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AN ORDINANCE ESTABLISHING ANIMAL SERVICES  
AS A CONDITIONAL USE IN B-1 AND B-2 ZONING DISTRICTS

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WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on December 29, 2020; and

WHEREAS, the Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 82-4 of the Code of Ordinances of the City of Berlin shall be amended to add the following definition:

*Animal service facility* means a retail facility in which grooming and/or similar services, and/or daycare services, are provided for domesticated dogs, cats, reptiles and/or birds.

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Sec. 82-360 of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 82-360. - Use regulations.**

The B-1 business district is intended to accommodate retail and office uses which are characteristic of the major shopping streets of the downtown area. To preserve the B-1 district for its intended use, no residential occupancy of first floor or ground floor stories shall be permitted. The following are permitted uses in the B-1 district:

...

- (13) ~~Secondhand stores~~Accessory buildings and uses customarily incident to the uses set forth in subsections (1)-(12) of this section.
  - (14) ~~Medical or dental clinics~~Secondhand stores.
  - (15) ~~Veterinarian clinics and animal hospitals~~Medical or dental clinics, but shall not include animal hospitals or clinics.
  - (16) Accessory buildings and uses customarily incident to the uses set forth in subsections (1)-(15) of this section
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Sec. 82-361 of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 82-361. - Conditional uses.**

In the B-1 district, conditional uses shall be as follows:

...

- (4) Animal service facilities. For conditional use applications for animal service facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:
- a. Hours of operation may be limited by the board of appeals, and operation of the facility shall in no case be allowed between 10:00 p.m and 5:00 a.m.
  - b. No overnight boarding of animals not owned by the operator shall be allowed.
  - c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.
  - d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.
  - e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.
  - f. Each dog or cat serviced at the facility must have been vaccinated by a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).
  - g. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.

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Sec. 82-386 of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 82-386. - Use regulations.**

The B-2 business district is intended to provide for the orderly and attractive grouping of commercial activities of a more general retail and wholesale nature. The following shall be

permitted uses in the B-2 district:

...

- (7) Veterinarian clinics and ~~Animal hospitals and pet shops, excluding open kennels.~~

...

- (16) Accessory buildings and uses customarily incidental to the uses set forth in subsections ~~(1-5)~~(16) of this section.

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**Sec. 82-387. - Conditional uses.**

In the B-2 district, conditional uses shall be as follows:

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- (4) Retail pet sale shops and animal service facilities. For conditional use applications for retail pet sale shops or animal service facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:
- a. Hours of operation may be limited by the board of appeals, and operation of the facility (i.e. when the facility is open to the public) shall in no case be allowed between 10:00 p.m and 5:00 a.m.
  - b. No overnight boarding of animals not owned by the operator shall be allowed. Animals must be kept inside an enclosed building between 10:00 p.m and 5:00 a.m.
  - c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.
  - d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.
  - e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.
  - f. Each dog or cat serviced at the facility must have been vaccinated by a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on

premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).

g. Retail pet sale shops for dogs must be in compliance with all licensing requirements imposed by the state of Wisconsin.

h. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.

This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this 12<sup>th</sup> day of January, 2021.

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_\_ AYES  
\_\_\_\_\_ NAYS  
\_\_\_\_\_ ABSENT

BY: \_\_\_\_\_  
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_  
Jodie Olson, City Clerk

\_\_\_\_\_  
Matthew G. Chier, City Attorney