

Section 9.02 Harmful and Exotic Wild Animals

9.02(A) Title/Purpose

The title of this Section is Harmful and Exotic Wild Animals. The purpose of this Section 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.

9.02(B) Authority

The Town Board of the Town of Leeds has the specific authority under Wis. Stat. § 169.43, and general authority under its village powers under Wis. Stat. § 60.22, to adopt this Section.

9.02(C) Definitions

In this Section:

- (1) Bovine animal means domestic cattle and American bison of any age or sex.
- (2) Cattle means any of the various animals of the domesticated genus Bos.
- (3) 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.
- (4) 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.
- (5) Domestic animal means any of the following:
 - (a) Domesticated cats of the subspecies *Felis silvestris catus*.
 - (b) Domesticated dogs of the subspecies *Canis lupus familiaris*.
 - (c) Rodents kept in cages, aquariums, or similar containers, including gerbils, hamsters, guinea pigs, and white mice.
 - (d) 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.

(e) Farm-raised deer that are kept by a person registered under Wis. Stat. § 95.55.

(f) Livestock.

(g) Poultry.

(h) Farm-raised game birds, except farm-raised game birds that have been released to the wild.

(i) Ratites.

(j) 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.

(k) Pet birds.

(l) Any other animal listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture and Human and Consumer Protection.

(6) Equine animal means a horse, mule, zebra, donkey, or ass.

(7) Exotic or wild animal means any animal that is not a domestic animal and specifically includes all of the following:

(a) Nonhuman primates and prosimians including chimpanzees and monkeys.

(b) Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, and other felids generally referred to as big cats.

(c) 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.

(d) Ursids including all bears.

(e) Elephants.

(f) Crocodylians, including alligators and crocodiles.

- (g) Marsupials, including kangaroos, wallabies, and opossums.
- (h) Hippopotami.
- (i) Rhinoceroses.
- (j) Hyenas.
- (k) Mustelids, except domestic ferrets, including skunks, otters, and badgers.
- (l) Procyonids, including raccoons and coatis.
- (m) Dasypodidae, including anteaters, sloth, and armadillos.
- (n) Viverrids, including mongooses, civets, and genets.
- (o) Reptilia over four (4) feet in length, including boa constrictors, pythons, and any other snakes.
- (p) Venomous reptilia.
- (q) Cervids, except farm-raised deer that are kept by a person registered under Wis. Stat. § 95.55.
- (r) Camelids, except South American camelids.

(8) 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.

(9) 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 Wis. Stat. §§ 169.15, 169.19, 169.20 or 169.21.

(10) 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.

(11) 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.

(12) Person means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(13) 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.

(14) 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.

(15) Possess means to own, control, restrain, transport, or keep.

(16) Public zoo or aquarium means a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.

(17) Ratite means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.

(18) 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 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.

(19) South American camelid means a llama, alpaca, vicuna or guanaco.

(20) Town means the Town of Leeds, Columbia, County, Wisconsin.

(21) Town board means the board of supervisors for the Town of Leeds, Columbia County, Wisconsin and includes designees of the board authorized to act for the board.

(22) Town clerk means the clerk of the Town of Leeds, Columbia County, Wisconsin.

(23) Veterinarian means a person who is licensed in the State of Wisconsin to practice veterinary medicine under Ch. 453, Wis. Stat., and who is certified under rules promulgated by the Department of Agriculture and Consumer Protection.

(24) Wis. Stat. means the Wisconsin Statutes, including successor provisions to cited statutes.

9.02(D) Authorized Possession

(1) Allowed. The following persons may possess exotic or wild animals in the town:

(a) A person licensed by the State of Wisconsin, Department of Natural Resources under [Ch. 169](#), Wis. Stat.

(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.

(e) 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.

(2) Prohibited. Except as provided in subsection C, any person not included in Subsection (1) 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.

(3) Exempt. A person is exempt from holding a license or other approval under Wis. Stat. § 169.04(4), 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:

- (a) Arthropods
- (b) Chipmunks
- (c) Pocket gophers
- (d) Mice
- (e) Moles
- (f) Mollusks
- (g) Opossums
- (h) Pigeons
- (i) Porcupines
- (j) Rats
- (k) Shrews
- (l) English sparrows

- (m) Starlings
- (n) Ground squirrels
- (o) Red squirrels
- (p) Voles
- (q) Weasels

9.02(E) Exhibition of Certain Animals

(1) Permit Required for Display. No person may without a permit issued under Section 9.02(F) display in the town for the purpose of public viewing any exotic or wild animals or harmful wild animals.

(2) Exceptions. This section shall not apply to any of the following:

(a) Persons that have received a license or authorization from the State of Wisconsin, Department of Natural Resources under Wis. Stat. 169.

(b) A public zoo or aquarium, with a permit issued by the town board.

(c) A veterinarian, for the purposes of providing medical treatment to the animal.

(d) A circus with permits issued by the town board.

9.02(F) Permits

(1) Permit Required. 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.

(2) Applications for Permit. The applicant for a permit shall submit an application that contains all the following:

(a) 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.

(b) The address of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.

(c) 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.

(d) 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.

(e) The legal description of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.

(f) The manner, if any, of keeping the exotic or wild animal or harmful wild animal.

(g) The type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.

(h) A per animal permit fee as provided in the Town's Fee Schedule.

(i) Any other items requested by the town board in writing.

(3) Public Hearing. 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 Ch. 985, Wis. Stat., 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 Section 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.

9.02(G) 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 9.02(H) Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Section shall, upon conviction, pay a penalty as provided in Section 3.02 of this Section. Each day a violation exists or continues constitutes a separate offense under this Section. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.