

**LEGISTAR – File No. 68608 Substitute Body**

DRAFTER'S ANALYSIS: This substitute ordinance creates a ban on breeding or selling vertebrate animals for the purpose of medical, surgical or chemical experimentation that would result in more than momentary or slight pain to the animal, and creates bail deposits for violations of the ordinance.

This ordinance does not apply to any individual breeding or selling any vertebrate animal in the course of their job duties by State of Wisconsin employees.

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

1. Section 23.65 entitled "Prohibiting Breeding or Selling Vertebrate Animals for Experimentation" of the Madison General Ordinances is created as follows:

**"23.65 Prohibiting Breeding or Selling Vertebrate Animals for Experimentation**

(1) It shall be unlawful for any person to breed or sell any vertebrate animal for the purpose of medical, surgical or chemical experimentation that would result in more than momentary or slight pain in the animal. A painful procedure is defined as anything above the United States Department of Agriculture Category C defined pain level and means any procedure that would reasonably expect to cause more than slight or momentary pain or distress in a human being or requires the use of pain-relieving drugs. 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 Statute No.</u>	<u>Deposit</u>
Breeding and Selling Vertebrate Animals for Experimentation	23.65(1)	\$300, 1 <sup>st</sup>
		\$500, 2 <sup>nd</sup>
		\$1,000, 3 <sup>rd</sup>
		\$1,500, 4 <sup>th</sup>
		\$2,000, 5 <sup>th</sup> & 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; Section 23.61, Internet Solicitation of Unlicensed Regulated Businesses, <u>Section 23.65, Prohibiting Breeding or Selling Vertebrate Animals 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.