

## CHAPTER X.

### ANIMALS AND KENNELS

#### SECTION 10.00. Provisions of State Law Adopted by Reference.

Except as otherwise specifically provided in this chapter, the statutory provisions hereinafter set forth describing and defining regulations pertaining to animals, exclusive of any regulations of which the statutory penalty is a term of imprisonment and exclusive of provisions setting the dollar amounts of penalties, are hereby adopted and by reference made a part of this chapter as though fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by the Code. The provisions of the revised statutes of the State of Wisconsin herein adopted are as follows:

- Section 95.21, Rabies Control Program
- Section 174.042, Dogs Running at large and Untagged Dogs Subject to Impoundment
- Chapter 951, Crimes Against Animals

#### SECTION 10.10. Struck per Ordinance Amendment 2008-01

SECTION 10.20. Hoofed Animals. Except as herein set forth, no person shall keep any hoofed animal on any parcel of land less than five (5) acres in area. For purposes of this section, a “parcel” shall refer to any single parcel or multiple parcels that are contiguous to each other and are under common ownership.

SECTION 10.30. Raising and Keeping Domestic Animals. Except as herein set forth in Section 10.40, no person shall raise or propagate domestic animals of any kind, except dogs (which shall be limited to no more than four (4) per dwelling), or maintain facilities for such purpose within the corporate limits of the Town of Brighton without first obtaining a license to do so from the Town Board.

SECTION 10.40. Kennel License. No person shall keep, own, or operate a kennel within the corporate limits of the Town without first obtaining a kennel license to do so from the Town Board.

- a. The term “kennel” means any establishment wherein or whereon five (5) or more dogs at least four months of age are kept for any purpose.
- b. Any person desiring a license herein, shall make application in writing to the Town Board, which application shall be filed with the Town Clerk and shall set forth the following:
  1. The name and address of the applicant. If the applicant be a corporation, the application shall set forth the name and registered agent of the corporation. If the applicant is not the owner of the land on which the kennel facility is situated, a letter of agency from the landowner must accompany the application.

2. The legal description of the property on which the kennel is situated and the tax parcel number.
  3. A survey prepared by a Wisconsin registered land surveyor and/or a site plan of the proposed kennel facility showing the exterior boundaries of the site to be used, the type, size and location of all structures, the location of all fenced runs, the location of public and private roads, driveways and parking facilities and general landscape treatment.
  4. A statement of the nature of the proposed kennel operation including: the projected number of animals (including the maximum number of animals to be kept on the kennel premises from time to time), the projected methods for keeping the kennels clean and for disposal of waste materials, odor control devices to be utilized, if any, and other information relevant to the proposed operation.
  5. The names and addresses of all property owners within 300 feet of the boundaries of the property.
  6. An initial application fee \$100.00 to defray the cost of notice of hearing, investigation and public hearing.
- c. Upon receipt of an application submitted as provided above, the Town Board shall inspect the premises for which a license is requested and shall set a date for a public hearing upon such application, which date shall be not more than forty-five (45) days after the receipt of said application by the Town Clerk.
  - d. A public hearing shall be held by the Town Plan Commission at its regular meeting place and a notice of said meeting shall be forwarded by mail to the applicant and all persons owning property lying within 300 feet of the property designated in the application.
  - e. At such public hearing, the Town Plan Commission shall hear all persons interested in the granting or denying of the license and may, if it sees fit, take testimony relative to the application.
  - f. Within forty-five (45) days after the public hearing, the Town Plan commission shall make its recommendation, the Town Board shall either grant or deny said license application, together with the information presented at the public hearing and the recommendation of the Town Plan Commission, any independent investigation, and any other information assembled or obtained by the Town Board. In making such determination, the Town Board shall consider whether the proposed license will be detrimental to the health, safety and/or welfare of the public. The Town Board, as a condition to the issuance of a license, may require conditions, restrictions and sureties as hereinafter set forth and in form determined by the Town Board, upon the Town Board finding that such condition or conditions are proper for protection of the health, safety and/or welfare of the public.
  - g. Such license shall be issued for a period of one (1) year and may be renewed upon application for successive periods of one(1) year each, provided modifications or additional conditions may be imposed upon issuance of any renewal license. The procedure for renewal shall be the same as in the

application for an original license, except that no application fee shall be required and that the Town Board may waive the requirement of a public hearing. Notwithstanding the foregoing, any license issued hereunder, whether an original or renewal license, shall terminate upon change of ownership of the property for which the permit is issued; or upon the death of the licensee; or upon the change of ownership of any firm, company, or corporation to which a license is issued hereunder.

- h. Each license and operation shall be subject to the following requirements and restriction:
  - 1. The property must be occupied on a full time basis by the applicant, an officer of the applicant, or applicant's named agent, as the case may be.
  - 2. The property must meet all Kenosha County zoning restrictions and the applicant must obtain approval of a conditional use permit for operation of the kennel from Kenosha County.
  - 3. The kennel building or buildings must be separate from other buildings on the property and must be used exclusively for kennel purposes.
  - 4. The kennel building must be a minimum of 250 square feet and allow a minimum of 32 square feet per dog.
  - 5. The kennel building must have a concrete floor and use building materials to deaden noise.
  - 6. The kennel building must have an outside, fenced run equal to or greater than the size of the building.
  - 7. The licensee shall file with the Town Clerk satisfactory evidence that the licensee has obtained liability insurance in the amount of at least one million dollars (\$1,000,000.00)
- i. Contemporaneous with the issuance of an original or renewal license and annually thereafter, the licensee shall pay to the Town a license fee equal to \$75 plus \$8 for each animal space in excess of twelve (12) animal spaces, with the number of spaces determined by the maximum animal capacity permitted.
- j. Any person may continue to operate a licensed kennel which lawfully exists in the Town prior to June 1, 1994, without reapplying for a kennel license, except that:
  - 1. Only that portion of the land in actual use may be so continued.
  - 2. If such use is discontinued or terminated for a continuous period of twelve (12) months, any future use of the land for operation of a kennel shall conform to the provisions of the Chapter.
  - 3. The use of the land for a kennel operation may not be enlarged, extended, or moved.
  - 4. The maximum number of animals kept on the said licensed premises may not exceed the number of animal spaces in existence on June 1, 1994. Any increase in the number of animals in excess of the

maximum number determined above shall require the licensee to apply for a kennel license pursuant to Section 10.40, which kennel license, when issued, shall thereafter apply to all of the kennel premises, whether or not previously licensed.

SECTION 10.50. Pygmy goats and/or Potbellied pigs. Except as herein set forth, no person shall keep pygmy goats and/or potbellied pigs on any parcel of land less than one acre in area. For purposes of this section, a “parcel” shall refer to any single parcel or multiple parcels which are contiguous to each other and under common ownership of the person owning such pygmy goat and/or potbellied pig. If the property is five acres in area or more, no license shall be required. If the parcel is less than five acres in area, no person shall keep a pygmy goat and/or potbellied pig without first obtaining a license to do so from the Town Board.

- a. Any person desiring a license herein shall make application in writing to the Town Board, which application shall be filed with the Town Clerk and shall set forth the following:
  1. The name and address of the applicant. If the applicant shall be a corporation, the application shall set forth the name, address and registered agent of the corporation. If the applicant is the agent for the owner, a letter of agency from the owner must accompany the application.
  2. A plat, survey, or drawing showing the boundaries of the site to be licensed, the tax parcel number of said site and the zoning classification.
  3. A statement as to the number of goats and/or potbellied pigs to be kept and their care.
  4. The names and addresses of all property owners within 300 feet of the boundaries of the property proposed to be licensed
- b. Upon receipt of an application, the Town Board shall inspect the premises for which a license is requested and shall consult with owners of property within 300 feet of the property proposed to be licensed. Within forty-five (45) days after receipt of the application, the Town Board shall either grant or deny said application on the basis of the information contained in the application, together with the information presented to the Town Board, any independent investigation, and any other information assembled by the Town Board. In making such determination, the Town Board shall consider whether the proposed license will be detrimental to the health, safety and/or welfare of the public. The Town Board, as a condition to the issuance of a license, may require conditions, restrictions and sureties as hereinafter set forth and in form determined by the Town Board, upon the Town Board finding that such condition or conditions are proper for protection of the health, safety and/or welfare of the public.

- c. Such licenses shall be issued for a period of one (1) year and may be renewed upon application for successive periods of one (1) year, provided modifications or additional conditions may be imposed upon issuance of any renewal license. The procedure for renewal shall be the same as in the application for an original license.
- d. Notwithstanding the foregoing, any license issued hereunder, whether an original or renewal license, shall terminate upon change of ownership of the property for which the license is issued; or upon the death of the licensee; or upon the change of ownership of any firm, company, or corporation to which a license is issued hereunder.
- e. Each license shall be subject to the following requirements and restrictions:
  - 1. The maximum number of pygmy goats and/or potbellied pigs to be kept on any one parcel shall be three (3) at any one time.
  - 2. The pygmy goats and/or potbellied pigs must be neutered or spayed.
  - 3. The pygmy goats and/or potbellied pigs must conform to size standards under the classification of “pygmy” goats and/or “potbellied” pigs.

Contemporaneous with the issuance of the license, the licensee shall pay to the Town an annual license fee of \$100 for the first license year and \$20 for each license year thereafter.

Section 10.55 Youth Organization Hoofed Animal Project Permit. Except as herein set forth, keeping of hoofed animals and/or keeping hoofed animals on any parcel less than 5 acres shall be governed by Section 10.20 or Section 10.50 of Chapter X.

Description: Allowable animals for this permitting process are Hogs, Sheep, and Goats raised for market/dairy purposes by youth members of a Youth Organization Project (i.e. 4-H, FFA, etc.) that culminates with judging at a Fair. Dairy Cattle, Beef, and Horses are prohibited from obtaining this permit. This permit is only necessary if property where allowable animals are to be housed is less than five (5) acres in size.

- a. Any person desiring a permit herein shall make application in writing to the Town Plan Commission and Town Board, which application shall be filed with the Town Clerk and shall set forth the following:
  - 1. The name and address of the applicant.
  - 2. The name and address of the property owner
  - 3. A plat, survey, or drawing showing the boundaries of the site to be licensed, the tax parcel number of said site and the zoning classification.
  - 4. A statement as to the number of allowable animals, to be determined on an individual basis.

5. A safe and humane animal housing environment, to be reviewed by Plan Commission and Town Board
  6. A manure removal plan to be approved by Plan Commission and Town Board
  7. A premise I.D. (obtainable from the State of Wisconsin) number to be on file with the Town of Brighton
  8. A record of the dates of the Fair the animals will be brought to.
- b. Upon receipt of an application, the Plan Commission and/or Town Board shall inspect the premises for which a permit is requested. A Public Hearing notifying property owners within 300 feet of the proposed permit site shall be scheduled with thirty (30) days of receipt of the application. Within forty-five (45) days after receipt of the application, the Town Board shall either grant or deny said application on the basis of the information contained in the application, together with the information presented to the Plan Commission and Town Board. In making a determination, the Town Board shall consider whether the proposed permit will be detrimental to the health, safety and/or welfare of the public. The Town Board, as a condition to the issuance of a permit, may require conditions, restrictions and sureties as hereinafter set forth in a form determined by the Town Board, upon the Town Board finding that such condition or conditions are proper for protection of the health, safety and/or welfare of the public.
  - c. Such permits shall be issued for a period beginning no sooner than March 1 of the year and expiring upon the date the animal or animals are to be transported to the Fair being participated in by the youth as recorded in the application. All permitted animals, regardless of qualification for showing at Fair must still be removed from the property associated with the Youth permit on the transport date and must not return to the property following the conclusion of the Fair for the remainder of the calendar year. The procedure for renewal shall be the same as in the application for an original permit.
  - d. Notwithstanding the foregoing, any permit issued hereunder, whether an original or renewal permit, shall terminate upon change of ownership of the property for which the license is issued; or upon the termination of membership in said Youth Organization by the participating youth.
  - e. There shall be no fee for obtaining said permit.

#### SECTION 10.60. Penalty Provisions

- a. Any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, forfeit not less than \$50.00 nor more than \$500.00 together with the costs of prosecution and in default of payment of

such forfeiture and costs of prosecution shall be imprisoned in the County Jail for Kenosha County, Wisconsin, for not more than thirty (30) days.

- b. Each violation and each day violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town, Kenosha County, Wisconsin, from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter by injunction.