

Ordinance No. 01-2014

**AN ORDINANCE TO AMEND DIVISION I OF ARTICLE II OF CHAPTER 6,
SECTIONS 6-32 AND 6-52 OF THE CODE OF ORDINANCES FOR
THE TOWN OF YORKVILLE PERTAINING TO LIMITATIONS ON THE NUMBER OF
DOGS ALLOWED AND KENNEL LICENSE REQUIREMENTS**

The Town Board of the Town of Yorkville do ordain as follows:

1. That Division I, Article II, Section 6-32 of the Code of Ordinances for the

Town of Yorkville shall be amended to read as set forth below:

"Sec. 6-32. Limitation on number of dogs.

No person shall own, harbor or keep in his/her possession more than three dogs over five months of age at any one time in the town without holding a kennel license. In addition, no owner or occupant shall permit anyone to own, harbor or keep more than three dogs over five months of age within the town at any time without holding a kennel license."

2. That Division I, Article II, Section 6-52 of the Code of Ordinances for the

Town of Yorkville shall be amended to read as set forth below:

"Sec. 6-52. Kennel license required.

(a) No person shall maintain or operate a dog kennel in the town without obtaining a license as provided in this section. For the purpose of Article II, the term "kennel" means any location where more than three dogs over five months of age are kept. The application for a dog kennel license shall be filed in writing with the clerk-treasurer and shall disclose the name and address of the applicant, the location at which the proposed kennel is to be kept, the number of dogs proposed to be kept, a description of various facilities of the dog kennel and such other information as the town board may require.

(b) The application for a kennel license shall be accompanied by an application/license fee paid according to the schedule of fees on file in the town clerk's office and as may be revised by town board resolution. Any person obtaining a kennel license must reapply for the kennel license on an annual basis.

(c) By the filing of such application, the applicant shall be deemed to have consented to an inspection prior to the issuance of such license by the town

board, plan commission, a town health officer or any other town officer for the purpose of determining whether or not such license should be granted. Prior to the issuance of a kennel license for premises not previously licensed by the town, the application shall be considered at a regular meeting of the town board and plan commission. Notice of the kennel license application and applicable town board and plan commission meeting shall be provided by the clerk-treasurer by first class mail or hand-delivery to owners of properties adjacent to or within 300 feet of the property upon which the proposed kennel will be located. The town board may issue or deny a license in the exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare. The town board may require proof of adequate insurance and may impose additional conditions on the issuance of a permit related to the exercise of its powers under Wis. Stat. § 60.22(3).

(d) No premises shall be licensed to allow use as a dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. No kennel shall be located on less than 20 acres of land. All buildings and dog yards from the kennel shall be enclosed in a secure woven wire fence of not less than six feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the dogs and public.

(e) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement shall not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement shall not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on leash or temporarily for the purpose of hunting, breeding, trial, training or competition.

(f) Any person seeking a kennel license on premises that does not fully comply with the above requirements may request a waiver or modification from the town board from said provision(s). However, before a waiver or modification may be considered by the town board, the applicant shall obtain the written consent of the owners of all properties adjacent to or within 300 feet of the property upon which the proposed kennel is to be located. In addition, the applicant shall be prepared to discuss the following factors that the town board may consider in deciding whether to grant the requested waiver or modification, in addition to any other factors deemed relevant by it:

- (1) Whether the request for a waiver or modification, if granted,

would be consistent with the general intent of the kennel license requirements.

- (2) Whether the applicant is in full compliance with other applicable ordinances and agreements with the town.
- (3) Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the applicant.
- (4) Whether the conditions upon which the request for a modification or waiver is based are unique to the situation or property for which the modification or waiver is sought and are not applicable generally to other situations or property.
- (5) Whether the request for modification or waiver, if granted, would be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Once a waiver or modification is granted by the town board, the applicant may apply for kennel license renewal for the same premises without having to appear again before the town board. However, the town board may modify or revoke a previously issued permit, waiver or modification when conditions imposed by the town board are not complied with or activities at the licensed premises require, in the judgment of the town board, additional scrutiny. Any such modification or revocation shall only take place after notice and an opportunity to be heard is given to the licensee."

2. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 13th day of January, 2014.

TOWN OF YORKVILLE

Ayes: _____

By: _____
Peter Hansen, Chairperson

Nays: _____

Attest: _____
Michael McKinney, Clerk-Treasurer