

**CITY OF EDGERTON
REGULAR COMMON COUNCIL MEETING
EDGERTON CITY HALL, COUNCIL CHAMBERS
12 ALBION STREET**

Monday, January 16, 2023 at 7:00 p.m.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, January 13, 2023.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
6. Minutes:
 - A. Consider approval of minutes from January 3, 2023 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider approval of bills and payroll vouchers.
 2. Consider change of agent for Kwik Trip Class "A" Beer license.
 3. Consider Temporary Class "B" Beer License for Edgerton Chamber of Commerce.
 4. Consider transfer of 2021 General Fund surplus to Capital Projects fund.
 5. Consider adoption of City of Edgerton Resolution 02-23: Authorizing the 2022 Property Tax Equivalent Charged to the Water Utility.
 - B. Utility Commission:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.
 - C. Public Safety:
 1. Consider adoption of City of Edgerton Ordinance 23-01: "Regulation of Animals".
 2. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.
 - D. Library Board:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.

8. Mayor, alderperson and staff reports.

9. Adjourn.

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

**JANUARY 3, 2023 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:00 p.m.

Present: Sarah Braun, Casey Langan, Candy Davis, Tim Shaw, and Jim Burdick.

Excused: Paul Davis

Others Present: City Administrator Ramona Flanigan, City Clerk Wendy Loveland, Municipal Services Director Howard Moser, Police Chief Robert Kowalski, City Attorney Bill Morgan and a few citizens.

Loveland confirmed the meeting agendas were properly posted on Thursday, December 29, 2022 at the Post Office, Edgerton Library, City website, and City Hall.

ACCEPT THE AGENDA: A Candy Davis/Tim Shaw motion to approve the agenda with the amendment to move the Fire District report before the Finance Committee report passed, all voted in favor.

PERSONAL APPEARANCES: Guy Hinkle, 107 W Lawton St addressed the Council to report a sewer problem that is ongoing at his residence. He stated that he believes the sewer infrastructure for the apartment complex that was built at the end of his street was installed improperly, which is causing the sewage to sit in the lateral and the gases to go up the pipe into his house. He stated the sewer gases are a health hazard and would like the Council to address the issue.

Sarah Williams, Director of the Edgerton Outreach, reported the 210 W Fulton St project received a \$700,000 Federal grant through Congressman Mark Pocan's office.

MINUTES: A Candy Davis/Sarah Braun motion to approve the minutes from the December 19, 2022 Common Council meeting passed, all voted in favor.

COMMITTEES:

Finance Committee: A Candy Davis/Sarah Braun motion to approve the final change order for RT Fox for the Regional Storm Pond and Marshview Ct Street & Utility Improvement Project for a decrease of \$29,700.41 passed on a 5/0 roll call vote.

A Candy Davis/Tim Shaw motion to approve the final pay request for RT Fox for the Regional Storm Pond and Marshview Ct Street & Utility Improvement project in the amount of \$16,169.03 passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve the bills and payroll in the amount of \$347,819.91 passed on a 5/0 roll call vote.

A Candy Davis/Tim Shaw motion to adopt City of Edgerton Resolution 01-23: 2023 Salary Resolution passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to declare a plow truck and a utility pickup truck surplus and set the minimum bid for the plow truck at \$3000 and minimum bid for the utility truck at \$500 passed on a 5/0 roll call vote.

Plan Commission: A Jim Burdick/Casey Langan motion to approve an extraterritorial land division for Hurd on E Hurd Rd, Section 22, in the Town of Fulton passed, all voted in favor.

Being no other business before the Council, a Candy Davis/Casey Langan motion to adjourn passed, all voted in favor.

Wendy Loveland
City Clerk
Adopted January 16, 2023

Memo

To: Common Council
From: Staff
Date: 1/13/2023
Re: January 16, 2023 Meeting

2021 General Fund surplus: The Council passed a policy on January 6, 2014 to consider the transfer of General Fund surplus generated each year to the Capital Projects Fund to be used for either capital equipment purchases or capital projects.

The \$63,968.31 that is recommended to be transferred is the surplus created in 2021 as per the audited financial statements. The amount is modified by newly designated funds and projects that were completed in 2021 that used previously designated funds.

**CITY OF EDGERTON
ORDINANCE No. 23-01**

**AN ORDINANCE TO AMEND CHAPTER 29 "REGULATION OF ANIMALS" IN THE
CODE OF ZONING ORDINANCES, CITY OF EDGERTON ROCK AND DANE
COUNTIES, WISCONSIN**

Aldersperson introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE
COUNTIES, WISCONSIN, DO ORDAIN AS FOLLOWS:

Chapter 29 "Regulation of Animals" shall be amended as follows:

29.01 LEGAL AUTHORITY.

This Chapter is adopted under the authority granted to the City by Wis. Stats. chapters. 173 and 951, together with any existing or future amendments thereto. These chapters are adopted and incorporated herein by reference, as if fully set forth in this article and any act required to be performed or prohibited by any statute hereby incorporated is required or prohibited in the City and violators upon conviction shall be subject to the penalties set forth in section 29.10. Further, as applicable, this Ordinance adopts Section 95.21Wis. Stats., and any amendments thereto, dealing with the rabies control program.

29.02 DEFINITIONS.

For the purpose of City Ordinance, Chapter 29 the following definitions are applicable.

- (1) Injured Animal: An animal, domestic, wild or other, that is suffering from some sort of injury.
- (2) Rabid Animal: An animal, domestic, wild or other, that has demonstrated symptoms of rabies or is suspected of being rabid.
- (3) Sick Animal: An animal, domestic, wild, or other that has demonstrated characteristics of being sick, other than rabid.
- (4) Municipal Pound: Veterinarian, Clinic, or Facility under contract with the City of Edgerton to act as a municipal pound.
- (5) Holding Facility: An approved, temporary animal holding facility used for the purpose of returning animal to their owner, or impoundment at the Municipal Pound and maintained by the City of Edgerton.
- (6) Domestic Animal: A dog or cat.
- (7) Wild or Exotic Animal: Skunk, bat, fox, coyote, raccoon, deer, woodchuck, opossum, bobcat or other carnivores which can normally be found in a wild state. Any poisonous snake, constricting snake, tarantula, alligator, crocodilian, caymans, or gavials.

(8) Other Animals: Livestock, rabbits, and rodents.

(9) Vicious Animals: Any animal, reptile, and/or fish determined to be vicious as defined by Section 29.05(6)(a).

(10) Officer: Any law enforcement officer whose description appears in Wis. Stats. § 967.02(5), and includes a humane officer under Wis. Stats. § 173.03, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

29.03 LICENSES REQUIRED FOR DOGS AND CATS.

(1) LICENSING OF DOGS AND CATS.

(a) **REQUIREMENT.** The owner of a dog or cat more than 5 months of age on January 1st of any year, or 5 months of age within the license year, shall annually, on or before the date the dog or cat becomes 5 months of age pay the dog or cat license fee and obtain a license. Said license fee and license shall be obtained at City Hall or other appropriate place designated by the City.

(b) **LICENSE TAGS REQUIRED ON DOGS AND CATS.** All dogs and cats required to be licensed under subsection (1)(a) shall wear the appropriate license tag or other permanent identification such as a tattoo which permanently identifies the dog or cat and which permanent identification is registered with the City of Edgerton. Said license tag shall be worn whenever said cat or dog is outdoors unless the cat or dog is securely confined to a fenced area or kennel under the control of the owner or some other person acting on behalf of the owner. The fact that a dog or cat is without a tag attached by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any City police or humane officer may seize, impound or restrain any dog or cat for which a dog or cat license is required which is found without such tag attached. However, no person shall be cited under this section for having an untagged cat or dog if said person can produce within five (5) days of the apprehension of the cat or dog proof that said cat or dog was validly licensed at the time of the apprehension of said cat or dog.

(2) **LICENSE FEE/TAX FOR DOGS AND CATS.** License fees are included on the current Fees Schedule.

29.04 RABIES CONTROL PROGRAM.

(1) **WISCONSIN STATUTES ADOPTED.** The statutory provisions providing for the control of rabies in dogs and cats and the vaccination of dogs and cats to prevent rabies are hereby adopted and by reference made part of this Ordinance with the same force and effect as though set forth herein to-wit: Section 95.21, Wis. Stats., or any amendments thereto.

(2) **Rabies vaccination required.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reaches four months of age, and the dog or cat shall be revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the City after the dog or cat has reached four months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is brought into the City, unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a

dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires, as stated on the certificate of vaccination, or, if no date is specified, within two years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(3) OFFENSIVE AND DISEASED DOG OR CAT. No person shall keep any dog or cat which he or she has reason to suspect may be afflicted with rabies. Any person who has reason to suspect any dog or cat of being afflicted with rabies shall report such fact to the authorities and if upon examination such dog or cat shall prove to be so afflicted, the dog or cat may be treated as set forth below and in Section 95.21, Wis. Stats.

(4) DOGS AND CATS INFECTED BY RABIES. When any dog or cat has been found to be infected by rabies, the mayor after consulting with the County Health Department may by proclamation designate an area in which all dogs and cats are require be quarantined or muzzled when off the premises of the owner, or be subject to immediate seizure and impounding, or immediate destruction by police officers or other city officers or employees if said dog or cat cannot be immediately seized.

(5) RABIES QUARANTINE.

(a) Confinement of dogs and cats. If an area or property is quarantined for rabies, all dogs and cats within the area shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City administrator shall promptly post notices of quarantine in at least three public places in the City.

(b) Exemption of vaccinated dog or cat. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine of subsection (a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(c) Quarantine or sacrifice of animal suspected of biting person or being infected or exposed to rabies.

(1) Dog or cat. An Officer shall order a dog or cat quarantined if the officer has reason to believe that the dog or cat bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the dog or cat. The officer may kill a dog or cat only as a last resort or if the owner agrees. The Officer shall attempt to kill the dog or cat in a humane manner and in a manner which avoids damage to the animal's head.

(2) Other animals. Any Officer may order killed or may kill an animal other than a dog or cat if the person has reason to believe that the animal bit a person or is infected with rabies.

(3) Sacrifice of dog or cat. Any Officer may order killed or may kill a dog or cat if the owner of the dog or cat violates Wis. Stats. § 95.21(5)(a), (b) or (c).

(d) Quarantine of dog or cat.

- (1) Delivery to isolation facility or quarantine on premises of owner. An Officer who orders a dog or cat to be quarantined shall deliver the dog or cat or shall order the dog or cat delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued, or the officer may order the dog or cat to be quarantined on the premises of the owner if the dog or cat is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the dog or cat bit a person, the custodian of an isolation facility or the owner shall keep the dog or cat under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the dog or cat may be released from quarantine at the end of the observation period.
- (3) Risk to animal health.
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the dog or cat has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the dog or cat leashed or confined for 180 days. The owner shall have the dog or cat vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
 - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the dog or cat has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the dog or cat leashed or confined for 60 days. The owner shall have the dog or cat revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Sacrifice of dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the dog or cat quarantined and the officer or veterinarian shall kill the dog or cat in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(e) Delivery of carcass; preparation; examination by state laboratory of hygiene. An Officer who kills an animal shall deliver the carcass to a veterinarian or local health department.

(f) Responsibility for quarantine and laboratory expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the

carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

29.05 ANIMAL NUISANCES AFFECTING PUBLIC HEALTH AND SAFETY.

(1) ANIMALS NOT TO RUN AT LARGE. All dogs, cats and other animals are prohibited from running at large except for pets in a designated exercise area in a City park. An animal is considered running at large if it is off the premises of its owner and not under the leash control of its owner or some other person. Pets in designated exercise areas are not considered running at large if their activities comply with rules posted for the exercise area. (Ord. 99-07)

(2) CARCASSES. Carcasses of animals shall be buried or otherwise disposed of in a sanitary manner within twenty-four hours after death.

(3) ANIMAL EXCRETA/RESPONSIBILITY. It shall be unlawful for any person accompanying a dog or cat or other animal to permit such animal to defecate upon any public or private place without the consent of the owner thereof. However, the owner or person accompanying the said animal shall not be prosecuted under this section if the person accompanying said animal immediately cleans up and removes the defecation from the private or public property. A violation of this section may be prosecuted against either the owner of the animal or the person accompanying the animal.

(4) NOISY ANIMALS OR FOWL (BARKING DOGS). No person shall keep or harbor any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or making other noises, shall materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.

(5) DUTIES OF OWNER IN CASES OF DOG OR CAT BITE. Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to a Police Officer who shall take appropriate action as required by WI SS 95.21(4). The owner or keeper of any such dog or cat shall surrender the animal to a law enforcement officer or humane officer upon demand for examination.

(6) VICIOUS ANIMALS.

(a) The police chief may issue an order declaring an animal to be vicious on any of the following grounds:

- (1) The animal has attacked, bitten, injured, or killed another animal or a human being.
- (2) The animal has, off the property of its owner, chased, confronted or approached a person in a menacing fashion that would put a reasonable person in fear of being attacked.
- (3) The animal, while on the property of its owner, chases, confronts or approaches a person located on an adjacent public or private property in a menacing fashion that would put a reasonable person in fear of being attacked.
- (4) The animal has been trained for fighting or attack.
- (5) The animal has acted in any manner demonstrating that the animal is a threat to public safety.

(b) If the police chief issues an order declaring an animal to be vicious, the police chief shall, in his discretion, either require the animal to be removed from the City, or place restrictions on the animal and its owner and allow the animal to remain in the City subject to the restrictions, except that the order shall require the removal from the City an animal that has been trained for fighting or attack. The restrictions imposed by the police chief may include, but are not limited to, a requirement that the animal's owner pay applicable forfeitures, penalties, and/or damages as set forth in section 29.10.

(c) An order declaring an animal to be vicious shall be personally delivered to the owner of the animal, if the owner can with reasonable diligence be determined.

(d) An owner aggrieved by an order issued by the police chief declaring an animal to be vicious may appeal the order to the public safety committee by giving written notice of such appeal to the City clerk within ten days of receipt of the order. The public safety committee shall then set a time and place for a hearing, shall conduct a hearing at which the appellant and the police chief may present witnesses and be heard, and shall issue a written decision, which written decision shall be provided to the appellant and the police chief. The public safety committee, in its discretion, may issue its written decision at the same meeting during which the hearing is held or at the next public safety committee meeting. Either the appellant or the police chief may appeal the decision of the police committee to the City Council by giving written notice of such appeal to the City clerk within five days of receipt of the written decision. The City Council shall then act on the appeal, although no hearing is necessary. The appellant or the police chief may, within 30 days after the City Council issues its decision, appeal the decision by certiorari review to Rock or Dane County Circuit Court based on the appellant's address.

(e) The conditions of an order shall be stayed during the pendency of a lawful appeal, except that if the police chief determines that certain conditions must be immediately and continuously imposed to protect the public from immediate danger from the animal, such conditions shall remain in effect during the pendency of the appeal. As part of the appeal, the owner aggrieved by the police chief's order may appeal to the public safety committee the immediate and continuous imposition of the conditions and seek to have them stayed during the pendency of the appeal.

(f) Any person who knowingly possesses, harbors or keeps an animal in violation of an order declaring the animal to be vicious or who otherwise knowingly violates the terms of an order declaring an animal to be vicious shall be subject to a forfeiture under section 29.10. Each day a violation continues shall constitute a separate offense.

29.06 DOG AND CAT IMPOUNDMENT.

(1) Contractual agreement to provide shelter or confinement; animal control agency.

(a) The City may contract with or enter into an agreement with a person to provide for the operation of an animal shelter, for the impoundment of stray animals, for the confinement of certain animals and for the disposition of impounded animals.

(b) The City delegates any such animal control agency the authority to act pursuant to this section.

(2) Grounds for impoundment dogs and cats with current visible identification, together referred to as "Eligible Animal" in this section. In addition to any penalty, forfeiture, or damages imposed for a violation of this chapter, and in addition to any other grounds for impoundment stated in the state statutes, a police officer, humane officer or animal control officer may impound any Eligible Animal that violates section 29.04(3), 29.05(1), 29.05(6).

Any person not a police officer or other City officer or employee seizing and restraining such Eligible Animal shall notify a police officer within eight (8) hours of such seizure or restraint and such police officer shall arrange for the prompt impounding of the animal.

(3) Actions when impounded: A pound, organization, or officer who is notified or to whom the Eligible Animal is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort. The officer or pound who is notified and to whom the Eligible Animal is delivered shall keep a record of each animal, giving a description of the animal, the dates of its impoundment, if any, and the disposition of the animal. If the animal is kept by or released to a person, the record shall include the name, address, and date of delivery of the dog. This is a public record. All Eligible Animals impounded by police officers, or any other City officer or employee shall be impounded at a facility designated by the City of Edgerton for the impounding of animals.

(4) IMPOUNDING CATS WITHOUT CURRENT VISIBLE IDENTIFICATION. Any cat found to be running at large that does not have current identification may be seized, restrained, and held by any person. Any person not a police officer or other City officer or employee seizing and restraining such cat shall, as soon as practicable, of such seizure or restraint either deliver the cat for the prompt impounding at the designated Humane Society facility or release such cat. A pound or organization to whom the cat is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort. The pound where the cat is delivered shall keep a record of each cat, giving a description of the cat, the dates of its impoundment, if any, and the disposition of the cat. If the cat is kept by or released to a person, the record shall include the name, address, and date of delivery of the cat. This is a public record.

(5) CONDITIONS OF RELEASE. The officer or pound to whom an animal is delivered may release the animal to its owner or representative of the owner if:

- (a) The owner or representative gives his or her name and address; and
- (b) The owner or representative presents evidence that the animal is duly licensed in the City of Edgerton or in the municipality of residence of the owner, and presents evidence that the animal is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation; and
- (c) The owner or representative pays a \$50.00 pickup fee and also pays any impoundment fees required by the agency or pound where the animal is kept. (Ord. 14-09)
- (d) Sale of impounded animals. If the owner doesn't reclaim the animal within seven days, the animal warden may sell the animal to any willing buyer.
- (e) City liability. The City and its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

29.07 TRAPPING.

(1) PROHIBITED IN GENERAL. No person, firm, or corporation shall, within the City limits trap any animal, wild, domesticated or otherwise, nor place, lay or in any other manner set any trap designed for such a purpose unless excepted under Section 29.08(2) below.

(2) EXCEPTIONS. The following exceptions shall apply:

(a) The prohibition in Section 29.08(1) shall not apply to the owner of any land who sets animal traps inside a building or sets live traps on the owner's land for control or elimination of animal pests. The prohibition in Section 29.08(1) shall also not apply to any federal, state or local government official who sets traps as part of any act within the scope of such officials employment.

(b) Traps shall be allowed in certain publicly owned areas subject to approval of the city police chief. Such traps may be set only in the months of November and December and must be set in a minimum of three inches of water and will not be allowed on dry land. Permitted traps must be conibear traps of a size for muskrat trapping only. Twenty-five traps are the maximum number allowed per trapper. The City is not responsible for damages that arise from the use of any traps.

29.08 MISCELLANEOUS ANIMAL REGULATIONS.

(1) PROHIBITED IN PARKS AND CEMETERY. No person shall have any animal in a park or cemetery within the City of Edgerton without the permission of the Park Board and City Council.

(2) WILD, EXOTIC OR VICIOUS ANIMALS AS PETS PROHIBITED. No person shall keep or permit to be kept any wild, exotic or vicious animal as a pet or otherwise.

(3) MAXIMUM DOG AND CAT NUMBERS ALLOWED.

(a) Purpose: The City board finds that keeping large numbers of cats and dogs contributes to the degradation of the public health and general welfare by tending to create unreasonable noise and pet odors and possession of large numbers of cats or dogs can create serious health risks to the public and the caretakers when the burden to care and clean overwhelm individuals charged with the care of such animals. The City board further finds that addressing such public health and welfare issues on a case-by-case basis relying solely on the existence of actual public or private nuisances is not an effective or practical method of addressing such issues and that by contrast, it is not unreasonable to limit the numbers of cats and dogs harbored, sheltered or possessed and that such a regulation provides a more effective and practical method of addressing the public health and general welfare concerns attendant to the keeping of a large number of such pets.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fostering facility means a facility that has been approved by the Dane County Humane Society to foster animals.

Kennel means any premises licensed under section 14-48, or portion thereof, where dogs or cats are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

Premises means any parcel of land including improvements considered a single unit for purposes of use or occupancy. As applied to multifamily dwellings, the term shall refer to each dwelling unit.

Rescue facility means a facility that has been approved by the American Kennel Club to care for abandoned or abused animals.

(c) Prohibitions: Not more than a combined total of four dogs and cats of licensing age may be maintained at any single family dwelling unit. Not more than a combined total of two dogs and cats of licensing age per dwelling unit may be maintained at any structure containing more than one dwelling unit.

(d) Exceptions. The prohibition contained in subsection (c) of this section shall not apply to the following, so long as all applicable state, county or City zoning, licensing or other laws or regulations are satisfied:

- (1) Dogs and cats under the age of five months.
- (2) Service animals as that term is used and interpreted by the federal Americans with Disabilities Act.
- (3) A fostering facility or a rescue facility.
- (4) Pet shops.
- (5) Veterinary hospitals or clinics.
- (6) Kennels.
- (7) Pet grooming parlor.

(4) KEEPING OF LIVESTOCK, RABBITS, AND FOWL. It shall be unlawful for any person, unless in compliance with Chapter 22, to keep, maintain, or raise farm animals including but not limited to horses, mules, donkey, ponies, cows, pigs, goats, sheep, fowl, steers, rabbits (except for up to three (3) rabbits kept as pets inside a residential structure), poultry (except for chickens kept in compliance with Chapter 22), or other animal raised for fur-bearing purposes. It shall be unlawful for any person, for himself or for any person, firm or corporation, to build, erect, maintain, or use on any lot or parcel of land any hog pen or yard, chicken coop or yard, dove cote or other buildings or yard for the purpose of keeping or housing any pigs, rabbits, geese, ducks, doves, chickens (except for chicken enclosures kept in compliance with Chapter 22), or other fowl unless in compliance with Chapter 22.

(5) KEEPING OF CHICKENS.

(a) REQUIREMENT. The following must occur before the keeping of any chicken(s):

1. An application for a chicken enclosure permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications for all improvements that are in compliance with Section 22.304(5)(z) and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written

permit for such work is obtained by the applicant. The required building permit fee shall accompany such application.

2. The Building Inspector must approve the improvements after an inspection of the improvements.

(b) PERMIT FEE: Permit fees are included in Fee Schedule. (Ord. 15-02)

29.09 SEVERABILITY AND CONFLICT.

If any section of, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

29.10 PENALTY.

(1) Unless provided elsewhere, any person who shall violate any provision of this chapter or permit or cause a violation of this chapter shall be subject to forfeiture of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) together with the cost of prosecution, penalty assessments and other costs added thereon as set forth in the Wisconsin Statutes.

(2) Failure to pay any forfeiture together with the cost of prosecution and other costs added thereon within the time set for said payment by the municipal court of the City of Edgerton may result in imprisonment in the county jail until said forfeiture and costs are paid but not exceeding sixty (60) days or may have their driver's license suspended or the court may impose any other penalty as provided by State Statute.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson:

Roll Call: Ayes: Noes:

Christopher Lund, Mayor

Public Hearing:

1st Reading:

2nd Reading:

Adopted:

Published:

Dated:

STATE OF WISCONSIN)

)ss.

COUNTY OF ROCK)

I, Wendy Loveland, City Clerk, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the 15th day of February, 2021.

Wendy Loveland, City Clerk