

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS**11.400 PURPOSE**

This Subchapter serves to promote, preserve and protect the peace, health, safety, property and general welfare of the Town; and 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.

11.401 AUTHORITY

This Subchapter is adopted pursuant to the authority granted by §60.22 and §169.43 Wis. Stats.

11.403 STATUTORY COMPLIANCE

The provisions of Chapter 350 and §346.02(10) Wis. Stats. including any future revisions or amendments thereto, are hereby adopted and, by reference, made a part of this Chapter as if fully set forth herein.

11.404 DEFINITIONS

The following definitions shall be used in this Subchapter:

Bovine animal: Domestic cattle and American bison of any age or sex.

Cattle: Any of the various animals of the domesticated genus Bos.

Cervid: 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.

Circus: A scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, and/or trained animals is the primary attraction or principle business.

Domestic animal: 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 §95.55 Wis. Stats.
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.

Equine animal: A horse, mule, zebra, donkey, or ass.

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Exotic or wild animal: 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 12 inches 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 [§95.55](#) Wis. stats.
18. Camelids, except South American camelids.

Farm-raised deer: 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.

Farm-raised game bird: 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 [§169.15](#), [169.19](#), [169.20](#), or [169.21](#), Wis. Stats.

Harmful wild animal: 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.

Livestock: Bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, and ratites.

Person: An individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

Pet bird: 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.

Poultry: 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.

Possess: To own, control, restrain, transport, or keep.

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Public zoo or aquarium: A zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.

Ratite: A member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.

Self-contained body of water: A body of water that has no inlet from or outlet to a natural body of water, except that it may have 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.

South American camelid: A llama, alpaca, vicuna or guanaco.

Veterinarian: A person who is licensed in the State of Wisconsin to practice veterinary medicine under [Chapter 453](#) Wis. Stats., and who is certified under rules promulgated by the Department of Agriculture and Consumer Protection.

11.405 REGULATIONS

(1) **PERMIT REQUIRED:** No person may possess, display, sell or purchase an exotic or wild animal, or a harmful wild animal, in the Town unless such person first obtains a permit from the Town, except as provided in (2) or (3) below.

(2) **WHO MAY POSSESS WITHOUT A PERMIT:** The following persons may possess, display, sell or purchase exotic or wild animals in the Town without a permit:

- (a) A person licensed by the State of Wisconsin, Department of Natural Resources under Ch. 169 Wis. Stats.
- (b) A veterinarian, for the purpose of providing medical treatment to the animal.
- (c) A public zoo or aquarium, with a permit issued by the town.
- (d) A circus, with a permit issued by the town.

(3) **EXEMPTIONS FOR SPECIFIC ANIMALS:** A person is exempt from holding a License or other approval under §169.04(4) Wis. Stats., 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.

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11.407 PERMITS

- (1) **APPLICATION:** Any person desiring a permit hereunder shall submit an application that contains all the following:
- (a) The name, address, and telephone number(s) of the applicant(s).
 - (b) The name, address, and telephone numbers of the owner(s) of the property upon which the applicant intends to conduct operations permitted hereunder.
 - (c) The address and legal description of the premises where the exotic or wild animals or harmful wild animals will be exhibited, possessed, sold, or purchased.
 - (d) A detailed description of the operation intended by the applicant.
 - (e) A description of the type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.
 - (f) The names and addresses of all property owners within 1,000 feet of the property upon which the animals shall be exhibited, possessed, sold or purchased.
 - (g) A site plan showing the physical characteristics of the proposed operation which clearly demonstrates how the safety of the public will be protected.
 - (h) Information regarding the experience and training of the Applicant (and all proposed staff members) to handle all the needs of the animals expected to be located on the property.
 - (i) Information demonstrating that the Applicant has sufficient financial resources to meet the safety concerns of the public and the needs of the animals.
 - (j) Any other items which the Town deems necessary to make its decision.
- (2) **PUBLIC HEARING:** The Town shall schedule a reasonable time and place for a public hearing to consider the application within sixty (60) days after filing of the complete application. The applicant may appear in person, by agent, and/or attorney.
- (3) **NOTICE:** Notice of the application and the public hearing shall contain a description of the subject property, the proposed animals, and the proposed operation. In addition, at least ten (10) days before said public hearing, the Clerk shall mail an identical notice to the Applicant; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 1,000 feet of the boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (4) **FORMAL DECISION:** Within thirty (30) days after the holding of the public hearing, or any extension of said period approved by the Applicant and granted by the Town, the Town Board shall make its findings and its determination regarding the application as a whole. The Board may request further information and/or additional reports from the Applicant or any consultant. The Board may take final action on said Application at the time of the Public Hearing, or said proceedings may be continued from time-to-time for further consideration. The Board shall make a written report of its findings and determinations concerning the standards of subsection (e) below.
- (5) **STANDARDS OF REVIEW:** The following factors must be found to exist by the Board in making its decision regarding a request for a Permit, and each factor shall be addressed in the Board's official written decision:
- (a) The requested Permit must be in compliance with the Comprehensive Master Plan, and the Town Zoning Ordinance.
 - (b) The Applicant must have presented a plan of the physical characteristics of the proposed operation which clearly demonstrates how the safety of the public will be protected.
 - (c) The Applicant must have demonstrated sufficient experience and training to

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- handle all the needs of the animals expected to be housed on the property.
- (d) The Applicant must have demonstrated that he has sufficient financial resources to fulfill the safety concerns of the public and the needs of the animals.
 - (e) The issuance of a permit at this particular site, for this particular operation, must not be a substantial detriment to adjacent properties.
 - (f) The issuance of a permit must not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the granting of the permit.
- (6) **FEE:**
- (a) All applicants shall pay an application fee and/or a renewal fee which shall be established by resolution of the Town Board.
 - (b) A double application fee shall be charged by the Town if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks a Permit. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (c) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered "complete" and ready for consideration until all fees have been paid.
- (7) **ANNUAL RENEWAL:** Permits issue hereunder shall expire after 1 year, unless renewed by the Applicant, pursuant to the same procedure required of initial applications.

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