

TOWN OF BLOOM

ORDINANCE NO. 2009 - 3

**REGULATING ANIMALS ON SMALL RESIDENTIAL PROPERTIES IN
THE TOWN OF BLOOM**

The Town Board of Supervisors of the Town of Bloom, Richland County, Wisconsin, does ordain as follows:

SECTION I. AUTHORITY

Pursuant to Section 66.0435 of Wisconsin Statutes and as an exercise of the police power vested by law in the Town, the Town Board hereby elects to provide the authority for the town to regulate the number of domesticated and/or agricultural animals which can be maintained on a small residential property.

SECTION II. DEFINITIONS

In this ordinance the following definitions of terms shall apply:

1. "Agricultural animals" means cattle, horses, pigs, sheep, goats, llamas, alpacas and similar livestock commonly maintained in farm or ranch-type settings.
2. "Animal" means any domesticated animal as defined by Section 95.001(1) Wisconsin Statutes, with the sole exception of dogs, which are regulated under a separate ordinance.
3. "Immediate locale" means a one-mile radius from the nearest boundary of the property in question.
4. "Legal premises" means the lot or parcel of real property owned or occupied by the owner of the animal(s) in question.
5. "Small residential property" means a lot or parcel of real property consisting of two (2) acres or less.

SECTION III. RESTRICTIONS ON ANIMALS

3.1 Except as provided in Section IV, no person may possess, harbor, or maintain any agricultural animal on a small residential property without a permit issued by the Town Board.

3.2 Except as provided in Section IV, no person may possess, harbor or maintain more than one (1) domesticated animal on a small residential property, nor shall any such animal(s) be possessed, harbored or maintained in such a manner or in such quantity that they constitute a nuisance, health or safety hazard to other persons

residing in the immediate locale.

SECTION IV. EXCEPTIONS FROM SECTION III RESTRICTIONS

4.1 Any person wishing to possess, harbor or maintain agricultural animals on a small residential property must acquire a permit from the Town Board prior to placement of said animal(s) on the property.

4.2 Any person wishing to possess, harbor or maintain more than one (1) domesticated animal on a small residential property must acquire a permit from the Town Board prior to placement of more than one such animal on the property.

SECTION V. PERMIT APPLICATION

5.1 Persons required to obtain a permit from the Town Board must submit a written application. Said application must include the types and numbers of animal(s) to be placed, and a design of the facilities to house said animal(s). Said application must also include a signed consent from the property owner or occupant, to permit a designated representative of the Town Board to inspect said facilities as a condition of applying for, retaining or renewing such permit.

5.2 Permit applications will be placed on the agenda for the monthly meeting of the Town Board. Applications and any citizen input will be reviewed by the Town Board, prior to determining whether to issue the permit. The Town Board may or may not delegate a representative to inspect the proposed housing facilities for the animal(s) prior to issuing the permit.

5.3 An appropriate application fee will be set by the Town Board, and reviewed annually.

5.4 All permits must be renewed annually, and the Town Board may require inspection of the housing facility prior to renewing the permit.

SECTION VI. PROCEDURE

6.1 Upon receiving a complaint of a violation of any part of this ordinance, the Town Chairman shall inspect or delegate an appropriate person to inspect the property in question. The inspecting official shall make a written report of his/her findings to the Town Board.

6.2 Upon the determination that a violation does exist, the Town Board shall direct the Town Clerk to issue a written notice of the violation to the property owner or occupant, including therein the corrective action required by the Board and time limit for correction set by the Town Board.

6.3 At the end of the designated time period, the property will be re-inspected, and a citation or summons for the violation may be issued if the violation has not been corrected in accordance with the Town Board's instructions. In addition, any permit for the property may be revoked.

SECTION VII. PENALTY PROVISIONS

7.1 **Forfeiture.** Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this ordinance may be prosecuted for such violation and shall, upon conviction, forfeit to the Town of Bloom not less than \$100.00 nor more than \$200.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. Where the owner of real estate upon which a violation of this ordinance exists is not the occupant of the real estate, as where the occupant is a renter, either the owner or the occupant or both may be prosecuted for a violation of this ordinance.

7.2 **Commencement of Action.** An action to impose a forfeiture may be commenced either by a citation issued by a Town Supervisor or by a complaint filed by the Town's attorney.

7.3 **Other Remedies.** In addition to or as an alternative to the imposition of a forfeiture or other procedures under this ordinance the Town of Bloom may, in circumstances deemed appropriate by the Town Board, proceed by court action against any violation or violator of this Chapter for injunction or other legal remedy available to the Town.

7.4 **Remedies not Exclusive.** An action seeking other remedies shall not be deemed waived by the Town by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to a proceeding for other remedies, including removal and disposition pursuant to Section V.

SECTION VIII. NON-EXCLUSIVITY

8.1 Adoption of this ordinance does not preclude the Town Board

from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

8.2 The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION IX. SEVERABILITY

If any provision of this ordinance is adjudged invalid or unconstitutional, or if its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION X. REPEAL OF PRIOR ORDINANCE.

Town of Bloom Ordinance No. 2007-3 is repealed.

SECTION XI. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Bloom on June 9, 2009.

Vote for: X Against _____

Calvin Brown
Town Chairman

Luane Walker
Town Supervisor

Charles D. Danc
Town Supervisor

ATTEST:

Pheresa Osborne
Town Clerk