

Legistar File No 68608 Second Substitute Body

DRAFTER'S ANALYSIS: This second substitute ordinance prohibits commercial research puppy and kitten mills by creating a ban on commercial breeding and selling of dogs or cats for the purpose of medical, surgical or chemical experimentation, and creates bail deposits for violations of the ordinance.

This ordinance does not apply to any individual breeding and selling any dogs or cats in the course of their job duties by State of Wisconsin employees or to individuals transporting dogs or cats.

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

1. Section 23.65 entitled "Prohibiting Commercial Breeding and Selling of Dogs or Cats for Experimentation" of the Madison General Ordinances is created as follows:

"23.65 Prohibiting Commercial Selling of Dogs or Cats for Experimentation"

- (1) It shall be unlawful for any person to breed and sell more than twenty-five dogs or cats within one year, if any of those dogs or cats are used for the purpose of medical, surgical or chemical experimentation. Routine procedures such as injections and blood sampling from veins that produce only mild, transient pain or discomfort are not covered by this ordinance.
- (2) Any person violating this section shall be subject to a forfeiture of up to two thousand dollars (\$2000). Each and every day of violation may be considered a separate offense."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending the following:

<u>"Offense"</u>	<u>Ord. No./Adopted</u>	<u>Statute</u>	<u>No. Deposit</u>
Commercial Selling of Dogs or Cats for Experimentation	23.65(1)		\$300, 1 st
			\$500, 2 nd
			\$1,000, 3 rd
			\$1,500, 4 th
			\$2,000, 5th & sub."

3. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended as follows:

<u>"Enforcement Official"</u>	<u>Ordinance Chapter or Section and Title</u>
Director of Public Health Madison and Dane County or her/his designee and Police Department.	Chapter 7, Public Health; Section 9.05, Adult Entertainment Establishments; Section 23.05, Smoking Prohibited in Certain Public Areas; Section 23.12, Transient Hotels and Motels Regulated; Section 23.38, Possession of Tobacco Products by Children; Section 23.385, Sale of Tobacco Products to Children Forbidden; Section 23.44, Consumers to Be Offered Selection of Containers;

<u>“Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
	Section 23.61, Internet Solicitation of Unlicensed Regulated Businesses, <u>Section 23.65, Prohibiting Commercial Selling of Dogs or Cats for Experimentation.</u> ”

EDITOR’S NOTE: A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. This revision has been so approved.