

# **TOWN OF FOUNTAIN PRAIRIE ORDINANCE NO. 08-06**

## **CHAPTER 4.2 - HARMFUL AND EXOTIC WILD ANIMAL ORDINANCE**

### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Fountain Prairie Harmful and Exotic Wild Animal Ordinance. The purpose of this ordinance is for the Town to regulate by permit and penalty the possession, display, sale, purchase and exhibition of certain harmful wild animals and exotic or wild animals in the Town.

### **SECTION II – AUTHORITY**

The Town Board of the Town of Fountain Prairie has the specific authority under s.169.43, WI Statutes and general authority under its village powers under s.60.22, WI Statutes to adopt this ordinance.

### **SECTION III – ADOPTION OF ORDINANCE**

The Town Board of the Town of Fountain Prairie, by this ordinance, adopted with a quorum and by roll call vote of a majority of the Town Board present and voting, provides the authority for the Town to regulate and permit the possession, display, sale, purchase and exhibition of certain harmful wild animals or exotic or wild animals within the Town.

### **SECTION IV – DEFINITIONS**

In this ordinance:

- A. "Bovine animal" means domestic cattle and American bison of any age or sex
- B. "Cattle" means any of the various animals of the domesticated genus Bos.
- C. "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily musk deer. "Cervid" includes all farm-raised deer
- D. "Circus" means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns or trained animals is the primary attraction or principle business
- E. "Domestic animal" means any of the following:
  - 1. Domesticated cats of the subspecies *Felis silvestris catus*
  - 2. Domesticated dogs of the subspecies *Canis lupus familiaris*
  - 3. Rodents kept in cages, aquariums or similar containers, including gerbils, hamsters, guinea pigs and white mice
  - 4. Fish kept in aquariums or self-contained bodies of water and farm-raised fish, except fish that have been released to waters of the State
  - 5. Farm-raised deer that are kept by a person registered under s.95.55, WI Statutes
  - 6. Livestock
  - 7. Poultry

8. Farm-raised game birds, except farm-raised game birds that have been released to the wild
  9. Ratites
  10. Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul that are born, bred and raised in captivity and are not endangered or threatened species
  11. Pet birds
  12. Any other animal listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture and Human and Consumer Protection
- F. "Equine animal" means a horse, mule, zebra, donkey or ass
- G. "Exotic or wild animal" means any animal that is not a domestic animal and specifically includes all of the following:
1. Nonhuman primates and prosimians including chimpanzees and monkeys
  2. Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers and other felids generally referred to as big cats
  3. Canids, except domesticated dogs of the subspecies *Canis lupus familiaris*, including foxes not born, bred and raised in captivity and all wolves, coyotes and wolf hybrids
  4. Ursids including all bears
  5. Elephants
  6. Crocodylians, including alligators and crocodiles
  7. Marsupials, including kangaroos, wallabies and opossums
  8. Hippopotami
  9. Rhinoceroses
  10. Hyenas
  11. Mustelids, except domestic ferrets, including skunks, otters and badgers
  12. Procyonids, including raccoons and coatis
  13. Dasypodidae, including anteaters, sloth and armadillos
  14. Viverrids, including mongooses, civets and genets
  15. Reptilia over three (3) feet in length, including boa constrictors, pythons and any other snakes
  16. Venomous reptilia
  17. Cervids, except farm raised deer that are kept by a person registered under s.95.55, WI Statutes
  18. Camelids, except South American camelids
- H. "Farm-raised deer" means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not include a cervid kept by an institution accredited by the American Association of Zoological Parks and Aquariums
- I. "Farm-raised game bird" means a captive bird of a wild nature that is not native. "Farm-raised game bird" does not include poultry or ratites or birds kept pursuant to a license issued under s.169.15, 169.19, 169.20 or 169.21, WI Statutes

- J. "Harmful wild animal" means members of the family ursidae commonly known as bears, the species felis concolor commonly known as cougars and any other animal designated as a harmful wild animal under Wisconsin statutes or by rule of the State of Wisconsin Department of Natural Resources.
- K. "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids and ratites
- L. "Person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity
- M. "Pet bird" means a psittacine or soft bill that is not native, is not identified on the federal list of endangered and threatened species and is not a migratory bird
- N. "Poultry" means domesticated fowl, including chickens, turkeys and waterfowl that are bred for the primary purpose of exhibition or producing eggs or meat. "Poultry" does not include ratites
- O. "Possess" means to own, control, restrain, transport or keep
- P. "Public zoo or aquarium" means a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association
- Q. "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea
- R. "Self-contained body of water" means a body of water that has no inlet from or outlet to a natural body of water, except that it may be pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the State of Wisconsin
- S. "South American camelid" means a llama, alpaca, vicuna or guanaco
- T. "Town" means the Town of Fountain Prairie, Columbia County, Wisconsin
- U. "Town Board" means the board of supervisors for Town of Fountain Prairie, Columbia County, Wisconsin and includes designees of the Board authorized to act for the Board
- V. "Town Clerk" means the Clerk of the Town of Fountain Prairie, Columbia County, Wisconsin
- W. "Veterinarian" means a person who is licensed in the State of Wisconsin to practice veterinary medicine under chapter 453, WI Statutes and who is certified under rules promulgated by the Department of Agriculture and Consumer Protection
- X. "WI Statutes" means the Wisconsin Statutes, including successor provisions to cited statutes

## SECTION V- SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by upper case Roman numerals. Sections may be divided into subsections designated by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lower case letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals.

Reference to a "section", "subsection", "paragraph" or "subdivision" includes all divisions of the referenced section, subsection, paragraph or subdivision.

## SECTION VI – AUTHORIZED POSSESSION

- A. The following persons may possess exotic or wild animals in the Town:
1. A person licensed by the State of Wisconsin Department of Natural Resources under chapter 169, WI Statutes
  2. A veterinarian for the purpose of providing medical treatment to the animal
  3. A public zoo or aquarium with a permit issued by the Town
  4. A circus with a permit issued by the Town
  5. A person authorized by the State of Wisconsin Department of Natural Resources for the possession of the specific type of harmful wild animal or exotic or wild animal in the Town
- B. Except as provided in subsection C, any person not included in Subsection A may possess in the Town an exotic or wild animal only with a permit issued by the Town Board under the specific conditions established by the Town Board
- C. A person is exempt from holding a license or other approval under s.169.04(4), WI Statutes or any permit from the Town to possess live native wild animals, if these wild animals are not endangered or threatened species and are any of the following:
1. Arthropods
  2. Chipmunks
  3. Pocket gophers
  4. Mice
  5. Moles
  6. Mollusks
  7. Opossums
  8. Pigeons
  9. Porcupines
  10. Rats
  11. Shrews
  12. English sparrows
  13. Starlings
  14. Ground squirrels
  15. Red squirrels
  16. Voles
  17. Weasels

## SECTION VII – EXHIBITION OF CERTAIN ANIMALS

- A. No person may without a permit issued under Section VIII display in the Town for the purpose of viewing any exotic or wild animals or harmful wild animals.
- B. This section shall not apply to any of the following:
1. Persons that have received a license or authorization from the State of Wisconsin Department of Natural Resources under chapter 169, WI Statutes
  2. A public zoo or aquarium with a permit issued by the Town Board

3. A veterinarian for the purposes of providing medical treatment to the animal
4. A circus with permits issued by the Town Board

## SECTION VIII – PERMITS

A. No person may exhibit, possess, sell or purchase an exotic or wild animal or harmful wild animal in the Town without a written permit from the Town Board

B. The applicant for a permit shall submit an application that contains all the following:

1. The name of the applicant, any agent of the applicant and the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold or purchased if different from the applicant
2. The address of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed sold or purchased
3. The business and residential telephone number of the applicant, the business and residential telephone number of any agent of the applicant and the business and residential telephone number of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold or purchased, if different from the applicant.
4. The age of the applicant and of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold or purchased if different from the applicant
5. The legal description of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold or purchased
6. The manner, if any, of keeping the exotic or wild animal or harmful wild animal
7. The type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold or purchased
8. Any other items requested by the Town Board in writing

C. No permit for the display, possession, sale or purchase in the Town of an exotic or wild animal or a harmful wild animal shall be issued by the Town Board until a public hearing is held by the Town Board on the application for a permit. The Town Clerk shall publish a notice of hearing as a class 2 notice under chapter 985, Wi Statutes, the cost of which shall be paid by the permit applicant. The Town Board may, after the public hearing, issue a permit in writing only if it determines that the exhibition, possession, sale or purchase in the Town proposed by the applicant will not constitute a public nuisance or a threat to health and safety of the residents of the Town. The Town Board may include in the permit specific conditions to protect public health and safety and to prevent a public nuisance. A permit shall be for a fixed period determined by the Town Board and is subject to revocation in the event of the violation of the conditions of the permit or this ordinance after an applicable public hearing and notice and determination as provided in this subsection for an initial permit application. Upon a determined emergency condition in the Town, the Town Board may suspend the permit without a hearing.

SECTION IX – PROHIBITION

No person may permit an exotic or wild animal or a harmful wild animal to run at large or to be released from captivity within the Town. Any exotic or wild animal or harmful wild animal running at large shall be subject to seizure, detention and disposal.

SECTION X – PENALTY PROVISION

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$250.00 plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI – SEVERABILITY

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

SECTION XII – EFFECTIVE DATE

This ordinance is effective upon publication and adoption by the Town Board.

The Town Clerk shall properly publish this ordinance, as required under s.60.80, WI Statutes.

Adopted this thirteenth day of November, 2008

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Steven D. Rubert, Chairman

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Carl T. Benck, Supervisor

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Steven R. Jacob, Supervisor

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William Gretzinger, Supervisor

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David L. Liebenthal, Supervisor

Attest:

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Linda Henning, Clerk/Treasurer