VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 2, SERIES OF 2020

AN ORDINANCE ADOPTING SECTION 180-13.1 AND AMENDING CHAPTER 180 TO PROHIBIT THE BREEDING OR POSSESSION OF ANIMALS FOR RESEARCH OR EXPERIMENTATION

BE IT ORDAINED by the Village Board of Trustees, Village of Kimberly, Outagamie County, Wisconsin as follows:

Section 1. Chapter 180 of the Code of Ordinances for the Village of Kimberly is hereby amended by adding Section 180-13.1 to Chapter 180 Animals as follows:

Chapter 180. Animals
...

§ 180-13.1. Breeding or Possession of Animals for Research or Experimentation Prohibited

A. No natural person, corporation, limited liability company, partnership, trust or other legal entity shall maintain or operate any place or premises within the Village of Kimberly where animals are used as one of the primary purposes of medical, surgical or chemical investigation, experimentation, testing or demonstration.

B. No natural person, corporation, limited liability company, partnership, trust or other legal entity shall maintain or operate any place or premises within the Village of Kimberly where animals are bred, raised, or possessed, sold or offered for sale for the purpose of sending the animals outside the Village for the purpose of medical, surgical, or chemical investigation, experimentation, testing or demonstration.

C. Nothing in this section shall be interpreted to limit the ability of the owner of an animal residing in the Village to enroll their pet animal in clinical trials of a medical or other form of rehabilitation nature which may provide benefit to the animal.

D. Places, premises, and operations prohibited by this Ordinance are declared to be public nuisances greatly offending public morals and decency, having a negative effect on the physical and psychological health and general welfare of the residents of the Village, as well as the health and humane welfare of animals subjected to the purposes prohibited by this Ordinance. Accordingly, violations of any section of this ordinance are hereby deemed a public nuisance coming within the definition of Village of Kimberly ordinance section 364-7.
**Section 2.** Section 180-24 of Chapter 180 of the Code of Ordinances for the Village of Kimberly is hereby amended by adding the following:


... 

H. Anyone who violates § 180-13.1 of this chapter shall forfeit to the Village of Kimberly not less than $250.00 nor more than $500.00, plus all applicable costs, fees, and surcharges imposed under Ch. 814 Wis. Stats. In the event of enforcement in Circuit Court, and in the event such forfeiture, costs, fees, and surcharges are not paid, such person may, upon order of the Circuit Court, be imprisoned in the Outagamie County jail until such forfeiture, costs, and assessments are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Circuit Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. Further, in addition to all other remedies available at law or in equity, violations of any section of this ordinance shall be subject to Chapter 364-10 and Costs applicable to public nuisances.

**Section 3.** The provisions of this ordinance are declared to be severable, and if any section, subsection, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

**Section 4.** This Ordinance shall take effect upon passage and publication as provided by law.

Date introduced, approved and adopted: June 15, 2020

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Danielle L. Block, Administrator/Clerk