



ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: Monday, July 6, 2020 at 8:00AM CST
Location: City Hall, 101 South Boulevard, Baraboo, WI 53913
Room: C205 *Dennis O Thurow* Committee Room

Notices:

Full Paper to Members:	Alderspersons: John Ellington, Heather Kierzek & Kathleen Thurow
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Clerks and Donna Munz
Outlook Meeting Calendar:	Interim City Administrator, Ed Geick; City Attorney, Emily Truman; Police Chief, Mark Schauf; Finance Director, Cynthia Haggard; City Engineer, Tom Pinion; Clerk, Brenda Zeman
Citizen or other notices:	Neighbors of 719 Oak Street.

1. Call to Order:

- a. Roll call of members.
- b. Note Compliance with Open Meeting Law.
- c. Approve minutes – June 1, 2020 and June 18, 2020.
- d. Approve agenda.

2. Action Items:

- a. Review and possible recommendation to Council to update Section 12.01(6) of the City Code regarding the expiration date for licenses and permits.
- b. Review and possible recommendation to Council to adopt a new Chapter in the City Code dedicated to ordinances regulating animals, and to instruct the City Attorney to:
 - i. To update the Municipal Code to include the new Chapter,
 - ii. To make the corresponding updates to §25.10, “Bond Schedule for Ordinance Violations,”
 - iii. To change all of the ordinances moved in their entirety to the proposed new Chapter to “Reserved,” for future Code use, with the exception of §§ 12.08A and 12.13(M) which can be removed in their entirety, and
 - iv. To update all cross-references located throughout the Code (e.g., §§ 10.03(6) and 10.05(10), the City’s Official Fee Schedule, etc.)
- c. Review and possible recommendation to Council to amend Section 1.30, “Baraboo District Ambulance Commission” of the City Code by combining and consolidating Chapter 28, “Baraboo District Ambulance Commission” into that Section.
- d. Consider application for keeping chickens. See the following attachments:
 - i. Michael Lutz @ 418 10th Street
 - ii. City Ordinance 9.10(3)(b)(i)(1-5)
 - iii. Letter from Jennifer Wiese @ 419 9th Street
- e. Consider Request for Excessive Household Animals (4 Dogs) – Geri Pettersen. See the following attachments:
 - i. Memorandum from Cynthia Haggard, Finance Director
 - ii. Letter from Pettersen family
 - iii. Pictures of pets

3. Information Items

- a. Date and time of next meeting: August 3, 2020 at 8:00AM CST

4. Adjournment:

Aldersperson Ellington

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

Agenda prepared by Cynthia Haggard, (608) 355-2700

Agenda Posted by Donna Munz on July 1, 2020

Any person, who has a qualifying disability as defined by the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Baraboo City Clerk at 101 South Boulevard, Baraboo, Wisconsin or by phone (608) 355-2700 during regular business hours at least 48 hours before the meeting to ensure reasonable arrangements are made to accommodate each request.

Present: Alderpersons John Ellington, Heather Kierzek & Kathleen Thurow
Absent: None
Also Present: City Administrator, Kennie Downing; Finance Director, Cynthia Haggard; Police Chief, Mark Schauf; City Attorney, Emily Truman; and City Clerk, Brenda Zeman.
Citizen Present: Mary Klingenmeyer @ 1720 Hillcrest Drive

The meeting was called to order by Chairman John Ellington at 8:00AM CST., with roll call and noting compliance with the Open Meetings Law.

Moved by Thurow to approve the minutes of May 12, 2020, seconded by Kierzek and unanimously carried.

Motion by Kierzek to approve agenda, seconded by Thurow and unanimously carried.

Consider Request for Excessive Household Animals – Kennie Downing @ 440 16th Street.

Aldersperson Ellington requested clarification about the Ordinance referring to five animals. City Attorney Truman offered that what the Code is stating is that any one household can have an exception up to five animals. That could be three dogs and two cats, or three cats and two dogs. Without the exception, a household can only have two dogs and two cats.

Motion to recommend to approve and move on to Council the Request for Excessive Household Animals for Kennie Downing @ 440 16th Street by Thurow, seconded by Kierzek and unanimously carried.

Review and recommendation to the Council – Application for Keeping Chickens for Joshua Luth @ 908 Ott Lane.

Aldersperson Ellington requested clarification on the number of chickens allowed. City Attorney Truman responded that the City Code allows a maximum of six.

Motion to recommend to approve the application for keeping chickens for Joshua Luth @ 908 Ott Lane by Thurow, seconded by Kierzek and unanimously carried.

Member comments

- Public comment from Mary Klingenmeyer @ 1720 Hillcrest Drive. She was appreciative of the letters going out to neighbors about the excessive household animals and requested the letters be more specific as to the number of pets.
- The next meeting will be Monday, July 6, 2020 at 8:00AM CST. Meeting location will be 101 South Boulevard.

Motion to adjourn by Kierzek, seconded by Thurow and unanimously carried. Meeting adjourned at 8:10AM CST.

Respectfully submitted,
Cynthia Haggard, Finance Director

Present: Alderpersons John Ellington, Heather Kierzek & Kathleen Thurow
Absent: None
Also Present: Mayor Palm, Finance Director, Cynthia Haggard; Police Chief, Mark Schauf (by phone); Police Lieutenant La Broschian; and City Clerk, Brenda Zeman.
Citizen Present: None

The meeting was called to order by Chairman John Ellington at 8:00AM CST., with roll call and noting compliance with the Open Meetings Law.

Upon the approval from the Committee, the minutes of June 1, 2020 were postponed to the July 6, 2020 meeting.

Motion by Kierzek to approve agenda, seconded by Thurow and unanimously carried.

Consider the 2020/2021 Liquor License Applications and recommendation to the Council

Class "A" Fermented Malt Beverage for establishments doing business as: Casey's General Store and Las Milpas

Motion to approve and move to council the Class "A" Fermented Malt Beverage by Kierzek, seconded by Thurow and unanimously carried.

Class "B" Fermented Malt Beverage for establishments doing business as: Driftless Glen Distillery, Jose's Mexican Bakery and Sauk County Agricultural Society.

Motion to approve and move to council the Class "B" Fermented Malt Beverage by Thurow, seconded by Kierzek and unanimously carried.

Class "A" Off Premise Liquor Consumption/on Premise Wine Samples for establishment doing business as: Bekah Kate's.

Motion to approve and move to council the Class "A" Off Premise Liquor Consumption/on Premise Wine Samples by Kierzek, seconded by Thurow and unanimously carried.

"Class A" Combo Liquor and Fermented Malt Beverage for establishments doing business as: Barabrew Liquor, Pierce's Express Market, Get N Go, Kwik Trip #657, Kwik Trip #855, Turner BP, United Cooperative and Wal-Mart.

Motion to approve and move to council the "Class A" Combo Liquor and Fermented Malt Beverage by Thurow, seconded by Kierzek and unanimously carried.

"Class B" Fermented Malt Beverage and "Class C" Wine for establishments doing business as: Al Ringling theatre, Four Star Family Restaurant, Broadway Diner, Ringling House and the Log Cabin Restaurant and Bakery.

Motion to approve and move to council the "Class B" Fermented Malt Beverage and "Class C" Wine by Kierzek, seconded by Thurow and unanimously carried.

"Class B" Combination Liquor and Fermented Malt Beverage for establishments doing business as: Baraboo Arts, Baraboo Elks Club, Baraboo Burger Company, Downtowner Bar & Grill, Bumps Bar, Four Seasons Restaurant, Brothers on Oak, Jose's Authentic Mexican Restaurant, Old Baraboo Inn, Peking Buffet, Poor Richards Bar, Quindt's Towne Lounge Restaurant & Eating House, Gem City Saloon, Square Tavern, Thunderbird Lanes, Little Village Café and Zach's Bar.

Motion to approve and move to council the "Class B" Combination Liquor and Fermented Malt Beverage by Thurow, seconded by Kierzek and unanimously carried.

"Class B" Reserve Combination Liquor and Fermented Malt Beverage for establishments doing business as: Al Ringling Brewing Co., and Con Amici.

Motion to approve and move to council the "Class B" Reserve Combination Liquor and Fermented Malt Beverage by Kierzek, seconded by Thurow and unanimously carried.

"Class B" Wine Only for establishment doing business as: Von Klaus Tasting Haus.

Motion to approve and move to council the "Class B" Wine Only by Thurow, seconded by Kierzek and unanimously carried.

"Class B" Wine Only and Class "B" Fermented Malt Beverage for establishment doing business as: Balanced Rock Winery.

Motion to approve and move to council the "Class B" Wine Only and Class "B" Fermented Malt Beverage by Kierzek, seconded by Thurow and unanimously carried.

Class "C" Wine for establishment doing business as: Bekah Kate's.

Motion to approve and move to council the Class "C" Wine by Kierzek, seconded by Thurow and unanimously carried.

Member comments

The next meeting will be Monday, July 6, 2020 at 8:00AM CST. Meeting location will be 101 South Boulevard.

Motion to adjourn by Thurow, seconded by Kierzek and unanimously carried. Meeting adjourned at 8:14AM CST.

Respectfully submitted,
Cynthia Haggard, Finance Director

OFFICE OF THE CITY ATTORNEY

Memo

To: Administrative Committee
From: Emily Truman, City Attorney
Date: June 22, 2020
Re: Proposed Amendment to Section 12.01(6) of the City Code

Chapter 12 of the City Code addresses licenses and permits issued by the City. Section 12.01 lists the general provisions applicable to all licenses and permits issued by the City, unless there is a difference stated within an ordinance. A review of this Section found that subsection (6), "License and Permit Term," contained an expiration date of December 30 for all licenses and permits unless otherwise provided. It is requested that this date be amended to December 31, to coincide with the end of the calendar year. The Section also references a "soda water license" which is not referenced anywhere else in the Codebook and therefore it is requested that this term be struck from the Section.

Proposed Amendment to Section 12.01(6)

Section 12.01(6) LICENSE AND PERMIT TERM. Except for alcohol beverage and cigarette licenses which terminate on June 30 of each year, unless otherwise provided the term of the license year shall end on December 31 of each year.

OFFICE OF THE CITY ATTORNEY

Memo

To: Administrative Committee
From: Emily Truman, City Attorney
Date: June 22, 2020
Re: Proposed Creation of Chapter 29, "Animals," in the City's Municipal Code.

At the May 12, 2020, Administrative Committee meeting, the Committee instructed staff to work on creating a new Chapter for the City's Municipal Code dedicated to the regulation and protection of animals. Attached to this memo is a draft of the proposed new Chapter.

The proposed new Chapter incorporates currently existing ordinances located in Chapter 9, "Orderly Conduct," Chapter 10, "Public Nuisances," and Chapter 12, "Licensing and Permits." A reference is also made to the regulations of animals in City parks, which are located in Chapter 19, "Park Regulations."

In addition to moving the currently existing ordinances to the proposed new Chapter, each ordinance was reviewed and edited for completeness, clarity and to ensure they were enforceable. As part of this process:

- Some ordinances were divided into multiple ordinances. For example, there are many different regulations contained in §12.12, "Regulation and Licensing of Animals," which, for the proposed new Chapter, were separated into individual ordinances, including: an animal waste ordinance, a vicious animal ordinance, a duty to report an animal bite ordinance, a dog/cat license ordinance, a kennel license ordinance, a chicken permit ordinance, etc. Having separate ordinances for each regulation will make the ordinances easier to find and to enforce.
- Additional language was added to some ordinances in order to provide clarity. For example, the ordinances for vicious animals and kennels both now contain language regarding how to apply for the respective licenses and how the respective licenses can be revoked. Effort was taken to ensure the new language was consistent with the apparent intent of the ordinance.

Because of the amount of editing of the ordinances, a redlined (track changes) version would be very difficult to read and therefore is not being provided, however, one may be produced if the Committee requests.

The following ordinances were moved in their entirety into the proposed new Chapter, and will be recommended for removal from their current location if the new Chapter is adopted:

- Section 9.09, "Animals Regulated."
- Section 9.10, "Prohibited Keeping of Certain Reptiles, Insects, Crocodilians, Spiders, Wild Animals, and other Creatures; Regulation of Livestock and Poultry."
- Section 9.18, "Worrying Parade Animals Prohibited."

- Section 12.12, “Regulation and Licensing of Animals.”
- Section 12.13(M), “Regulation and Licensing of Pet Stores.”

The following ordinance was not incorporated into the proposed new Chapter - it contains duplicate regulations as those found in §19.12, “Pat Liston Dog Park,” and therefore is being recommended for removal from the Code:

- Section 12.08A, “Dog Park.”

The following ordinances were not incorporated into the proposed new Chapter - the ordinances deal exclusively with animals within parks, which are regulated by Chapter 19, “Park Regulations.” For consistency, however, a cross-reference was placed at proposed §29.28, “Animals in Parks.”

- Section 19.12, “Pat Liston Dog Park.”
- Section 19.03(8), “Pets in Parks.”
- Section 19.05, “Conduct in Zoo Regulated.”

The following ordinance was moved in its entirety into the proposed new Chapter but should remain referenced at its current location for enforcement purposes:

- Section 10.05(10), “Noisy Animals or Foul.”

The following ordinance was not incorporated into the proposed new Chapter - the subject matter better fits into Chapter 12, “License and Permits”:

- Section 12.08, “Hunting Regulations and Permits.”

If Council adopts the proposed new Chapter, it is recommended that the City Attorney be directed as follows:

1. To update the Municipal Code to include the new Chapter,
2. To make the corresponding updates to §25.10, “Bond Schedule for Ordinance Violations,”
3. To change all of the ordinances moved in their entirety to the proposed new Chapter to “Reserved,” for future Code use, with the exception of §§ 12.08A and 12.13(M) which can be removed in their entirety, and
4. To update all cross-references located throughout the Code (e.g., §§ 10.03(6) and 10.05(10)).

CHAPTER 29 – ANIMALS

SUBCHAPTER I: General Provisions and Regulation

- 29.01 Creation and Intent
- 29.02 Definitions
- 29.03 State Laws Adopted
- 29.04 Sauk County Animal Shelter
- 29.05 Appointment, Jurisdiction and Powers of Humane Officer
- 29.06 Penalty
- 29.07 Reserved
- 29.08 Reserved

SUBCHAPTER II: Licenses and Permits

- 29.09 Standard Requirements for Licenses and Permits
- 29.10 Licensing of Dogs and Cats
- 29.11 Number of Dogs and Cats per Household Limited; Special Exception Permit
- 29.12 Number of Dogs and Cats per Household: Animal Rescue Permit
- 29.13 Chicken Permit
- 29.14 Vicious Animals; Permit
- 29.15 Regulations and Licensing of Kennels
- 29.16 Regulation and Licensing of Pet Stores
- 29.17 Reserved
- 29.18 Reserved

SUBCHAPTER III: Prohibited Acts

- 29.19 Prohibited Keeping of Certain Reptiles, Insects, Crocodylians, Spiders, Wild Animals and Other Creatures
- 29.20 Prohibited Keeping of Livestock and Poultry
- 29.21 Animals not to be at Large
- 29.22 Animal Waste Regulated
- 29.23 Noisy Animals or Foul Prohibited
- 29.24 Duty to Report Animal Bite
- 29.25 Unlawful to Free Confined or Restrained Animal
- 29.26 Cruelty to Animals
- 29.27 Worrying Parade Animals Prohibited
- 29.28 Animals in Parks

SUBCHAPTER I: GENERAL PROVISIONS AND REGULATIONS

29.01 CREATION AND INTENT. This Chapter was created by the Common Council on _____, 2020, Ord. XXXX, by combining existing sections of the Municipal Code located in Chapters 9, 10 and 12. The intent of the Council in the creation of this Chapter is to centralize ordinances that regulate or protect animals in the City of Baraboo.

29.02 DEFINITIONS. In this Chapter, unless the context of subject matter otherwise requires, the following words and terms used shall be defined as follows:

- (1) **ADULT CAT.** A cat over five months of age.
- (2) **ADULT DOG.** A dog over five months of age.
- (3) **ANIMAL.** Any live vertebrate or invertebrate creature, either domestic or wild.
- (4) **AT LARGE.** This term shall be defined as set forth in §29.21 of this Code. (2092 09/10/02)

- (5) **CONFINED.** Restriction of an animal at all times by the owner or his/her agent to an escape-proof building or other enclosure.
- (6) **DOMESTIC ANIMAL.** Any animal that normally can be considered tame and converted to home life.
- (7) **HEAD OF THE HOUSEHOLD.** The owner of the dwelling unit in which the household resides, unless (i) an adult residing in the household self-identifies to a law enforcement officer or humane officer that he/she is the head of the household or (ii) the law enforcement officer or humane officer has reasonable cause to believe another adult residing in the household is the head of the household.
- (8) **HOUSEHOLD.** One or more persons residing in a single-family dwelling unit.
- (9) **HUMANE OFFICER.** This term shall be defined as set forth in §29.05 of this Code.
- (10) **KENNEL.** Any premise where a person engages in the business, service or hobby of boarding or training of dogs or cats.
- (11) **OWNER.** Any person owning, harboring, possessing, maintaining, or keeping an animal or the head of household of any premises on which animal remains or to which it customarily returns daily for a period of 10 consecutive days is presumed to be harboring or keeping the animal within the meaning of this section. An animal shall also be deemed to be harbored if it is fed and sheltered for a period of 10 consecutive days.
- (12) **RESTRAINT OR RESTRAINED.** Securing an animal by a leash which is of sufficient strength to completely restrain and control the animal and the leash is held by and under the active control of a person of sufficient age and competency to govern the animal and to prevent it from annoying or worrying any other person or domestic animal or from trespassing on private property or trespassing on public property where such animals are forbidden. (2092 09/10/02)
- (13) **SHELTER.** An enclosure to protect animals from the elements and a structure that provides a clean, healthy living environment.
- (14) **VETERINARIAN.** Has the meaning as defined in Wisconsin Administrative Code ATCP 13.
- (15) **VICIOUS ANIMAL.** Vicious animal shall mean:
- a. Any animal that, when unprovoked, inflicts bites, injures, kills, damages, or attacks a human being or domestic animal, and/or
 - b. Any animal that has on two or more reported occasions when unprovoked, bitten, injured, killed, damaged, or attacked a human being on public or private property, and/or
 - c. Any animal that has a propensity, tendency, or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury, damage, or which may otherwise endanger the safety of any human being or domestic animal, and/or
 - d. Any animal trained or used for fighting against another animal.
- Notwithstanding the above definition, no animal may be declared vicious if:
- a. Death, injury, or damage is sustained by a person who, at the time such was sustained, was committing a criminal trespass upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing, or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects person or property.
 - b. Death, injury, or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing, or assaulting the animal.
 - c. The animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
 - d. The animal was acting while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

29.03 STATE LAWS ADOPTED. Except as otherwise specifically provided for in this Chapter, the statutory provisions in Ch. 173, Wis. Stats., describing and defining regulations with respect to animals and humane officers, and the statutory provisions in §95.21, Wis. Stats., describing and defining regulations with respect to rabies control, are hereby adopted

by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this Chapter. (2082 04/15/2002)

- 29.04 SAUK COUNTY ANIMAL SHELTER.** The Sauk County Animal Shelter shall be the designated site for the care, treatment, or disposal of dogs, cats, and other animals taken into custody by a humane officer or law enforcement officer. If the Sauk County Animal Shelter is unable to provide services, the animal will be taken to the most appropriate care facility.
- 29.05 APPOINTMENT, JURISDICTION, AND POWERS OF HUMANE OFFICER.** The Chief of Police shall be authorized to appoint one or more humane officers pursuant to and subject to §173.03(1), Wis. Stats. Each appointed humane officer shall carry out his or her duties within the boundaries of the City. In addition, the humane officer appointed by the County of Sauk shall have jurisdiction within the boundaries of the City as provided by Ch. 173, Wis. Stats. A humane officer shall have the powers and duties as set forth in §173.07, Wis. Stats. Pursuant to §173.03(2), Wis. Stats., the Chief of Police is designated as the official who may modify or withdraw abatement orders issued under §173.11, Wis. Stats., by a humane officer.
- 29.06 PENALTY.** Any person who shall violate any provision in Subchapter II or Subchapter III of this Chapter shall be subject to a penalty as provided in §25.04 of this Code in addition to any other penalty provided for in the respective ordinance that was violated.
- 29.07 RESERVED.**
- 29.08 RESERVED.**

SUBCHAPTER II: LICENSES AND PERMITS

29.09 STANDARD REQUIREMENTS FOR LICENSES AND PERMITS.

- (1) **GENERAL PROVISIONS INCORPORATED.** All licenses and permits issued under this Subchapter II shall be governed by the provisions of §12.01 of this Code unless otherwise indicated.
- (2) **FEE SCHEDULE.** All licenses and permits issued under this Subchapter II shall have the respective fees required by the City's Official Fee Schedule, Chapter 1, Subch. IV.

29.10 LICENSING OF DOGS AND CATS. (2072 01/22/2002)

- (1) **LICENSE REQUIRED.** It shall be unlawful for any person in the City to own, harbor or keep any adult cat or adult dog without obtaining a license from the City Clerk and complying with the provisions of this Chapter, and without complying with the provisions of §§ 174.05 through 174.09, Wis. Stats., relating to the licensing and tagging of dogs.
- (2) **LICENSE YEAR.** The license year shall commence on January 1 and end on December 31. Persons applying for a license during the license year shall be required to pay 50% of the fee stipulated in this subsection if the dog or cat becomes five months of age after July 1st of the licensing year.
- (3) **LATE FEES.** The City Clerk shall assess and collect a late fee as set forth in the City's Official Fee Schedule from every owner of an adult cat or adult dog if the owner failed to obtain a license prior to April 1 of each year or within thirty (30) days of acquiring ownership of a licensable cat or dog, or if the owner failed to obtain a license before the cat or dog reached a licensable age.
- (4) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep an adult dog in the City which has not received a rabies vaccination as required by §95.21, Wis. Stats., or to keep an adult cat in the City which has not received a rabies vaccination. No license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented to the City Clerk or designee. A rabies vaccination tag shall be attached to the collar of all licensed dogs and cats at all times, except as provided in §95.21, Wis. Stat

- (5) **UNTAGGED DOGS AND CATS.** Untagged adult dogs and cats are prohibited. An adult dog or adult cat is considered to be “untagged” if a rabies vaccination tag or City-issued license tag is not attached to a collar which is kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is confined.

29.11 NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED; SPECIAL EXCEPTION PERMIT.

- (1) **DOG AND CAT LIMITS.** Except as otherwise permitted by this Chapter, no person shall own, harbor or keep more than two adult dogs and two adult cats in a household. If more than two adult dogs and two adult cats are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals.
- (2) **SPECIAL EXCEPTION PERMIT.** The Common Council shall be authorized to grant a Special Exception Permit to allow a greater number of adult dogs and/or adult cats for a specific household provided the following conditions are satisfied:
- a. Permit Request.
 - i. The head of household must submit a request for a Special Exception Permit in writing to the City Clerk, who, upon receipt, shall schedule the request to be considered at the next regularly scheduled Administrative Committee meeting where the notice requirements described in sub. ii, below, can be timely made.
 - ii. Upon receiving the request, the City Clerk or designee shall attempt to notify the owners of property immediately adjacent to the requestor’s property regarding the request. This attempt shall be made by regular mail to be posted at least 10 calendar days prior to the date of the Administrative Committee meeting at which the application will be heard.
 - b. Administrative Committee Review. Before the Council considers a request for a Special Exception Permit, the request shall be reviewed by the Administrative Committee. If the Administrative Committee finds that the Permit should not be issued based on the factors listed in Subs. (c) i-vii, below, this determination shall be final and shall constitute a formal denial of the request. If the Administrative Committee finds that the Permit should be granted, or granted with conditions in addition to those listed in Par. (3), below, this determination shall be deemed a recommendation only and the final determination shall be made by the Council.
 - c. Common Council Authorization. Upon a recommendation from the Administrative Committee to grant a Special Exemption Permit, or to grant a Special Exemption Permit with conditions in addition to those listed in Par. (3), below the Council shall make the final determination based on the following factors: (1885 10/08/96, 2448 09/13/16)
 - i. Whether the need for the additional animal is based on a change in household circumstances. An existing household acquiring a new animal shall not be considered a change in household circumstances if that was the only change to the household.
 - ii. Whether the excess animal is an ADA service animal, as defined by 28 CFR § 35.104.
 - iii. How and when the excess animal was acquired by the household and whether the animal was acquired with knowledge of the limited number of such animals permitted by this ordinance.
 - iv. The care and treatment of all animals in the household.
 - v. Whether any resident of the household has a conviction involving or related to animal cruelty or abuse, including a violation of §29.27 of this Code.
 - vi. Relevant testimony of any property owner notified pursuant to Subs. (a) ii, above.
 - vii. Whether the applicant is delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (3) **PERMIT CONDITIONS.** The following conditions shall apply to all Special Exception Permits:
- a. No more than a total of five animals (adult dogs and adult cats combined) shall be owned, harbored or kept by one household, except that the Council may allow additional animals based upon a finding by the Council that the animals are ADA service animals, as defined by 28 CFR § 35.104, and that all other conditions of this ordinance are met.
 - b. Only one Special Exception Permit shall be allowed per household so that in no case shall a household have more than 3 adult dogs or 3 adult cats, except that the Council may allow excess animals based

- upon a finding by the Council that the animals are ADA service animals, as defined by 28 CFR § 35.104, and that all other conditions of this ordinance are met.
- c. Each permitted animal must be neutered or spayed.
 - d. Each permitted animal must be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner.
 - e. If a permitted animal dies, it shall not be replaced with another animal.
 - f. Each permitted animal must be kept or harbored inside the residence.
 - g. The owner of the household where such animals are harbored or kept must give his/her written consent to the granting of an exception under this subsection.
 - h. Each permitted animal must be properly registered with the City and all license fees paid.
 - i. Any additional conditions the Council deems necessary for public health, safety and general welfare.
- (4) **INSPECTIONS.** Law enforcement officers and humane officers shall be authorized to inspect the household with reasonable notice to the owner or occupants thereof for compliance with the conditions established by the Council.
- (5) **PERMIT TERM.** A Special Exception Permit shall be valid until the permitted animal dies or is no longer kept in the household.
- (6) **STAY OF ENFORCEMENT.** A person in violation of Par. (1), above, but who has submitted a request for a Special Exception Permit to the City Clerk and is waiting the final decision on the request shall not be subject to penalty under this Chapter during the time in which the request has been submitted and the final decision has been made.
- (7) **PERMIT REVOCATION.** A single violation of any of the conditions contained in this ordinance, or any other condition ordered by the Council, or any applicable condition contained in §12.01 of the Code, shall be sufficient grounds for revocation of the Special Exception Permit by the Common Council. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

29.12 NUMBER OF DOGS AND CATS PER HOUSEHOLD; ANIMAL RESCUE LICENSE. (2370 01/10/2012 [created])

- (1) **DEFINITIONS.** As used in this section,
- a. “Animal rescue household” means a single-family residence working in conjunction with a bona fide animal rescue organization to temporarily board dogs or cats until a new home can be found for the animal.
 - b. “Bona fide animal rescue organization” is an organization dedicated to the adoption of surrendered, abandoned, homeless, or otherwise ownerless dogs and/or cats, and which:
 - i. Has been in existence as an organization for a minimum of two years;
 - ii. Does not allow animals in the organization’s care to be mated or bred;
 - iii. Requires that animals live indoors in an environment suitable for socializing with humans;
 - iv. Requires that animals have up-to-date vaccinations;
 - v. Requires a personal visit to the home of potential clients of their animals; and
 - vi. Is a member of the Alliance of Wisconsin Animal Rehoming Efforts.
- (2) **ANIMAL RESCUE HOUSEHOLD; PERMITTED ANIMALS.** A licensed animal rescue household shall be allowed two additional adult dogs or two additional adult cats in the household. The additional animals shall not be vicious animals as defined by this Chapter.
- (3) **LICENSE REQUIRED.** An Animal Rescue Household License shall be issued by the City Clerk to the head of the household of an animal rescue household that meets the following requirements:
- a. The applicant provides a letter of recommendation with the application for the license from a veterinarian supporting the household for animal rescue operations.

- b. The applicant provides evidence that the animal rescue organization the applicant is associated with is a bona fide animal rescue organization as defined in this ordinance.
 - c. All other dogs and cats in the household are licensed.
 - d. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
 - e. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (4) LICENSE CONDITIONS. The following conditions shall apply to all Animal Rescue Licenses:
- a. No more than a total of eight animals (four adult dogs and four adult cats combined) shall be owned, harbored or kept by one household.
 - b. Only one Animal Rescue License shall be allowed per household.
 - c. Each animal kept on the premises must be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner.
 - d. The owner of the household where such animals are harbored or kept must give his/her written consent to the granting of an exception under this subsection.
 - e. If the license holder becomes unaffiliated with the bona fide animal rescue organization listed on the application, the license holder must immediately notify the City Clerk and provide the name of the new bona fide animal rescue organization the license holder is affiliated with.
- (5) LICENSE TERM. All licenses shall expire on June 30 of every odd numbered year.
- (6) INSPECTIONS. Law enforcement officers and humane officers shall be authorized to inspect the household with reasonable notice to the owner or occupants thereof for compliance with the license conditions.
- (7) LICENSE REVOCATION. A single violation of any of the conditions contained in this ordinance, or any applicable condition contained in §12.01 of the Code, shall be sufficient grounds for revocation of the Animal Rescue License by the Common Council. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

29.13 CHICKEN PERMIT. (1854 02/17/96, 2312 07/28/09)

- (1) PERMIT REQUIRED.
- a. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the owner of the premises has been issued a permit by the City Clerk. (2458 08/27/17, 2515 03/12/19)
 - b. Upon receipt of a completed permit application, other than a renewal application pursuant to Par. (3), below, the City Clerk shall notify by regular mail all property owners contiguous with the parcel proposed for the chicken coop. These property owners shall have 10 business days from the date of the letter to file with the City Clerk a written objection, signed by the objector, to the permit being issued.
 - c. If an objection is received, the City Clerk shall place the permit application on the next regularly scheduled Administrative Committee meeting agenda, where the objection will either be read into the record or the objector will have an opportunity to be heard on the objection. The Administrative Committee shall approve the permit application so long as the following are satisfied:
 - i. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
 - ii. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 - iii. The coop and run have been inspected by the humane officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
 - iv. The applicant has no prior convictions for animal cruelty or related offenses.
 - v. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any ordinance of the City.

- d. If no objection is received, the City Clerk shall issue the permit so long as the following are satisfied:
 - i. The applicant does not have a history of non-compliance with this ordinance or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 - ii. The coop and run have been inspected by the City Humane officer or designee to ensure that they are adequate and in accordance with the requirements of this ordinance.
 - iii. The applicant has no prior convictions for animal cruelty or similar offenses.
 - iv. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City.

(2) PARCEL, COOP AND RUN REQUIREMENTS.

- a. Chicken coops and runs shall not be located closer than 10 feet to any lot line and may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.
- b. The lot upon which the chickens are raised shall have a minimum width of fifty feet, and contain only a single-family dwelling. In addition, all contiguous properties to the lot upon which the chickens are raised shall contain only a single-family or two-family dwelling.
- c. A zero lot line duplex is not qualified to have chickens.
- d. The chickens shall be provided with a covered coop with not less than two nor more than four square feet of area per chicken.
- e. The coop shall be constructed of sturdy, predator-proof material and shall provide adequate shade from the sun and warmth in cold weather. The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and otherwise maintained.
- f. The coop may be built as part of a yard shed or garage, but cannot be placed on top of a building.
- g. Chickens shall be provided with a run attached to or surrounding the coop. The run shall be made of strong, predator-proof wire fencing. To prevent chickens from flying out of the run, fencing shall be of sufficient height, be covered, or the chickens shall have their wings clipped.
- h. Chickens shall be kept in the covered coop or in the fenced run at all times.

(3) CHICKEN CARE REQUIREMENTS.

- a. Chickens shall not be allowed inside of a residence.
- b. Chickens may only be raised on the property of the owner, or if a tenant, with the written consent of the owner.
- c. Roosters and crowing cockerels shall not be kept.
- d. No more than six chickens may be maintained on any parcel.
- e. The slaughtering of chickens in the Residential Zoning Districts is prohibited.
- f. The standards and requirements of § 29.27 of this Code shall fully apply to the keeping of chickens.

(4) PERMIT TERM. All permits shall expire on June 30 of every odd numbered year.

(5) PERMIT RENEWAL. Current permit holders may apply for a renewal license no sooner than three months prior to the permit expiration date and no later than five days prior to the expiration date. Prior to the issuance of a renewal permit, the humane officer or designee shall inspect the coop and run to ensure continued compliance with this code; failure to be in compliance with this code at the time of inspection shall result in the renewal license not being issued and the permit holder needing to apply for a new license.

(6) REVOCATION. In the event a permit holder accumulates three violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the permit holder is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute in another jurisdiction, the permit shall be revoked 10 business days after the service of a Notice of Revocation on the permit holder by the City Clerk. Notice of Revocation is deemed served upon the day of mailing if sent by certified mail to the permit holder at the address as listed upon the application for the permit. If, during those 10 business days the permit holder files a request for an appeal with the City Clerk, the revocation will be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting and make a final determination on the revocation based on whether there are validated complaint(s) investigated by the Baraboo Police Department.

- (7) REAPPLICATION. The denial, non-renewal or revocation of a permit shall not preclude an applicant from reapplying for a permit at any time in the future.
- (8) NON-TRANSFERRABLE. Permits are non-transferrable from person to person or place to place. In the event a permit holder moves, the permit holder must notify the City Clerk within 10 calendar days of said move and the permit shall be revoked by the City Clerk.

29.14 **VICIOUS ANIMALS; LICENSE.**

- (1) VICIOUS ANIMALS PROHIBITED. No person shall own, possess, harbor, keep, maintain, sell or transfer a vicious animal contrary to the terms of this section. (2092 09/10/02)
- (2) VICIOUS ANIMAL LICENSE. Any person who may own, possess, harbor, keep, or maintain a vicious animal shall do so only after first having obtained a Vicious Animal License approved by the Chief of Police or designee and issued by the City Clerk. A Vicious Animal License will be issued subject to proof of the following:
 - a. A liability insurance policy written by an insurance company licensed to do business in the State of Wisconsin, covering death and personal injury, in the amount of at least three hundred thousand dollars (\$300,000) and property damage in the amount of at least fifty thousand dollars (\$50,000). The policy shall provide notice to the City Clerk thirty (30) days in advance of any material change therein and of its termination or non-renewal.
 - b. Current vaccination for rabies.
 - c. Current animal license.
 - d. Neutering or spaying.
 - e. Permanently marking the animal a subcutaneous microchip and providing the identification information on the application for license. (2279 04/22/08)
 - f. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
 - g. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (3) CONDITIONS OF LICENSE. A license issued pursuant to this ordinance is conditioned upon the following:
 - a. Continued compliance with Par. (2), above.
 - b. The posting of signs no smaller than twenty-four inches (24") in size on each of four sides, made of metal or plastic, fluorescent yellow in color, bearing the wording, "WARNING VICIOUS ANIMAL," in English print, no smaller than three inches (3") high and also bearing the license number of each vicious animal no smaller than one inch (1") high, which signs shall be posted at each entrance to the building in which the vicious animal is kept and at each entrance through a fence, and at such location as is viewable from the public sidewalk, if any, in the vicinity of any walk or drive approaching any entrance to the building in which the vicious animal is kept.
 - c. The animal, while off the premises where kept, shall be muzzled with a no-bite type muzzle, restrained as to movement by a choke-type collar or harness and leash secured by and under the direct control and supervision of a mentally competent adult.
 - d. The animal, while on the premises where kept, shall be placed within a secured building, or within a secured fence of sufficient height and construction to maintain the animal within, which fence shall be inspected and approved by the Police Department.
 - e. If the animal dies from any cause or means, or if the animal is relocated outside of the City for any reason, the owner shall immediately inform the City Clerk and the license shall be revoked.
 - f. If the animal is relocated outside of the City, the owner of the animal consents to the Chief of Police or designee informing the Chief of Police or comparably titled employee of the municipality where the animal relocates that the animal was licensed as a vicious animal by the City; however, under no circumstances is the Chief of Police or any other employee or agent of the City obligated to provide said notice.
- (4) SELLING OR TRANSFERING A VICIOUS ANIMAL. If a vicious animal is sold or if ownership is transferred, the owner must:

- a. Notify the person to whom the vicious animal is being sold or transferred of the fact that such is a vicious animal and of any requirements imposed upon the selling or transferring party by this Ordinance.
 - b. Notify the City Clerk in writing at least five (5) business days in advance of the sale or transfer.
 - c. The owner consents to the Chief of Police or designee informing the new owner that the animal is a vicious animal and subject to the terms of this ordinance; however, under no circumstances is the Chief of Police or any other employee or agent of the City obligated to provide said notice.
- (5) LICENSE TERM. A Vicious Animal License shall be valid until the licensed animal dies, moves out of the City or is no longer kept or owned by the license holder.
- (6) VIOLATIONS OF THIS ORDINANCE.
- a. A vicious animal which is owned, possessed, harbored, kept, or maintained in violation of this ordinance, or which commits any acts listed under §29.02(15)(a) i-iv after obtaining a Vicious Animal License, may be impounded or destroyed by the City, or its agents, at the expense of the owner of the animal.
 - b. Prior to impounding or destroying an animal pursuant to this section, the Chief of Police or designee shall send a notice to the owner of the animal at least 10 calendar days prior to the date the animal will be impounded or destroyed; however, nothing shall prevent the immediate impounding of an animal if the Chief of Police or designee determines impoundment is necessary for the preservation of public health, safety or welfare, or if the animal must be impounded under other provisions of this Code or State law.
 - c. If an objection to impounding or destroying the animal is received by the Chief of Police from the owner of the animal prior to the date the impounding or destroying is to occur, or within five days of the date the animal was immediately impounded per subs. b, above, the Chief of Police shall cause the objection to be heard at the next Public Safety Committee meeting. The objection shall be read into the record or the owner may be heard on the objection. The Public Safety Committee shall consider:
 - i. The public health, safety and welfare of the public, the animal and other animals,
 - ii. Whether the owner has abided by this ordinance and/or will continue to abide by this ordinance,
 - iii. Whether the owner has abided by the general licensing provisions of this Code,
 - iv. The circumstances surrounding the of aggression displayed by the animal,
 - v. Whether additional conditions placed on the keeping of the animal would prevent the animal from committing additional acts of aggression,
 - vi. Whether the animal can be safely relocated to an owner or facility outside of the City, and
 - vii. Any other relevant factors.
 - d. After the hearing by the Public Safety Committee, the Committee may take action including, but not limited to, ordering the destruction of the animal, allowing the owner of the animal to obtain a Vicious Animal License with additional conditions, or allowing the rehoming of the animal outside City limits.
 - e. Any person aggrieved by the decision of the Public Safety Committee may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk within five (5) business days of the decision by the Committee. The vicious animal shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The City may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding the animal during the appeal period.
 - f. A person found to be in violation of this ordinance shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal to the humane officer or police officer for such destruction or disposition as deemed proper. If it is determined that the animal has been owned, possessed, harbored, kept, or maintained in violation of this section, the costs incurred by the City for impounding and/or destroying the animal shall be paid by the violator.
 - g. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.
 - h. The City elects not to be bound by Ch. 68, Wis. Stats., with respect to the administrative procedure under this section. (2092 09/10/02)
- (7) ENFORCEMENT. Any law enforcement officer or humane officer shall have the authority to enforce the provisions of this ordinance, including, but not limited to, seizing any animal that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this ordinance. Any such animal seized pursuant to this section shall be held in the Sauk County Animal Shelter, or in such other facility deemed appropriate by the impounding officer.

- (8) EXCEPTION. The prohibitions of this ordinance shall not apply where the animal is in the care, custody, or control of: a veterinarian for treatment or a Department of Natural Resources Licensed Animal Rehabilitation Facility provided the location conforms to the provisions of the zoning ordinance of the City and:
- a. The animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
 - b. The animal are maintained in quarters so constructed as to prevent their escape.

29.15 REGULATION AND LICENSING OF KENNELS. (1923 11/11/97)

- (1) LICENSE REQUIRED. No person shall operate a kennel unless the person holds a valid Kennel License issued by the City Clerk.
- (2) CONDITIONS OF LICENSE. The City Clerk shall issue a Kennel License subject to the following conditions:
- a. No kennel may be located in a residential district and each kennel location shall be subject to applicable zoning and other City conditions and regulations.
 - b. Animals kept at the kennel must be properly cared for at all times and cannot pose a health problem within the property or a nuisance within the neighborhood.
 - c. All adult dogs and adult cats at the kennel shall have a valid license issued pursuant to § 29.10 of this Code, or a valid rabies tag, attached to the animal's collar at all times unless the animal is securely confined.
 - d. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
 - d. Prior to the issuance of a license, an inspection of the property by the humane officer shall be required and shall be the City's basis for determining whether the requirements of this section are met. Any applicant seeking a Kennel License shall further agree in writing to make their property available for inspections by the humane officer on an annual basis, and upon evidence or a complaint that the requirements of this section have not been maintained, as a condition of maintaining their Kennel License.
- (3) LICENSE TERM. All licenses shall expire on June 30 of every odd numbered year.
- (4) REVOCATION OF LICENSE.
- a. If a license holder or kennel has two violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the license holder violates any animal abuse, animal neglect or animal cruelty law, the City Clerk shall revoke the license 10 business days after the service of a Notice of Revocation on the license holder by the City Clerk.
 - b. The Notice of Revocation shall be deemed served on the day of mailing when sent by certified mail or if personally served. Service shall be made to the licensee at the address provided by the license holder on the license application.
 - c. The license holder may appeal of the revocation by providing the City Clerk a notice of appeal on or before the date of revocation; the revocation shall be stayed pending the outcome of the appeal.
 - d. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting, or may call a special meeting, and make a final determination on the revocation based on whether there are clear and convincing violations of this ordinance and/or convictions as required herein.
 - d. For purposes of this section, a "violation" need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.
- (5) DENIALS AND NON-RENEWALS. The denial or revocation of a license shall not preclude an applicant from applying for a license at any time in the future, although no applicant may apply more than twice during any 12-month period.

29.16 REGULATION AND LICENSING OF PET STORES. (2526 07/23/19)

- (1) DEFINITIONS. As used in this Section, the following words and phrases shall have the following meanings:

- a. "Bait shop" means any place kept or maintained where the only animals bought, sold, exchanged or offered for sale are animals commonly used as fish bait, including, but not limited to, worms, baitfish, crickets, snails and leeches.
- b. "Person" has the meaning found in §25.01(3), City Code.
- c. "Pet store" includes every place kept or maintained where any dog, cat, rabbit, rodent, insect, reptile or bird is bought, sold, exchanged, or offered for sale to the public, unless the activity occurs less than 30 days, consecutive or non-consecutive, out of any 365-day period. Excluded from this definition are bait shops and places that buy, sell, exchange or offer for sale fish. Pet stores are allowed only in the following zoning districts: B-3 Highway-Oriented Business and I-4 Planned Industrial/Business Districts.
- d. "USDA" means the United States Department of Agriculture.

(2) LICENSE REQUIRED.

- a. No person shall operate a pet store unless the person holds a valid Pet Store License issued by the City Clerk.
- b. New and renewal license applications shall be reviewed by the City Clerk, Chief of Police, humane officer and City Zoning Administrator or their respective designees. Applications will be denied by the City Clerk for the following reasons:
 - i. The location of the pet store is not within a permitted zoning district,
 - ii. The applicant has a conviction for animal abuse, neglect or cruelty, or for an offense under Ch. 951, Wis. Stat., or any comparable state or federal law,
 - iii. The City Humane officer is not permitted by the applicant to inspect the premises to ensure compliance with this ordinance, and/or
 - iv. The City Humane officer finds that the premises is not in conformity with this ordinance.

(3) LICENSE TERM. All licenses shall expire on June 30 of every odd numbered year. License holders may apply for a renewal license no sooner than three months prior to the license expiration date and no later than five days prior to the license expiration date

(4) CONDITIONS OF LICENSE.

- a. Pet stores are prohibited from buying, selling, exchanging or offering for sale, adoption or gift any animal other than dogs, cats, rabbits, rodents, insects, reptiles, birds and fish, and are further prohibited owning, keeping, maintaining, harboring or having possession or control of any prohibited animal as per §29.14 of this Code
- b. Pet stores shall be operated in accordance with the anti-cruelty requirements set forth in §29.26 of this Code, and shall at all times be maintained in a clean and sanitary manner including the animals having at all times adequate food, water, bedding, light and ventilation.
- c. Every person keeping or maintaining a pet store shall do so entirely within an enclosed building and shall not keep or maintain any outside kennel service.
- d. All animals shall be displayed in a healthy condition or, if ill, removed from display and given appropriate treatment.
- e. Pet stores shall ensure that all dogs and cats they obtain are from dealers properly licensed by the USDA, when applicable, and must keep a copy of the dealer's federal identification number for a minimum of two years after the pet store receives the dog or cat.
- f. Pet stores shall deliver in writing to the recipient of a dog or cat at the time of the exchange the following information:
 - i. The breeder's name and address and, if the person is a dealer licensed by the USDA, the dealer's name, address and federal dealer identification number.
 - ii. The date of the dog or cat's birth and the date the pet store received the dog or cat.
 - iii. The breed, sex, color and identifying marks of the dog or cat.
 - iv. A record of each inoculation and worming treatment administered, if any, to the dog or cat, including the date of administration and the type of vaccine or worming treatment.
 - v. A record of veterinarian treatment or medication received by the dog or cat while in the possession of the pet store.
 - vi. A document signed by a veterinarian licensed in the State of Wisconsin stating (a) that the dog or cat has no known disease or illness, and that the dog or cat has no known congenital or hereditary condition that adversely affects the health of the dog or cat at the

time of the exchange or that is likely to adversely affect the health of the dog or cat in the future; or (b) describing any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat, or that is likely to adversely affect the health of the dog or cat in the future.

- g. Pet stores shall retain a copy of all records required by this section for a period not less than two years after the sale or exchange of a live animal and shall make the copy available for inspection by a humane officer or law enforcement officer during business hours.
- h. Every person keeping, maintaining or working in or for a pet store is prohibited from selling, exchanging or offering for sale, adoption or as a gift any animal to any person if the person reasonably believes that the animal will be used for any unlawful purpose including, but not limited to, dog fighting.

(5) **REVOCAION OF LICENSE.**

- a. If a license holder or pet store has two violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the license holder violates any animal abuse, neglect or cruelty law, the City Clerk shall revoke the license 10 business days after the service of a Notice of Revocation on the license holder by the City Clerk.
- b. The Notice of Revocation shall be deemed served on the day of mailing when sent by certified mail or if personally served. Service shall be made to the licensee at the address provided by the license holder on the license application.
- c. The license holder may appeal of the revocation by providing the City Clerk a notice of appeal on or before the date of revocation; the revocation shall be stayed pending the outcome of the appeal.
- d. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting, or may call a special meeting, and make a final determination on the revocation based on whether there are clear and convincing violations of this ordinance and/or convictions as required herein.
- e. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

- (6) **DENIALS AND NON-RENEWALS.** The denial or revocation of a license shall not preclude an applicant from applying for a license at any time in the future, although no applicant may apply more than twice during any 12-month period.

29.17 **RESERVED.**

29.18 **RESERVED.**

SUBCHAPTER III: REGULATED AND PROHIBITED ACTS.

29.19 **PROHIBITED KEEPING OF CERTAIN REPTILES, INSECTS, CROCODILIANS, SPIDERS, WILD ANIMALS, AND OTHER CREATURES.** (2079 07/23/02)

- (1) **PROHIBITED ANIMALS.** After November 1, 2002, no person shall own, keep, maintain, harbor or have in his or her possession or under his or her control within the City any poisonous or venomous reptile, insect, snake, crocodilian, spider or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities, including, but not limited to any of the following animals, reptiles, crocodilians, insects, spiders, or creatures:
- a. All poisonous or venomous animals and reptiles including snakes
 - b. Apes: Chimpanzees (Pan); Gibbons (Hylobates); Gorillas (Gorilla); Orangutans (Pongo); and Siamangs (Symphalangus)
 - c. Baboons (Papoi, Mandrillus)
 - d. Bears (Ursidae)
 - e. Bison (Bison)
 - f. Cheetahs (Acinonyx jubatus)
 - g. Crocodilians (Crocodilia)

- h. Constrictor snakes three feet or more in length, except a ball python snake up to four feet in length shall be allowed or a boa constrictor snake up to eight feet in length shall be allowed; snakes not indigenous to Wisconsin, and any other snake exceeding three feet in length
- i. Coyotes (*Canis latrans*)
- j. Deer (*Cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose; Elephants (*Elephas* and *Loxodonta*)
- k. Game cocks and other fighting birds
- l. Hippopotami (*Hippopotamidae*)
- m. Hyenas (*Hyaenidae*)
- n. Jaguars (*Panthera onca*)
- o. Leopards (*Panthera pardus*)
- p. Lions (*Panthera leo*)
- q. Lynxes (*Lynx*)
- r. Monkeys, old world (*Ceropithecidae*)
- s. Ostriches (*Struthio*)
- t. Piranha fish (*Characidae*) exceeding 6 inches in length
- u. Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers
- v. Rhinoceroses (*Rhinocero tidae*)
- w. Sharks (class *Chondrichthyes*) exceeding 6 inches in length
- x. Tigers *Panthera tigris*
- y. Wolves (*Canis lupus*)
- z. Wolf-dog hybrids
- aa. Raccoon, skunk, fox, opossum, woodchuck, otter, beaver, deer or any other warm-blooded animal that can normally be found in the wild state.
- bb. Poisonous or venomous biting insects
- cc. Poisonous tarantula and poisonous or venomous biting spiders

(2) VIOLATIONS.

- a. Any animal, reptile, insect, crocodilian, snake, spider, wild animal, or other creature owned, possessed, harbored, kept, or maintained in violation of this ordinance may be impounded and destroyed by the City, or its agents, at the expense of the violator, following notice and an opportunity to be heard by the Public Safety Committee.
- b. Prior to impounding or destroying an animal pursuant to this section, the Chief of Police shall send a notice to the owner of the animal at least 10 calendar days prior to the date the animal will be impounded or destroyed; however, nothing shall prevent the immediate impounding of an animal if the Chief of Police determines impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the animal has been impounded under other provisions of this Code or State law.
- c. If an objection to impounding or destroying the animal is received by the Chief of Police from the owner of the animal prior to the date the impounding or destroying is to occur, the Chief of Police shall cause the objection to be heard at the next Public Safety Committee. The objection shall be read into the record or the owner may be heard on the objection. The Public Safety Committee shall consider:
 - i. Whether the animal is prohibited under this ordinance,
 - ii. Whether the animal can be safely relocated to a person or facility that can legally and safely keep or harbor the animal.
 - iii. Any other relevant factors.
- d. After the hearing by the Public Safety Committee, the Committee may take action including, but not limited to, ordering the destruction of the animal or allowing the relocation of the animal outside City limits.
- e. Any person aggrieved by the decision of the Public Safety Committee may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk within five business days of the decision by the Committee. The animal shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The City may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding the animal during the appeal period.
- f. If it is determined that the animal has been owned, possessed, harbored, kept, or maintained in violation of this section, the costs incurred by the City for impounding and holding the animal shall be paid by the violator.
- g. Anyone found to be in violation of this section shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal to the humane officer for destruction or disposition as deemed proper.

Prior to such forfeiture, the humane officer or the Sauk County Health Officer may direct a transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator for safe keeping, with the cost thereof being assessed and paid by the violator.

- h. The City elects not to be bound by Ch. 68, Wisconsin Statutes, with respect to administrative procedure under this section.
- (3) ENFORCEMENT. Any law enforcement officer or humane officer shall have the authority to enforce the provisions of this ordinance, including, but not limited to, seizing any animal that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this ordinance. Any such animal seized pursuant to this section shall be held in the Sauk County Animal Shelter or in such other facility deemed appropriate by the impounding officer.
- (4) EXCEPTIONS. The prohibitions of this ordinance shall not apply where the animal is in the care, custody, or control of: a veterinarian for treatment; an itinerant or transient carnival, circus or other show; public or private educational or medical institutions; a Department of Natural Resources Licensed Animal Rehabilitation Facility; the City of Baraboo Zoo; or the Circus World Museum premises; if:
- a. Their location conforms to the provisions of the zoning ordinance of the City;
 - b. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
 - c. Animals are maintained in quarters so constructed as to prevent their escape.

29.20 PROHIBITED KEEPING OF LIVESTOCK AND POULTRY. (1854 02/17/96, 2312 07/28/09)

- (1) LIVESTOCK AND POULTRY PROHIBITED. Except to the extent permitted in the City's Agricultural Districts or elsewhere in this Chapter, no person shall keep or maintain in any zoning district any poultry, pigeons or fowl, or any animal raised for fur bearing purposes, or any livestock, including, but not limited to horses, cattle, sheep, goats, pigs or swine, whether or not such animal is domesticated, tamed or a pet.
- (2) GRANDFATHER CLAUSE. Any person keeping or maintaining such poultry, pigeons, fowl, animal or livestock contrary to this ordinance as of February 17, 1996, may continue to keep or maintain such poultry, pigeons, fowl, animal or livestock as a nonconforming use upon receipt of a permit from the Building Inspector in accordance with rules established by the Plan Commission as long as a public nuisance is not created in violation of the provisions of Ch. 10 of this Code. Such permit shall be issued for a term of two years to expire December 31, of odd numbered years. No permit or renewal thereof shall be issued until the premise has been inspected by the Building Inspector. (2440 02/23/16)
- (3) EXCEPTIONS. The prohibitions of this ordinance shall not apply where the animals are in the care, custody, or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; public or private educational or medical institutions; Department of Natural Resources Licensed Animal Rehabilitation Facility; licensed pet shops, as applicable; the City of Baraboo Zoo, or the Circus World Museum premises; if:
- a. Their location conforms to the provisions of the zoning ordinance of the City;
 - b. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
 - c. Animals are maintained in quarters so constructed as to prevent their escape.
 - d. All animals in licensed pet shops remain sequestered from the general public such that direct contact between the animal and persons who are not employees of the pet shop cannot occur. (2191 04/12/2005)

29.21 ANIMALS NOT TO BE AT LARGE. (2092 09/10/02)

- (1) NOT TO BE AT LARGE. No person having in his or her possession or under his or her control any animal shall allow the same to be at large within the City. "At large" means an animal is off the premises of its owner and upon any public street or alley, sidewalk, treebank, school grounds, public park, or other public grounds or upon any private property without the permission of the owner of the property provided that a dog, cat, or other lawfully permitted animal shall not be deemed to be at large if the following provisions apply: (2092 09/10/02)

- a. The animal is attached to a leash which is of sufficient strength to completely restrain and control the animal and the leash is securely held by and under the active control of a person of sufficient age and competency to govern and restrain the animal and to prevent it from annoying or worrying any other person or domestic animal or from trespassing on private property or trespassing on public property where such animals are forbidden. (2092 09/10/02)
 - b. The animal is properly restrained within a motor vehicle.
 - c. The animal is engaged in the act of training for show, field trial, or obedience trial purposes, in active control of its owner or his/her agent of sufficient age and competency to govern such animal at such distance, and not annoying or worrying any person or trespassing on private property or trespassing on public property where such animals are prohibited, provided that such training is on the premises of the owner or keeper of the animal or on the premises of a property that is properly zoned and approved as a training facility. (2092 09/10/02)
 - d. The animal is engaged in law enforcement activity with a law enforcement officer, or a search and rescue activity with a law enforcement officer or other handler approved by the Chief of Police.
- (2) **IMPOUNDMENT OF ANIMALS AT LARGE.** Animals at large shall be taken by a law enforcement officer or humane officer and impounded in the Sauk County Animal Shelter except when the Shelter is unable to provide said services, in which case the animal will be taken to the most appropriate care facility as reasonably determined by the law enforcement officer or humane officer. Impoundment authorization under this section includes the pursuit of animals upon the private property of a non-animal owner.
- (3) **IMPOUNDMENT FEE.** An owner reclaiming an impounded animal shall pay the impoundment fee and expenses to the Sauk County Animal Shelter and as set by the Shelter, and shall comply with the provisions of Ch. 173, Wis. Stats., prior to the release of a dog or cat.
- (4) **INTERFERENCE.** It shall be a violation of this ordinance to interfere with or obstruct a law enforcement officer or humane officer in the performance of their duties under this section.

29.22 ANIMAL WASTE REGULATED. (2092 09/10/02, 2527 08/27/2019)

- (1) **CURBING ANIMALS.** No person having in his/her possession or under his/her control any dog, cat, or other animal shall allow the same to defecate off the premises of its owner or keeper and upon any public property or upon any private property without the permission of the owner of the property. In the event the animal defecates on another's land or on any public property, the owner or person in control of the animal shall immediately remove and dispose of the feces in a sanitary manner. This section shall not be applicable to cases where a person is legally blind and is being assisted by a service animal as defined by the Americans with Disabilities Act.
- (2) **CONFINED ANIMALS.** All pens, yards, structures, or areas where animals are kept shall be maintained in a clean, sanitary, odor free, and nuisance free condition. Droppings and excrement shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

29.23 NOISY ANIMALS OR FOWL PROHIBITED. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other unreasonably loud noises that shall greatly annoy or disturb the surrounding neighborhood or a person of ordinary sensibilities in the vicinity is prohibited.

29.24 DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person, shall immediately report such fact to the Police Department and shall quarantined the animal as provided for by State Statute.

29.25 UNLAWFUL TO FREE CONFINED OR RESTRAINED ANIMAL. No person shall open any door or gate of any private premises or loosen, untie or cut any leash, rope or chain for the purpose of setting any dog, cat or other animal at large, except with the permission of the owner of such animal.

29.26 CRUELTY TO ANIMALS.

- (1) CRUELTY TO ANIMALS PROHIBITED. Cruelty to animals is prohibited, and is defined as any action or inaction involving an animal that a reasonable person would recognize as being cruel to an animal and includes, but is not limited to:
- a. No person owning, harboring, or having custody of an animal shall fail to provide it with good and wholesome food at least once daily and provide a constant supply of potable water to sustain the animal in good health.
 - b. No person shall fail to provide any animal that he/she owns, harbors, or has custody of with shelter from inclement or adverse weather or to ensure the protection and comfort of the animal. In the case of dogs and cats which are kept outdoors or in an unheated enclosure, shelter and bedding shall be provided as set forth in this section as a minimum.
 - c. When sunlight is likely to cause overheating or stress to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors shall be provided with moisture resistant and wind resistant shelter of a size which allows the dog or cat to turn around freely and to easily sit, stand, and lie in a normal position and to keep the dog or cat clean, dry, and comfortable. Whenever the outdoor temperature falls below 40 degrees Fahrenheit, clean bedding material shall be provided in such shelters for insulation and to retain body heat of the dog or cat. Feces shall be removed as specified herein.
 - d. All animals confined to a cage, kennel run, or secure enclosure of any kind, shall be provided with quarters in a clean condition and in good state of repair. Each animal shall have sufficient space to turn around freely and to easily sit, stand, and lie in a normal position. The temperature and ventilation of the quarters shall be compatible with the health of the animal. There shall be sufficient clean, dry bedding to meet the needs of each individual animal and feces shall be removed as specified in § 29.22 of this Code.
 - e. Chains, ropes, or leashes shall be so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water, and shelter. Such chains, ropes, or leashes shall be located so as not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.
 - f. No person shall fail to provide any animal that he/she owns, harbors, or has custody of with veterinary care when needed to prevent suffering.
 - g. No person shall beat, kick, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering, or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under Wisconsin law.
 - h. No person shall abandon or neglect any animal he/she owns, harbors, or has custody of.
 - i. No person shall transport any animal in their possession in a manner which could cause injury, pain, undue stress, or death to the animal.
 - j. No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement or offer the same as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
 - k. No person shall cause, instigate, or permit any dogfight, cockfight or other combat between animals or between animals and humans.
 - l. No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any dog or cat, provided that it shall not be unlawful for a person to expose, on his property, poisons designed for the purpose of rodent or pest elimination. This provision shall not prohibit police or Public Works personnel or licensed pest-control operators from providing rodent or pest-control services.
 - m. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to report such injury or death to the animal's owner or the City Police Department.
 - n. No person may cause or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time, without adequate ventilation, as to endanger the health or wellbeing of such animal due to temperature, humidity, lack of food or drink, or such other conditions as may be reasonably expected to cause suffering, disability, or death.

- (2) ENFORCEMENT. Any law enforcement officer or humane officer may remove, shelter, and care for any animal found to be cruelly exposed to the weather, starved, denied adequate food or water, or otherwise treated in a cruel manner or abandoned and may deliver such animal to the Sauk County Animal Shelter to be sheltered, cared for, and given medical attention, if necessary. In all cases the owner and/or head of household shall be immediately notified and such officer or other person, having possession of the animal, shall have a lien thereon for its care, keeping, and medical attention and the expenses associated therewith. If the owner or head of household is unknown and cannot with reasonable effort be ascertained or does not within five days after notice redeem the animal by paying the expenses incurred, the animal may be treated as a stray.

29.27 WORRYING PARADE ANIMALS PROHIBITED.

- (1) CERTAIN DEVICE SALES PROHIBITED.
- a. During, and for the 12 hours immediately preceding, any public event in which circus or parade animals are scheduled to parade on the streets of the City, it shall be unlawful for any person to sell or offer to sell, outdoors on public or private property, any devices which may confuse or alarm horses, ponies or other animals such as fireworks, explosives, smoke bombs, sparklers, caps, cap guns, horns, sirens, whistles or other noise making devices; bull whips or other whips of any description; darts or bows and arrows, whether sharp or blunt tipped; any blow gun type device; or any other device which is designated or intended to be projected, catapulted, thrown, blown or propelled; except balls used for sports.
 - b. Any law enforcement officer or humane officers who observes any person who appears to be violating par. (a), above shall order such person to immediately terminate the sale or display of such prohibited devices for the duration of such public event. If such person fails to immediately comply with such order, such officer may confiscate such devices until the conclusion of such public event.
- (2) POSSESSION OR USE OF CERTAIN DEVICES.
- a. During any public event in which parade animals enumerated in Sub. (1)(a) above are scheduled to parade on the streets of the City, it shall be unlawful for anyone to have in his possession or to use, along the route of such parade while such parade is in progress, any of the devices enumerated in Sub. (1)(a), above.
 - b. Any law enforcement officer or humane officer observing any person who appears to be violating par. (a), above may confiscate such devices until the conclusion of such public event.

29.28 ANIMALS IN PARKS.

- (1) PAT LISTON DOG PARK. See § 19.12 of this Code.
- (2) PETS IN PARKS. See § 19.03(8) of this Code.
- (3) CONDUCT IN ZOO REGULATED. See § 19.05 of this Code.

OFFICE OF THE CITY ATTORNEY

Memo

To: Administrative Committee
From: Emily Truman, City Attorney
Date: June 22, 2020
Re: Proposed Amendments to Chapter 28, "Baraboo District Ambulance Commission," and Section 1.30, "Baraboo District Ambulance Commission," of the City Code

Chapter 28 of the City Code, titled "Baraboo District Ambulance Commission," contains the entirety of an outdated version of the by-laws for the Baraboo District Ambulance Commission. A reference to the by-laws is also contained in Section 1.30, "Baraboo District Ambulance Commission." For consistency within the Code, it is recommended that: (a) Chapter 28 be struck in its entirety with the Chapter reserved for future Code expansion and, (b) Section 1.30 be updated to state that the by-laws, which may be amended by the Commission from time-to-time, are incorporated into that ordinance. It is further advised that the Code provide for how the City's Commission members are to appointed by the City of Baraboo.

Proposed Amendment to § 1.30, "Baraboo District Ambulance Commission."

1.30 BARABOO DISTRICT AMBULANCE COMMISSION.

- (1) MEMBERSHIP. The Baraboo District Ambulance Commission shall consist of seven (7) voting members and one (1) non-voting member. Four members shall be appointed by the Mayor of the City of Baraboo, subject to confirmation by the Common Council. Three members shall be appointed by the other participating municipalities. The nonvoting member shall be appointed by St. Clare Hospital, or its designee. (1653 09/92)
- (2) POWERS AND DUTIES. The Commission shall have the powers and duties set forth in the by-laws for the Baraboo District Ambulance Commission, as amended by the Commission from time-to-time, which are incorporated into this ordinance and on file with the City Clerk. (1653 09/92)

Proposed Change to Chapter 28, "Baraboo District Ambulance Commission."

Chapter 28, Reserved. [This chapter previously contained the by-laws for the Baraboo District Ambulance Commissions, which have been incorporated into §1.30 of this Code]

FOR TREASURER'S USE ONLY
 Chicken 2020000052
 Receipt # _____
 Account # 100-10-44290

APPLICATION FOR KEEPING CHICKENS

License Applied For:

- New \$25.00
- Renewal \$10.00

(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo.

MICHAEL LUTZ

Name: _____ Phone: _____ Email: _____

Address of applicant: 418 10TH STREET, Baraboo, WI 53913

Property Owner Tenant

Zoning District: Available on City Website at www.cityofbaraboo.com.
 (Permit is only allowed in R1 or R1A Zoning Districts)

R1 A

Tax parcel number of site: 206-3500

Lot Size: Width (50' minimum) 60

Number of Chickens to be kept: (Cannot exceed 6.) 3

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.
 The coop and run will be 5 feet wide, 10 feet long, and 7 feet high at the peek. It will have a roofing for shade and hardware cloth for protection for predators. The coop will have windows for ventilation and a deep bedding system for warmth in the winter. We will using the American Coop by Carolina Coops as a model for how we build our coop.

Coop size: Length 4 Width 5
 (Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: 6 feet long and 5 feet wide

Distance of Coop/Run to Lot lines: 26 feet to closest side lot line, 13 feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: 48 feet
 (Must be closer to applicant's house than any other neighbor's house.)

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
Tom and Shirley Cummings	412 10th Street	3499 -
Joe and Claudia Bavlinka	424 10th Street	3501 - 00000
Kristi Schneider	430 10th Street	3498-00000
Joel Soenksen	433 9th Street	3486-00000
Joseph Mowlis or Current	425 9th Street	3485-00000

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors
<http://lrs.co.sauk.wi.us/AscentLandRecords/PropertyListing/RealEstateTaxParcel#/Search>

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-
Ryan Banks	408 10 th St	3502-00000
Bruce Galitz	409 9 th St	3482-00000
Dawn Thompson	415 9 th St	3483-00000
Jennifer Wiese	419 9 th St	3484-00000

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9.10(3):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay: On Line by US Mail In Person

Dated: 06/15/2020

eSignat via Sauk County, WI

Key: 27200420170007000001000100000000

Applicant/Property Owner

APPROVERS:

and any other snake exceeding three feet in length

- (i) Coyotes (*Canis latrans*)
 - (j) Deer (*Cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelope, and moose; Elephants (*Elephas* and *Loxodonta*)
 - (k) Game cocks and other fighting birds
 - (l) Hippopotami (*Hippopotamidae*)
 - (m) Hyenas (*Hyaenidae*)
 - (n) Jaguars (*Panthera onca*)
 - (o) Leopards (*Panthera pardus*)
 - (p) Lions (*Panthera leo*)
 - (q) Lynxes (*Lynx*)
 - (r) Monkeys, old world (*Ceropithecidae*)
 - (s) Ostriches (*Struthio*)
 - (t) Piranha fish (*Characidae*) exceeding 6 inches in length
 - (v) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers
 - (w) Rhinoceroses (*Rhinocero tidae*)
 - (x) Sharks (class *Chondrichthyes*) exceeding 6 inches in length
 - (z) Tigers *Panthera tigris*
 - (aa) Wolves (*Canis lupus*)
 - (bb) Wolf-dog hybrids
 - (cc) Raccoon, skunk, fox, opossum, or any other warm-blooded animal that can normally be found in the wild state
 - (dd) Poisonous or venomous biting insects
 - (ee) Poisonous tarantula and poisonous or venomous biting spiders
- (2) VIOLATIONS. Any animal, reptile, insect, crocodilian, snake, spider, wild animal, or other creature owned, possessed, harbored, kept, or maintained in violation of subs.(1), above may be impounded and destroyed by the City, or its agents, at the expense of the violator, following notice and an opportunity to be heard by the Baraboo City Administrator, or his/her designee. Any police or humane officer of the City shall have the authority to enforce the provisions of this section, including, but not limited to, seizing any animal or creature that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this subs.(1) above. Any such animal or creature seized pursuant to this subsection (2) shall be held in the Sauk County Animal Shelter, or in such other facility deemed appropriate by the impounding officer until the animal or creature is identified as to genus and species to ascertain if the animal or creature is an endangered species identified as such in the Wisconsin Statutes. At any time after such identification, the City may destroy the animal or creature as provided herein. Any person aggrieved by the decision of the City Administrator, or his/her designee, may appeal such decision to the Common Council by filing a written notice of appeal with the City Clerk within five (5) business days of the mailing of the written decision and order by the City Administrator, or his/ her designee. The animal or creature shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The City may require the appealing

party to post a bond in an amount sufficient to satisfy the cost of holding and identifying the animal or creature. If it is determined that the animal or creature has been owned, possessed, harbored, kept, or maintained in violation of subs.(1) above, the costs incurred by the City for impounding, holding, and identifying the animal or creature shall be paid by the violator. Anyone found to be in violation of this section shall, in addition to the penalties provided in §25.04 of this Code, forfeit the prohibited animal or creature to the City Humane Officer or Police Officer for destruction or disposition as deemed proper. Prior to such forfeiture, a City Humane Officer or the Sauk County Health Officer may direct a transfer of the animal or creature to a qualified zoological, educational, or scientific institution or qualified private propagator for safe keeping, with the cost thereof being assessed and paid by the violator. The City elects not to be bound by Ch. 68, Wisconsin Statutes, with respect to administrative procedure under this section.

- (3) LIVESTOCK AND POULTRY. Except to the extent permitted in the City's Agricultural Districts, no person shall keep or maintain in any zoning district any poultry, pigeons or fowl, or any animal raised for fur bearing purposes, or any livestock, including, but not limited to horses, cattle, sheep, goats, pigs or swine, whether or not such animal is domesticated, tamed or a pet. (1854 02/17/96, 2312 07/28/09)
- (a) Grandfather Clause. Any person keeping or maintaining such poultry, pigeons, fowl, animal or livestock contrary to this subsection as of February 17, 1996, may continue to keep or maintain such poultry, pigeons, fowl, animal or livestock as a nonconforming use upon receipt of a permit from the Building Inspector in accordance with rules established by the Plan Commission as long as a public nuisance is not created in violation of the provisions of Ch. 10 of this Code. Such permit shall be issued for a term of two years to expire December 31, of odd numbered years. No permit or renewal thereof shall be issued until the premise has been inspected by the Building Inspector. (2440 02/23/16)
 - (b) Chickens. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the following conditions are met: (2458 08/27/17, 2515 03/12/19)
 - 1. Permit Required. The keeping of chickens shall require a permit issued by the City Clerk.
 - a. Application and Review. Upon receipt of a completed permit application, other than a renewal application pursuant to Subs. (1)(c), below, the City Clerk shall notify by regular mail all property owners contiguous with the parcel proposed for the chicken coop. These property owners shall

have 10 business days from the date of the letter to file with the City Clerk a written objection, signed by the objector, to the permit being issued.

- i. If an objection is received, the City Clerk shall place the permit application on the next regularly scheduled Administrative Committee meeting agenda, and at the meeting the objection will either be read into the record or the objector will have an opportunity to be heard on the objection. The Administrative Committee shall approve the application so long as the following are satisfied:
 1. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
 2. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 3. The coop and run have been inspected by the City Humane Officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
 4. The applicant has no prior convictions for animal cruelty or related offenses.
 5. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any ordinance of the

City.

- ii. If an objection is not received, the Chief of Police or designee shall approve the City Clerk's issuance of the permit so long as the following are satisfied:
 1. The applicant does not have a history of non-compliance with this ordinance or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 2. The coop and run have been inspected by the City Humane Officer or designee to ensure that they are adequate and in accordance with the requirements of this ordinance.
 3. The applicant has no prior convictions for animal cruelty or similar offenses.
 4. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City.
- b. Expiration. All permits shall expire on June 30 of every odd numbered year.
- c. Renewal. Current permit holders may apply for a renewal license at any time, but no sooner than three months prior to the permit expiration date and no later than five days prior to the expiration date. Prior to the issuance of a renewal permit, the City Humane Officer or designee shall inspect the coop and run to ensure continued compliance with this code; failure to be in compliance with this code at the time of inspection shall result in the renewal license not being issued and the permit holder needing to

- apply for a new license pursuant to Subs. (1)(a), above.
- d. Revocation. In the event that a permit holder accumulates three violations of this section within any 12-month period, or five violations within any 36-month period, or if the permit holder is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute in another jurisdiction, the permit shall be revoked 10 business days after the service of a Notice of Revocation on the permit holder by the City Clerk. Notice of Revocation is deemed served upon the day of mailing if sent by certified mail to the permit holder at the address as listed upon the application for the permit. If, during those 10 business days the permit holder files a request for an appeal with the City Clerk, the revocation will be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting and make a determination on the revocation based on whether there are validated complaint(s) investigated by the Baraboo Police Department.
 - e. Denials and Non-Renewals. The denial, non-renewal or revocation of a permit shall not preclude an applicant from applying for a permit at any time in the future.
 - f. Non-Transferrable. Permits are non-transferrable from person to person or place to place. In the event a permit holder moves, the permit holder must notify the City Clerk within 10 calendar days of said move and the permit shall then be voided by the City Clerk.
 - g. Fees. The application fee for a permit shall be \$25.00, except the application fee for a renewal permit pursuant to Subs. (1)(c), above, shall be \$10.00. All fees are non-refundable, cannot be non-prorated, and are due in full prior to the processing of the application by the City Clerk.
2. Parcel, Coop and Run Requirements.
 - a. Chicken coops and runs shall not be located closer than 10 feet to any lot line and may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.
 - b. The lot upon which the chickens are raised shall have a minimum width of fifty feet, and contain only a single-family dwelling. In addition, all contiguous properties to the lot upon which the chickens are raised shall contain only a single-family or two-family dwelling.
 - c. A zero lot line duplex is not qualified to have chickens.
 - d. The chickens shall be provided with a covered coop with not less than two nor more than four square feet of area per chicken.
 - e. The coop shall be constructed of sturdy, predator-proof material and shall provide adequate shade from the sun and warmth in cold weather. The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and otherwise maintained.
 - f. The coop may be built as part of a yard shed or garage, but cannot be placed on top of a building.
 - g. Chickens shall be provided with a run attached to or surrounding the coop. The run shall be made of strong, predator-proof wire fencing. To prevent chickens from flying out of the run, fencing shall be of sufficient height, be covered, or the chickens shall have their wings clipped.
 - h. Chickens shall be kept in the covered coop or in the fenced run at all times.
 3. Miscellaneous Provisions.
 - a. Chickens shall not be allowed inside of a residence.
 - b. Chickens may only be raised on the property of the owner, or if a tenant, with the written

- consent of the owner.
 - c. Roosters and crowing cockerels shall not be kept.
 - d. No more than six chickens may be maintained on any parcel.
 - e. The slaughtering of chickens in the Residential Zoning Districts is prohibited.
 - f. The standards and requirements of §12.13(16) & (17)(b) of the Baraboo Municipal Code shall fully apply to the keeping of chickens.
- (c) EXCEPTIONS. The prohibitions of this Section shall not apply where the creatures are in the care, custody, or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational or medical institutions; Department of Natural Resources Licensed Animal Rehabilitation Facility; licensed pet shops; City of Baraboo Zoo, or zoological parks or gardens and Circus World Museum Premises; if:
- (a) Their location conforms to the provisions of the zoning ordinance of the City;
 - (b) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
 - (c) Animals are maintained in quarters so constructed as to prevent their escape.
 - (d) All animals in licensed pet shops remain sequestered from the general public such that direct contact between the animal and persons who are not employees of the pet shop cannot occur. (2191 04/12/2005)

- (a) “Camp” and “Camping” means to occupy a recreational vehicle as temporary living quarters, or to occupy a tent or any temporary structure overnight as a living quarters.
- (b) “Municipal Parking Lot” means any publicly owned parking area.
- (c) “Recreational Vehicle” means a vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven over the road and which is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- (d) “Street” means any public right of way.
- (e) “Front Yard” has the meaning as defined in §17.08(46), Ordinances.

(2) **CAMPING ON STREETS, MUNICIPAL PARKING LOTS, AND FRONT YARDS PROHIBITED.** No person shall camp on any street or in any municipal parking lot or permit any other person to camp upon their front yard within the City of Baraboo.

(3) **PERSONS LIABLE.** The following persons shall be liable for the penalty, provided that the City shall not collect more than one penalty for any single violation.

- (a) Any person above the age eighteen years who is occupying the recreational vehicle or is camping at the time of violation;
- (b) The driver who parked the recreational vehicle;
- (c) Any person who owns or controls a front yard and gives permission to any person to camp thereon.

(4) **EXCEPTION.** Nothing in this ordinance shall be construed so as to prohibit playhouses or structures used primarily by children, or so as to prohibit camping by person under the age of thirteen years in a tent or other temporary structure located in a front yard for less than three consecutive nights.

(5) **ENFORCEMENT.** This Ordinance may be enforced by any police officer or community service officer.

9.14 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS

PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a

9.11 LITTERING PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the City or upon any private property or into or upon any body of water or stream within the City. (1526 11/22/88)

9.12 ENCUMBERING STREETS AND SIDEWALKS PROHIBITED. No person shall encumber the streets, sidewalks or alleys in the City with boxes, lumber, firewood or any other materials or substances in any manner what so ever, nor shall any person deposit any wastes, leaves or other debris on the streets, sidewalks or alleys of the City.

9.13 CAMPING PROHIBITIONS (1935 04/14/1998, 2209 09/27/2005)

- (1) **DEFINITIONS.** As used in this Ordinance, the following terms have the following meaning:

Jennifer Wiese
419 9th Street
Baraboo, WI 53913
June 26, 2020

Rec'd
6-29-20

Brenda Zeman
City Clerk
City of Baraboo
101 South Blvd.
Baraboo, WI 53913

Dear Brenda Zeman:

I would like to formally object to Michael Lutz's request to keep chickens at his residence. I feel that the presence of chickens less than 12 feet from my backyard would make my dog bark which would lead to noise complaints. I would like to enjoy my backyard with my dog and not have to lock her away to avoid complaints from my neighbors. I feel that allowing chickens would have a negative impact to my neighborhood and should not be approved.

Please view this letter as a formal objection to Mr. Lutz's request to keep chickens and my concern with noise of my neighborhood. Please feel free to reach out to me with any additional questions or concerns.

Sincerely,



Jennifer Wiese



Finance Department Memorandum

To: Administrative Committee

From: Cynthia Haggard, Finance Director, 

Date: July 6, 2020

Re: Geri Pettersen – Request for Excessive Household Animals

Letters were prepared and hand delivered to residents adjacent to the property at 719 Oak Street, Baraboo WI, 53913 where the Pettersen family resides. The letters were hand delivered on July 1, 2020 and included a copy of the agenda for the July 6, 2020 meeting; residents were invited to attend.

From: Geri Pettersen [REDACTED]
Sent: Monday, June 29, 2020 8:26 PM
To: Zeman, Brenda <bzeman@cityofbaraboo.com>
Subject: Exception for # of Dogs

Brenda - Thank you again for your help today. Here is the letter for the Admin and Council.

To Whom It May Concern:

Our family is writing to you today to ask for an exception to the City of Baraboo ordinance with regards to the number of dogs allowed.

Let me explain the circumstances behind the number of dogs in our household. We have two girls who are both in College. Both of our girls have a dog that were at college with them. My husband and I both also have dogs. In March of this year, when COVID-19 hit, our girls college closed and they had to come home and bring their dogs with them. We, at that time, had no idea that there was an ordinance in the City that allowed a household to only have 2 dogs as two of our animals were with the girls and we only had two at our house.

Let me tell you about the dogs. Shadow - who is a border collie/German Shepard mix is 7 years old and is a service dog for Kathryn (our oldest) who is disabled. We do have her paperwork if you require it. Shadow has been with Kathryn since she was 5 weeks old, they have a bond that is incredible to watch. Bear is an All American Eskimo (small breed) who is Stefanie's. He is about 6 years old and has been with Shadow since he was about 4 months old. His and Stefanie's bond is just like Kathryn and Shadow. Then we have Munchkin and Anja. These two are the son and daughter of Shadow and Bear and are about 3 years old. Munchkin was the runt of the litter and I fell instantly in love with him. Anja was the first born and she is my husbands dog, he fell in love with her too.

COVID-19 threw everything out of whack at our house as our girls usually stay at school during the summer for their jobs at the school, however, this year they were not able to do that as the school completely shut down and went online only in March and with the shut-down their jobs were shut down.

Now that our vet it re-opened from the shut-down, the dogs all have vet appointments on July 10th to make sure that they are well and all shots are up to date.

We don't know when the girls return to their apartment in August, if they will be able to take the dogs with them this time as the apartment complex has said that the rules will be changed due to COVID and they don't want people coming and going with walking animals to limit exposure so Shadow and Bear need to stay with my husband, myself and their son and daughter. We have a big double lot with a fence and the dogs, at no time, run free on the street and are always behind the fence. They are friendly and yes, they bark at people who walk by to say hello.

This is a family with a mom, dad, daughter and son and to separate them might just be the end of their existence. I don't know if they will survive without each other and this would devastate our family. They aren't just dogs to us, they are members of our family who we love dearly. We realize that this would be a one-time exemption and that when we do start losing them, they will not be replaced.

PLEASE PLEASE we are asking for an exception to the ordinance.

Thank you for the time in reading this.

Geri Pettersen
Louis Pettersen
Kathryn Pettersen

Stefanie Pettersen
Shadow Pettersen
Bear Pettersen

Munchkin Pettersen
Anja Pettersen

