

- (1) **Record of Sale.** Each permit holder under this Section shall keep accurate records of each dog, cat or bird sale for a minimum period of 12 months after the date of sale or transfer of such Animal, and shall include the source of such animal, date of sale, description, approximate age, sex of Animal sold, and the name and address of purchaser. Records of sales of small mammals and fish are not required.
- (2) **Record of prophylactic Medication and Immunization.** A record of prophylactic medication and immunization, the type, amount and date of each, shall be kept by the permit holder under this Section and shall become a part of the retail sales record.
- (3) **Dogs, Cats and Ferrets to be Immunized Against Rabies.** No Pet Shop operator shall sell or offer for sale any dog, cat or ferret six (6) or more months old unless the animal has been vaccinated against rabies by use of an approved live, attenuated rabies virus vaccine administered by a licensed veterinarian.
- (4) **Reasonable Care.** Each permit holder under this Section shall take reasonable care to release for sale, trade or adoption only those Animals which are free of disease, injuries or abnormalities. A health certificate issued by a licensed veterinarian for any such animal within 30 days before such sale, trade or adoption is prima facie evidence that the permit holder has taken reasonable care as required by this Section.
- (5) **Statutory Compliance.** Full compliance with the provisions of Ch. 951, Wis. Stats., shall be mandatory.

(k) **Written Statement Required for Purchase.** The permit holder under this Section shall furnish the purchaser with a written statement at the time of sale. The statement shall show:

- (1) Date of sale.
- (2) Name, address and telephone number of both permit holder and purchaser.
- (3) Breed, description and approximate age, if dog or cat.
- (4) Prophylactic medication and immunizations and dates administered; if none, so state.
- (5) Internal parasite medication and date administered; if none, so state.
- (6) Guarantee, if offered; if none, so state.

- (1) **Standards.** All Pet Shops selling Animals, birds and fish as pets shall, in addition to the other requirements of this Section, comply with the following standards. Failure to meet these standards shall be grounds for denial, suspension or revocation of a permit:
- (1) All Animals, birds or fish shall be displayed in a healthy condition, or, if ill, removed from display and shall be given appropriate treatment immediately.
 - (2) All the Animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
 - (3) The room temperature of the Pet Shop shall be maintained at a level that does not present a health hazard to any species of Animal kept in the shop.
 - (4) There shall be sufficient, clean, dry bedding to meet the needs of each individual Animal. Litter and/or bedding material shall be changed at least daily and there shall be adequate ventilation to prevent an odor nuisance.
 - (5) Feces shall be removed from pens and enclosures at least daily, or more frequently if necessary to prevent unsanitary conditions and odor nuisance, and stored in tightly covered containers until final disposal.
 - (6) All cages and enclosures are to be of a nonporous material for cleaning and Disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length. Cages will be cleaned every day, including Sundays and holidays.
 - (7) The floor and walls of any room in which Animals are kept shall be covered with impervious, smooth, cleanable surfaces. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
 - (8) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodentproof containers.
 - (9) There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so that the animal cannot easily turn them over and shall be removable for cleaning.
 - (10) Food for all dogs and cats shall be served in a clean dish, so mounted that the Animal cannot readily tip it over or defecate or urinate in such dish.
 - (11) Adult dogs and cats shall be fed at least once a day. In the case of young dogs and cats, they shall be fed more than once daily. All other Animals and birds must be fed and watered according to the accepted procedure for that species.
 - (12) The permittee or its representative shall be present for general care and maintenance of Animals at least once daily.
 - (13) Shade is required. Shade from the direct rays of the sun shall be provided for all Animals.
 - (14) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontally to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
 - (15) Cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily, or more often if necessary.
 - (16) Any permit holder offering medication with the sale of an Animal shall take steps to ensure that such medication is properly labeled for ease of identification, should it be accidentally ingested.

- (m) **Penalty.** Any Person who violates any provision of this Section shall upon conviction be subjected to a forfeiture of not less than \$300.00 or more than \$1000.00 for each violation, and in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense.