

Ordinance

ORDINANCE CREATING CHAPTER 9.06 OF THE WAUWATOSA MUNICIPAL CODE TO PROHIBIT THE COMMERCIAL SALE OF DOGS OR CATS

The Common Council of the City of Wauwatosa do hereby ordain as follows:

Part I. Chapter 9.06 of the Wauwatosa Municipal Code of Ordinances is hereby created to read in its entirety as follows:

Chapter 9.06 - PROHIBITION ON COMMERCIAL SALE OF DOGS OR CATS.

Section 9.06.010 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.

Section 9.06.020 - Restrictions on the sale of animals.

A. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.

B. 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.

Section 9.06.030 - Penalty.

A violation of this section shall be subject to the general penalty provisions of Section 1.12.010 of this code, and each dog or cat sold or held for sale in violation of this section shall constitute a separate violation.

Part II. This ordinance shall take effect on and after its dates of passage and publication.

Passed and Dated _____

City Clerk

Introduced:
Referred to originating committee

Approved _____

Mayor

Adopted:
Page:
Journal: