



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Animal Health

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GUIDANCE DOCUMENT

## DSMultipleLocations

*This guidance document is based on Wis. Stat. ch. 173 and chapter(s) ATCP 16 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.*

Policy regarding dog seller/facility operator licensing multiple locations.

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| Dr. Darlene Konkle - Administrator Division of Animal Health | DATE |

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| <b>Policy Number:</b>  | <b>LIC-003</b>   |
| <b>Date:</b>           | <b>01/12/2017</b>  |
| <b>Staff Affected:</b> | <b>All Staff</b>   |
| <b>Subject:</b>        | <b>Dog Seller/Facility Operator<br/>Licensing Multiple Locations</b> |
| <b>Replaces:</b>       | <b>LIC-003 (2/17/2016)</b>   |

**BACKGROUND**

Wis. Admin. Code § ATCP 16.01, provides the following definitions:

“Animal control facility” means a facility in this state for the care of animals operated under a contract with a political subdivision under s. 173.15 (1), Stats.

“Animal shelter” means a facility in this state that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs in a license year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.

“Dog breeder” means a person who in any license year sells at least 25 dogs, from more than 3 litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this paragraph if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise the dogs on real estate owned or occupied by that agent.

“Dog breeding facility” means a place in this state where dogs are bred and raised and from which at least 25 dogs from more than 3 litters are sold in a license year.

“Dog dealer” means any of the following persons, other than an out-of-state dog dealer:

- a) A person who in any license year sells in this state at least 25 dogs that the person owns but has not bred and raised.
- b) A person, other than an auctioneer or auction company registered under ch. 480, Stats., who in any license year brokers or arranges the sale in this state of at least 25 dogs that are under that person’s custody or control but that the person does not own and has not bred or raised.
- c) An auctioneer or auction company registered under ch. 480, Stats., which operates one or more auctions in this state in which a combined total of 50 or more dogs are sold or offered for sale in any license year.

Wis. Admin. Code § ATCP 16.02 (1) requires, with some exceptions, persons doing any of the following to obtain an annual license from the department:

- a) Operating an animal control facility.
- b) Operating an animal shelter.
- c) Operating as a dog breeder.
- d) Operating a dog breeding facility.
- e) Operating as a dog dealer.
- f) Operating as an out-of-state dog dealer.

Wis. Admin. Code § ATCP 16.06 requires persons applying for a dog seller/facility operator license to provide certain information to the department, including:

- a) The applicant's principal business address.
- b) The address of each location (other than the residence of a home custody service provider) at which the applicant may keep dogs in this state.

Wis. Admin. Code § ATCP 16.14 requires a person holding a dog seller/facility operator license to keep specified records at the principal business location identified on their application.

## **POLICY**

For purposes of this policy:

- a) A facility means a premises. The premises can be comprised of multiple buildings, but all buildings are located at one address.
- b) "Facility that meets criteria" means a facility where at least 25 dogs from more than 3 litters are sold or at least 25 dogs are sheltered.
- c) Facilities at which any records are kept must be designated as the applicant's "principal business location" identified on the dog seller application materials.

Any person or facility whose activities meet one, or more, of the definitions above must license with the Department as a dog seller/facility operator. The principal business location at which records must be kept is any facility that meets criteria, or if there are multiple facilities under the same license, records must be housed at one of the locations that is subject to inspection where dogs are kept.

For purposes of consistent application of the licensing requirements for the dog seller/facility operator program, entities described below are to be licensed in the following fashion and records kept at the principal business location specified:

### **Dog breeders and Dog breeding facilities:**

Any facility where dogs are bred and raised and from which at least 25 dogs from more than three litters are sold, must be licensed as a dog seller/facility operator, regardless of how many legal entities own dogs at the facility. Each additional facility associated with the primary facility that:

- a) Sells at least 25 dogs from more than three litters must be licensed separately as a dog seller/facility operator. Records must be kept for the dogs kept at each facility that meets criteria and is designated as the principal business location on the application.
- b) Does not sell at least 25 dogs from more than three litters must be listed under the dog seller/facility operator license of the primary facility. Records for all dogs in the primary and secondary facility must be kept at one of the facilities that is subject to inspection and is designated as the principal business location on the application.

The license fee is based on the number of dogs sold from all facilities under the license. Any legal action taken on a license will affect all facilities under that license.

Any person (legal entity) that sells at least 25 dogs from more than 3 litters which that person has bred and raised in this state must license as a dog seller/facility operator, regardless of number of locations from which the dogs are sold or level of compensation received per dog. [See example c)]. **Records for dogs kept at all locations must be housed at one of the locations that is subject to inspection and that is designated as the principal business location on the application.**

*Examples:*

- a) One legal entity owns two facilities where dogs are bred and raised. Each facility sells at least 25 dogs from more than three litters. Each facility must be licensed separately. Each facility must be inspected and house records for the dogs kept at the facility.
- b) Two legal entities each own dogs at one facility where dogs are bred and raised. At least 25 dogs from more than three litters are sold from this facility. The facility must be licensed, inspected, and house records for dogs at that facility.
- c) One legal entity sells dogs from numerous facilities. This may be from homes of individual breeders under an agreement. None of the facilities individually sells at least 25 dogs from more than three litters. However when all sales from all the facilities are added together, at least 25 dogs from more than three litters are sold. This legal entity would need to be licensed as a dog seller/facility operator. All the facilities are subject to inspection and one of those facilities must house records for dogs kept at all the facilities.
- d) A legal entity owns two facilities where dogs are bred and raised but sells at least 25 dogs from more than 3 litters at only one of the locations. At least 25 dogs from more than three litters are not sold from the other facility. No dogs move between the facilities. The legal entity would need one license as a dog seller/facility operator, but both facilities need to be inspected, and one of the facilities must house records for dogs kept at all the facilities.
- e) A legal entity owns two facilities, but only sells dogs from one of the locations where at least 25 dogs are sold. The other facility is used as a breeding facility where more than three litters are whelped. The dogs are moved from the breeding facility to the selling facility. The legal entity would need one license as a dog seller/facility operator, both facilities must be inspected, and one of the facilities must house records for dogs kept at all the facilities.

**Dog dealers:**

- a) A legal entity with one or more locations sells at least 25 dogs (but does not breed) at each location. A separate dog seller/facility operator license is required for each location. Records must be housed at each licensed location for the dogs at that location.
- b) A legal entity with one or more locations sells less than 25 dogs (but does not breed) at each location, but in total sells more than 25 dogs. A single dog seller/facility operator license is sufficient to cover all locations. A separate license is not required for each physical location. All locations are subject to inspection and records for dogs kept at all locations must be housed at one of the locations that is subject to inspection.

**Shelters/Animal Control Facilities:**

Each location of an animal shelter that shelters at least 25 dogs in a license year must license as a separate animal shelter facility. Records for dogs kept at each facility must be housed at each facility.

*Examples:*

- a) A shelter has multiple home care providers (HCPs). Two of the HCPs shelter at least 25 dogs in a license year. The shelter and the two HCPs each must have a separate license and house records for the dogs kept at that facility.
- b) A shelter operates at two locations. Each location shelters at least 25 dogs annually. Each shelter must have a separate license and house records for the dogs kept at that shelter.

Approved by: Paul J. McGraw Date: 1/14/17

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