

**TOWN OF CEDARBURG
ORDINANCE NO. 2012-2**

An Ordinance amending § 320-137, Definitions and word usage, of the Town of Cedarburg Code of Ordinances, particularly with respect to allowing dog day care, in-home boarding centers and kennels operated as a home occupation in residential districts with a conditional use permit, and § 95-3 Dog and kennel licenses, regarding licensing and rabies vaccinations for dogs at dog daycare.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** Section 95-22 states that no family shall own, harbor or keep in its possession more than three dogs on any residential lot or on any lot zoned as E-1, except that a litter of pups or a portion of a litter may be kept for not more than five months from birth, unless a kennel license has been issued by the Town of Cedarburg; and
- WHEREAS,** although certain occupations are allowed as home occupations in residential districts, a property owner cannot currently operate a dog daycare or in home boarding center as a home occupation in a residential district, regardless of whether or not they have a conditional use permit to operate a kennel; and,
- WHEREAS,** the Town would like to allow property owners the opportunity to operate a dog daycare and in-home boarding in a residential district so long as they have obtained all necessary permits and abide by all conditions included in their permits; and
- WHEREAS,** the Plan Commission has reviewed this ordinance and has made a favorable recommendation to the Town Board for its adoption; and
- WHEREAS,** the Town Board held a public hearing regarding this proposed amendment, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that § 320-137. Definitions and word usage, and § 95-3. Dog and kennel licenses, of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

ARTICLE XV. DEFINITIONS

§ 320-137. DEFINITIONS AND WORD USAGE.

HOME OCCUPATION

Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building or accessory building thereto, in connection with which there are no signs or exterior display or storage other than a sign permitted by this chapter, and no activity that will indicate from the exterior that the building(s) is being used in whole or in part for any purpose other

than that of a dwelling. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and does not exceed 25% of the area of any floor. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one nonresident employee. No business such as a store, barbershop, beauty shop, dance school, real estate brokerage or photographic studio shall be conducted upon the premises. Dog day care, in-home boarding centers and kennels operated as a home occupation are allowed with a conditional use permit; subject to the conditions of the permit dog activities may be allowed outdoors. State-licensed family and group child-care centers may be allowed as a home occupation in residential districts as a conditional use permit. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates an excessive disturbance, such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed two horsepower each and not exceeding five horsepower in total, such activity being deemed a public nuisance. Repairing of motor bicycles, motorcycles, motor-driven cycles, automobiles and trucks, other than those licensed and owned by the occupants of a home in a residential area, is strictly prohibited. For the purpose of this definition, the definitions of the abovementioned vehicles shall be as set forth in Ch. 340, Wis. Stats. Such repairing is deemed a public nuisance. It is immaterial for the purpose of this definition whether or not such repairing is done in return for remuneration.

[Amended 1-7-2009 by Ord. No. 2009-2; 5-6-2009 by Ord. No. 2009-9]

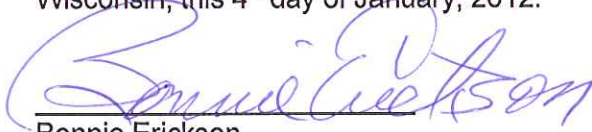
§ 95-3. Dog and kennel licenses.

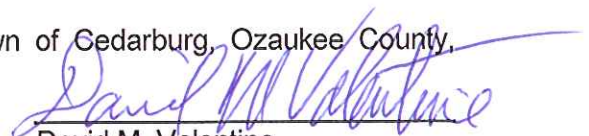
B. Kennel licenses.

- (2) 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 does not apply to a show dog during competition, to a dog securely confined indoors 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 does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely conned in a fenced area. All dogs cared for at a dog daycare and or in-home boarding center must be licensed by the jurisdiction within which they reside, wear the license at all times, and have a current rabies vaccination. 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 in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Gedarburg, Ozaukee County, Wisconsin, this 4th day of January, 2012.


Bonnie Erickson
Deputy Town Clerk


David M. Valentine
Town Chairman