

- (2) **Impoundment.** Furthermore, any violation of Subsection (d) may result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Elk Mound, or any law enforcement or animal control officer of any jurisdiction authorized by the Village of Elk Mound to enforce or effectuate the Village's ordinances, may impound any dog or other animal which is subject to this Section. In the event that any restricted or prohibited animal or other prohibited vicious or dangerous animal or dog has been impounded, said dog's or animal's lawful owner shall be required to make arrangements to have said animal removed from the corporate Village of Elk Mound limits within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to lawfully remove said animal from the corporate Village limits within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Elk Mound shall be authorized to destroy said animal.

## **Sec. 7-1-8 Impoundment of Animals.**

### **(a) Animal Control Agency.**

- (1) The Village of Elk Mound may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Elk Mound does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

### **(b) Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, a law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village of Elk Mound, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village of Elk Mound for any damages it sustains for improper or illegal seizure.

### **(c) Claiming Animal; Disposal of Unclaimed Animals.**

- (1) **Seizure.** A law enforcement officer or any animal control officer appointed by the Village Board may attempt to capture and restrain dogs or other animals running at large or otherwise in violation of this Chapter, and shall confine and capture or restrain animals in a suitable dog pound or other enclosure. After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded.

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- (10) **Notice Upon Death, Sale or Relocation of Animal.**
- a. No person may sell or transfer possession of a designated dangerous animal to another person without disclosing to the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of all requirements imposed upon selling or transferring by this Section. No person may sell or transfer possession of a dangerous animal to another person without first notifying the Village's enforcement officer in writing, a minimum of three (3) days in advance of the sale or transfer of possession of the animal with the name, address and telephone number of the new owner or caretaker. If the dangerous animal is sold or given to a person residing outside of the Village of Elk Mound, the owner or caretaker shall present evidence to the enforcement officer that he/she has notified the pertinent law enforcement agency serving the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.
  - b. If a dangerous dog or other animal dies, or is sold, transferred or permanently removed from the Village of Elk Mound where the owner, harbinger, keeper or caretaker so resides, said person who owns, keeps, harbors, or caretakes a dangerous dog or other animal shall notify the Village of Elk Mound or the animal control officer of the change in condition or new location of the dangerous dog or other animal in writing within three days (3) prior to said dog's or other animal's removal.
- (11) **Notification to Landlord of Presence of a Dangerous Animal.** If the owner or caretaker of an animal that has been designated a dangerous animal has a landlord, then in such event the owner or caretaker shall, within five (5) days of such designation, cause a certified letter to be sent to the landlord notifying the landlord that the renter is the owner or caretaker of a designated dangerous animal at the premises owned by the landlord and shall provide a copy of the letter and proof of mailing to the enforcement officer.
- (12) **Euthanasia.** If the owner or caretaker of an animal which has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping a dangerous animal in accordance with this Section, he/she shall have the animal humanely euthanized by an animal shelter, humane society or licensed veterinarian, at the owner's or caretaker's expense.
- (13) **Waiver.** The enforcement officer may waive the provisions of this Subsection (d) for a trained law enforcement or military animal upon presentation by the animal's handler of satisfactory arrangements for safekeeping of the animal.
- (e) **Penalty for Violations of Subsection (d).**
- (1) **Forfeiture.** Any person or entity convicted of violating Subsection (d) shall pay a forfeiture of not less than Two Hundred and Fifty Dollars (\$250.00), together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any dangerous dog or other animal in violation of Subsection (d) may be deemed separate and distinct violations, subject to separate citations and convictions.

- (2) **Retention and Disposition of Unclaimed Animals.** All dogs or other animals apprehended may be kept for no more than three (3) days at the animal pound or other enclosure and if such animal is not claimed by the rightful owner, representative or keeper within such time, said animal shall be transmitted to the area or County Humane Society to be handled in accordance with the Wisconsin Statutes and the policies of that facility.
- (3) **Notification.** A person who captures or restrains a dog or other animal shall notify or deliver the dog or other animal to the humane society or to any officer within twelve (12) hours of capture or restraint. Any law enforcement or other Village official to whom a dog or other animal is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort.
- (4) **Claiming Animals.** The owner or representative, or keeper of any dog or other animal so confined may reclaim such animal from the detention shelter at any time before transmittal to the humane society, if:
  - a. The owner, representative or keeper gives his/her name and address.
  - b. The owner, representative or keeper presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies, or a receipt from a licensed veterinarian for repayment of a rabies inoculation.
  - c. The owner, representative or keeper pays the cost of apprehending, boarding fees, necessary medical treatment and impounding fees, if any.
- (5) **Payment of Costs.** Payment of costs and charges shall be made to the Village of Elk Mound. Upon identification of the owner of a dog or other animal so apprehended or confined, all Village costs and charges shall be billed to said owner.
- (d) **Sale of Impounded Animals.** If the owner does not reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.
- (e) **Village Not Liable for Impounding Animals.** The Village of Elk Mound and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

## **Sec. 7-1-9 Animal Bite Incidents.**

- (a) **Bites by Domestic Animals.**
  - (1) **Report.** Every owner or person harboring or keeping a dog, cat, or other domesticated animal who knows that such dog, cat, or other domesticated animal has bitten any person shall within twelve (12) hours report such fact to law enforcement officers serving the Village of Elk Mound, a physician or other animal control enforcement authority.
  - (2) **Post-Bite Incident Quarantine.**
    - a. A healthy dog, cat or other domestic animal that has bitten a person shall be captured, confined and observed for not less than ten (10) days by a veterinarian or at an animal shelter at the expense of the animal's owner or caretaker, or if the

owner can provide evidence of a valid rabies vaccination, such animal can be confined and observed at the home of the owner. The owner or keeper of any such dog, cat, ferret or other domesticated animal shall surrender the dog, cat, ferret or other domesticated animal to a law enforcement or humane officer upon demand for examination.

- b. After such quarantine period, animals which have not previously been vaccinated for rabies shall be vaccinated, with proof of vaccination provided to the Police Department within seventy-two (72) hours of release.
- c. A domestic animal which has been exposed to rabies shall be held in quarantine for six (6) months.
- d. A domestic animal which has not been vaccinated, but has been exposed to rabies, shall be quarantined for sixty (60) days.

(b) **Bites by Wild Animals.**

- (1) **Report.** Any person bitten or scratched by a wild animal shall report that fact within twelve (12) hours to the Police Department or the attending physician.
- (2) **Wild Animal to be Destroyed.** Any wild animal that bites or scratches a person shall be killed by the Police Department (without unnecessary damage to the head), with the brain to then be examined for evidence of rabies.

## **Sec. 7-1-10 Wolf/Dog Hybrid Regulation and Confinement.**

- (a) **Definitions.** A "wolf/dog hybrid" is defined as any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote jackal or dingo or resulting from the mating of any wolf/dog hybrid and another wolf/dog hybrid or a domesticated dog. As used herein:
  - (1) **Canine Animal.** Includes all members of the family *canidae* except foxes.
  - (2) **Domesticated Dog.** *Canis familiaris*.
  - (3) **Wolf.** Includes both *canis lupus* and *canis niger*.
  - (4) **Coyote.** *Canis latrans*.
  - (5) **Jackal.** *Canis Aurens*.
  - (6) **Dingo.** *Canis dingo*.
- (b) **Prohibition on Unregistered Animals.** No person shall harbor, keep or maintain within the Village of Elk Mound any wolf/dog hybrid which has not been registered pursuant to Subsection (k) below on or before January 30, 2022. This prohibition shall not apply to animals being transported through the limits of the Village of Elk Mound within a one (1) hour period of time. A pup born to a female wolf/dog hybrid so registered shall be removed from the Village of Elk Mound before it has reached the age of five (5) months. Wolf/dog hybrids permitted in the Village of Elk Mound shall be confined as set forth in this Section.
- (c) **Removal; Impoundment.** Whenever any person is charged with harboring, keeping or maintaining a wolf/dog hybrid in the Village of Elk Mound which has not been registered on or before January 30, 2022, that person shall, to the satisfaction of the court, remove said animal from the Village of Elk Mound until a trial on the citation. If said animal has

not been so removed within forty-eight (48) hours of the service of the citation, the said animal may be impounded as directed by Village authorities until the trial on the citation. In that case, the owner of any such animal shall pay all expenses incurred due to such impoundment, including but not limited to the cost of shelter, food, handling and veterinary care. If it is determined by plea or trial that said animal is a wolf/dog hybrid not registered pursuant to Subsection (k) on or before January 30, 2022, it shall be removed from and not returned to the Village of Elk Mound.

- (d) **Confinement Requirements.** The owner of any wolf/dog hybrid permitted to be kept in the Village of Elk Mound, and the owner of any property on which such wolf/dog hybrid is kept, shall see that the animal is at all times confined according to the minimum requirements of this Section. A wolf/dog hybrid may be kept only in enclosures that meet the following minimum requirements:
- (1) The first enclosure shall be constructed of not less than nine- (9-) gauge galvanized chain link fencing, with mesh openings not greater than two (2) inches, which shall be securely anchored by stainless steel or copper rings, placed at intervals not greater than six (6) inches apart, to a poured concrete base as described herein. Such enclosure shall be not less than five hundred (500) square feet in area, plus two hundred fifty (250) square feet for each additional canine animal kept therein. Such enclosure shall be the location in which any wolf/dog hybrid is primarily kept.
  - (2) The first enclosure shall extend to a height of not less than eight (8) feet, and shall be surrounded from ground level to a height of not less than four (4) feet by one-quarter (1/4) inch galvanized mesh screening.
  - (3) The first enclosure shall have a full top, which shall also be constructed of not less than nine- (9-) gauge chain link fencing with mesh openings not greater than two (2) inches, and which shall be securely anchored to the sides of the enclosure. The entire base of the first enclosure shall be a poured concrete slab floor at least four (4) inches thick.
  - (4) The second enclosure shall consist of a securely anchored fence at least six (6) feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than six (6) feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than six (6) feet from any part of the first enclosure. Said fence shall be a "vision barrier" fence, no more than five percent (5%) open for through vision, except, however, that the portion of said fence facing the dwelling of the owner of said animals or of the property on which they are kept shall be constructed of not less than nine- (9-) gauge chain link fencing, to provide for observation of said animals. If any portion of said fence is made of wood, the finished or painted side thereof shall face outward from the first enclosure.
  - (5) Both enclosures shall be kept locked with case hardened locks at all times when an animal is unattended by an adult. The first (innermost) enclosure shall have double entrance gates or doors situated and constructed in such a fashion as to prevent an

animal from escaping past an open gate or door. The gates or doors providing access to the first (innermost) enclosure shall be spring-loaded, so as to shut on their own accord behind anyone entering that enclosure.

- (6) Within the first enclosure, shelter shall be provided adequate to protect the animals confined against weather extremes. The first enclosure shall be regularly cleaned to remove excreta and other waste materials, dirt and trash, in a manner adequate to minimize health hazards and avoid offensive odors.
- (7) The above described enclosures shall be located in the rear yard of any property on which a wolf/dog hybrid is kept, as defined in the Village Zoning Code (Title 13).
- (e) **Transportation and Muzzling of Animals.** A wolf/dog hybrid may be transported only if confined in a secure, locked container, covered with one-fourth (1/4) inch galvanized fine mesh screen. This paragraph shall not prohibit the walking of such animals, provided they are muzzled and restrained by a leather lead, at least one (1) inch in diameter and not exceeding three (3) feet in length, attached to a metal choker-type collar, under the control of an adult. The muzzle must be made in a manner that will not cause injury to the wolf/dog hybrid or unduly interfere with its vision or respiration, but will prevent it from biting any person or animal.
- (f) **Right of Inspection.** To insure compliance with this Section, any person possessing any registration papers, certificate, advertisement or other written evidence relating to the bloodlines or ownership of a canine animal found within the Village of Elk Mound shall produce the same for inspection on demand of any law enforcement, conservation, animal control or public health officer or court.
- (g) **Limitation on Numbers.** No person shall own, harbor or keep in his/her possession on any one parcel of property more than two (2) wolf/dog hybrids over five (5) months of age at any one time, nor shall any person retain a litter or portion of a litter of wolf/dog hybrids longer than five (5) months.
- (h) **Veterinary Exception.** The foregoing provisions of this Section shall not apply to doctors of veterinary medicine in temporary possession of wolf/dog hybrids in the ordinary course of their practice.
- (i) **Abandonment or Negligent Release.** No person shall willfully or negligently release or abandon a wolf/dog hybrid as defined herein within the Village of Elk Mound.
- (j) **Nonconforming Enclosures.** As to any person keeping wolf/dog hybrids in existing enclosures in the Village of Elk Mound on the date of original passage of this Section, Subsection (d) shall take effect on January 30, 2022; for all other persons, said Subsection shall take effect and be in force from and after passage and publication as provided by law. The remaining provisions of this Section shall take effect and be in force from and after passage and publication as provided by law.
- (k) **Wolf/Dog Hybrid Registration; Insurance Requirement.** All owners of any wolf/dog hybrid in the Village of Elk Mound shall, on or before January 30, 2022, and annually thereafter on or before January 30th of each year, register such animal and provide a current color photograph of such animal with the Village Clerk-Treasurer's office and pay a registration fee as prescribed in Section 1-3-1. At the time of registration, each owner

of any wolf/dog hybrid kept within the Village limits shall provide to the Village Clerk-Treasurer proof of liability insurance in the amount of at least One Million Dollars (\$1,000,000.00) for any acts of property damage, personal injury or other liability incurred by virtue of any injury or damage inflicted by such wolf/dog hybrid. Such insurance shall name the Village of Elk Mound as a named co-insured solely for the purpose of notice of cancellation of such insurance policy.

- (1) **Warning Sign.** The owner or keeper of a wolf/dog hybrid shall display on the premises on which such animal is kept signs warning that there is a wolf/dog hybrid on the property as provided herein. Such signs shall be visible and capable of being read within at least twenty (20) feet of their placement, but shall not be more than two (2) square feet in area, and shall state in bold, capital letters, on a white background, the following: "WARNING — WOLF/DOG HYBRIDS PRESENT". One such sign shall be placed in the front yard of any property on which any wolf/dog hybrid is kept, and additional such signs shall be placed on all gates or doors providing access through the second (outermost) enclosure required above.

### **Sec. 7-1-11 Keeping Of Exotic Animals; Protected Animals, Fowl, Reptiles and Insects.**

(a) **Intent.**

(1) **Purpose.** It is the purpose and intent of the Village of Elk Mound in adopting this Section to protect the public safety, health and general welfare from the safety and health risks that the unregulated keeping or harboring of exotic animals can pose to the community and to protect the health and welfare of permitted exotic animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous, and, typically, do not adjust well to a captive environment. This Section shall be liberally construed in favor of the Village's right and authority to protect the public health, safety and welfare.

(2) **Prohibition.** It shall be unlawful for any person to own, possess, maintain, harbor, bring into the Village of Elk Mound, have in one's possession, act as a custodian for, or have custody or control on an exotic animal, except in compliance with this Section.

(b) **Definitions.** The following definitions and terms shall be applicable in this Section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive; the word "may" is nonmandatory and discretionary:

(1) **Animal.** For purposes of this Section, shall mean exotic animals.

(2) **Animal Control Officer.** Law enforcement officers serving the Village of Elk Mound, the Zoning Administrator, animal control officers, humane society employees, or any other person designated by the Village of Elk Mound to enforce or assist in the enforcement of this Section.

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- (3) **Animal Shelter.** Any premises designated or used by the Village for the purpose of impounding and caring for animals found in violation of this Section, or of any other Village ordinance regulating the keeping of and care of animals. Included within this definition are animal shelters whose services are secured by the Village through contract or intergovernmental agreement.
- (4) **At Large.** An animal is at large when:
  - a. It is off the property of the owner and not properly confined or restrained in a manner such that the risk of uncontrolled or accidental contact by the animal with humans or domesticated animals has been minimized; or
  - b. It is on the property of the owner, but is improperly restrained or confined so as to pose a risk of leaving the property and having uncontrolled or accidental contact by with humans or domesticated animals off of the owner's property; or
  - c. It is so improperly, inadequately or negligently restrained or confined on the owner's property so to pose a risk of potentially dangerous contact with humans or domesticated animals which come on to the owner's property.
- (5) **Enclosure or Enclosure Area.** The indoor and/or outdoor area in which an animal is kept confined or restrained, including any structure(s) in which it is kept, confined or restrained.
- (6) **Exotic Animal (including USDA Dangerous Animals).** Any animal, fowl, insect, or reptile that is not normally domesticated in Wisconsin or is inherently wild by nature. Exotic animals include, but are not limited to, any or all of the following orders, families and/or species, whether bred in the wild or in captivity, and also hybrids with domestic species. The animals, fowl, insects, and reptiles listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list nor to limit the generality of each group of animals, fowl, reptiles or insects:
  - a. Non-human primates and prosimians\*, including chimpanzees (*Pan*); monkeys (*Cercopithecidae*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*); and baboons (*Papoi*, *Mandrillus*).
  - b. *Canidae*\*, excluding non-hybrid domesticated dogs, including wolves (*Canis lupus*); coyotes (*Canis latrans*); and all foxes and jackals.
  - c. *Felidae*\*, excluding domesticated cats, including cheetahs (*Acinonyx jubatus*); jaguars (*Panthera onca*); leopards (*Panthera pardus*); lions (*Panthera leo*); lynxes (*Lynx*); pumas (*Felis concolor*) which are also known as cougars, mountain lions or panthers; snow leopards (*Panthera uncia*); tigers (*Panthera tigris*); and ocelots.
  - d. *Ursidae*\*, including all bears.
  - e. Crocodylians (*Crocodylia*) thirty (30) inches in length or more, including alligators, caimans, and crocodiles.
  - f. *Proboscidea*\*, including elephants (*Elephas* and *Loxodonta*).
  - g. *Hyaenidea*\*, including all hyenas.
  - h. *Artiodactyla*\*, including hippopotami (*Hippopotamidae*) and giraffes (excluding camels, cattle, swine, sheep and goats).



- i. Procyonidae, including coatis (raccoons excluded).
  - j. Marsupialia, including kangaroos (opossums excluded).
  - k. Perissodactyla\*, including rhinoceroses (*Rhinocero tidae*) and tapirs, excluding horses, donkeys and mules.
  - l. Edentata, including anteaters, sloths and armadillios.
  - m. Viverridae, including mongooses, civets and genets.
  - n. Game cocks and other fighting birds.
  - o. Varanidae, including only water monitors and crocodile monitors.
  - p. Any other type of dangerous or carnivorous wild animal, fowl, or reptile.
  - \* *Species listed on the United States Department of Agriculture's dangerous species list.*
- (7) **Humane Society.** The County Humane Society or similar organization.
- (8) **Own/Owner/Owning.** Any person, corporation, partnership, limited liability corporation, organization, association, joint venture, trust, or other legal entity who possesses, harbors, keeps, controls, boards, or has in his/her custody an exotic animal in the Village of Elk Mound, and any officer, member, shareholder, director, employee, agent or representative thereof. Any animal is being harbored if it is being fed and/or sheltered by such party.
- (9) **Section.** The same meaning as "this Ordinance."
- (10) **Solid Surface.** A surface constructed of cement, concrete, metal, asphalt, fiberglass or similar such hard, impervious surface.
- (11) **Village Board.** The Village Board of the Village of Elk Mound, and authorized committees and subunits thereof, including Village officials, employees or agents.
- (c) **Protected Animals; Compliance with Federal Regulations.**
- (1) **Federal Code Requirements.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Department of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 134, 91st Congress).
- (2) **Regulation of the Importation of Birds.** No person, firm or corporation shall import or cause to be imported into the Village of Elk Mound any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This Subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by American Indian Nations for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (3) **Possession and/or Sale of Protected Animals.** It shall be unlawful for any person to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village of Elk Mound any of the following animals, alive or dead, or any part or product thereof:

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- a. All wild cats of the family Felidae.
  - b. Polar bear (*Thalarctos maritimus*).
  - c. Red wolf (*Canis niger*).
  - d. Vicuna (*Vicugna vicugna*).
  - e. Alligator, caiman or crocodile of the order of Crocodilia.
  - f. Gray or timber wolf (*Canis lupus*).
  - g. Sea otter (*Enhydra lutris*).
  - h. Pacific ridley turtle (*Lepidochelyns olvacea*), Atlantic green turtle (*Chelonia myda*), or Mexican ridley turtle (*Lepidochelys kemp*).
- (4) **Exceptions.** The provisions of this Subsection shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, or by a person holding a Scientific Collectors Permit issued by the Wisconsin Department of Natural Resources, or to any person or organization licensed to present a circus.
- (d) **Exotic Animal Permit Requirement - Application for Permit.**
- (1) **Sale, Importation, Transfer, Purchase and/or Gifting of an Exotic Animal.** It shall be unlawful for any person to:
- a. Import, transfer, sell, own, or purchase an exotic animal in the Village of Elk Mound without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
  - b. Sell, transfer, deliver, or give an exotic animal to any other person in the Village of Elk Mound without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
- (2) **Keeping, Harboring, Maintaining or Controlling an Exotic Animal; Zoning.**
- a. It shall be unlawful for any person in the Village of Elk Mound to keep, maintain, or have in his/her possession or under his/her control any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, or any other animal or reptile of wild vicious, or dangerous propensities. Specifically, it shall be unlawful to keep, maintain, harbor or have in his/her possession an exotic animal as defined in Subsection (b)(6) above. An exception is that it may be authorized to own, keep, maintain, harbor, board, or control an exotic animal upon obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
  - b. An exotic animal may only be kept, harbored or maintained in the Village on a parcel in a Conservancy or Agricultural Zoning classification.
- (3) **Exceptions to Exotic Animal Permit Requirement.** The exotic animal permit requirements of this Section shall not apply to:
- a. Institutions accredited by the American Zoo and Aquarium Association (AZA).
  - b. State licensed humane societies.
  - c. Animal control or law enforcement officers acting in an official capacity.

- d. State licensed veterinary hospitals or clinics.
  - e. Persons holding a Scientific Collectors Permit issued by the Wisconsin Department of Natural Resources.
  - f. Any person, company or organization presenting a transient or itinerant circus or carnival operating within the Village of Elk Mound ten (10) days or less per year and holding all other required Village, county and state permits and/or licenses.
  - g. Wildlife rehabilitators licensed by the Wisconsin Department of Natural Resources who temporarily keep, nurture, rehabilitate, and care for exotic animals which are injured or in need of rehabilitation, with the primary purpose of returning such animals to the wild. No animal may be kept under this exception for a period of more than ninety (90) days. No animal may be kept under this exception that poses a danger to the community or domestic animals.
  - h. State licensed or accredited research or medical institution.
  - i. Any person temporarily transporting an exotic animal through the Village if the transit time is not more than twenty-four (24) hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.
- (4) **Application; Required Application Information.** An applicant for an exotic animal permit shall file an application with the Village Clerk-Treasurer containing the following information:
- a. **Basic Application Information.** The applicant shall file the following information at the time of application filing:
    1. The name, address, and telephone number of the applicant.
    2. A description of each exotic animal the applicant possesses, or seeks to possess, including the scientific name, common name, sex, age, color, weight and any distinguishing marks or coloration that would aid in the identification of the animal.
    3. A photograph of each exotic animal.
    4. A description of the exact location and confinement facilities where the exotic animal will be kept.
    5. The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.
    6. The name and address of the veterinarian providing veterinary care to the exotic animal and a certificate of good health for the exotic animal from that veterinarian.
    7. A plan for the prompt and safe recapture of the exotic animal if the exotic animal escapes. Each applicant/permittee shall have a plan for the quick and safe recapture of the exotic animal if the animal escapes, and, if recapture is impossible, then a plan for the destruction of the exotic animal.
    8. In the case of exotic animals included on the United States Department of Agriculture's dangerous animal list, proof of having obtained a minimum of

one year's, paid in full liability insurance in an amount not less than Two Million Dollars (\$2,000,000) for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. [Failure to at all times keep such liability insurance in full force and effect during the life of the permit shall immediately terminate the validity of such permit; it is the responsibility of the permittee to immediately notify the Village Clerk-Treasurer, in writing, of any changes in his/her insurance status, validity or carrier]. The Village of Elk Mound shall be listed as a named co-insured solely for the purpose of notice of cancellation of such insurance policy.

9. Copies of all United States Department of Agriculture, United States Department of Interior, Wisconsin Department of Natural Resources, and any other state or federal permits/licenses issued to the applicant approving or governing the applicant's possession of the species for which a Village exotic animal permit is being sought.
  10. Exotic animal permit application fee in the amount per animal as prescribed in Sec. 1-3-1.
  11. Any other information required by Village of Elk Mound authorities to properly consider the application.
- b. ***Certified Information.*** The applicant shall certify in writing that:
1. The applicant is eighteen (18) years of age or older.
  2. The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of animals or has not within the last ten (10) years been convicted for possession, sale or use of illegal narcotics or controlled substances.
  3. The facility and the conditions in which the exotic animal will be kept are in compliance with this Section and all other applicable state and local regulations.
  4. The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.
  5. Proof that a licensed veterinarian has spayed or neutered the exotic animal.
- (e) **Review of Exotic Animal Permit Application; Issuance; Conditions of Permit Issuance; Renewals.**
- (1) ***Consideration of Application.*** Upon receipt of the application, application fee and all of the information required by Subsection (d)(4) above, the Village Clerk-Treasurer shall schedule consideration of the application before the Village Board, duly noticing the consideration of the application on the notice/agenda for such meeting in compliance with the Wisconsin Open Meeting Law. All neighboring property owners and residents located within three hundred (300) feet of the applicant's property shall receive written notice of the meeting at which the application is to be considered by the Village Board a minimum of seven (7) days prior to the meeting date.

- (2) **Village Board Action.** Upon consideration of the application, the Village Board may issue an exotic animal permit if the Village Board is satisfied that:
- a. All of the application and insurance requirements required by Subsections (d)(4) and (e)(4) have been fully satisfied;
  - b. The applicant has provided credentials, satisfactory to the Village Board, establishing that the applicant/owner is properly trained to handle, care for, restrain, and recapture the type of animal for which the permit application is being made;
  - c. The applicant has provided either application information or oral testimony at the application review meeting demonstrating ownership of, and training and proficiency with, tranquilizing and restraint equipment that is species-appropriate, to the satisfaction of the Village Board, and shall demonstrate adequate training and certification in first aid and CPR;
  - d. The exotic animal and the manner in which it will be kept will be fully in compliance with the requirements of this Section and that the animal will be kept in such manner so as not pose a threat to public safety and health;
  - e. The applicant has demonstrated that the animal will be kept in a humane manner consistent with this Section and all other applicable federal and state standards; and
  - f. The site is properly zoned for such use.
- (3) **Validity.**
- a. A copy of the exotic animal permit shall be displayed, in plain view, on or reasonably near the animal's confinement area.
  - b. An exotic animal permit is not transferable without re-application under this Section.
  - c. Permits for each exotic animal shall be valid for one (1) year. The permit year shall commence on January 1 or as soon thereafter as officially issued and expire on December 31 of that year.
  - d. In addition to the application fee under Subsection (d)(4), the fee for an annual exotic animal permit, or renewal thereof, shall be as prescribed in Section 1-3-1 for each exotic animal.
- (4) **Permit Renewal; Issuance Criteria.**
- a. Exotic animal permit renewal applications shall be submitted to the Village Clerk-Treasurer on or before November 15 of the permit year.
  - b. Along with each permit renewal application, the applicant shall submit the required renewal fee, a current certificate of good health for the animal(s), update in full all information required for the original permit, and provide proof of the required continued paid-up liability insurance [such proof of insurance shall be no more than thirty (30) days old.]
  - c. The Village Board shall consider renewals in the same manner as with the issuance of original permits.

- d. The Village Board shall not issue or renew a permit if it determines that:
  1. The applicant has been convicted of cruelty to animals within the previous ten (10) years;
  2. The applicant has failed to provide, withheld or falsified any required permit application or renewal information; or
  3. The applicant is, or has been, unable to comply with the requirements necessary to obtain a permit or has failed to comply with the provisions of this Section at any time during the permit year.
- (5) **Permit Revocation.** The Village Board may revoke a permit for violation of this Section after giving written notice of the reasons for revocation to the permit holder. The Village Board shall give the permittee notice, by certified mail with receipt requested, of intent to consider revocation of the exotic animal permit. The Village shall give the permittee an opportunity to respond to the notice and address the issues identified at an open, noticed Village Board meeting, after which the Village Board shall make its determination, with the reasons therefor included in the record of the Board's meeting.
- (6) **Permit Transfer.** If an owner can no longer properly care for his/her exotic animal, that person may only transfer his/her exotic animal to another person who has been issued a valid exotic animal permit by the Village Board. An owner/permittee shall notify the Village Clerk-Treasurer of any changes central to the validity of the permit, including the death of the exotic animal.
- (f) **Confinement Standards for Exotic Animals.**
  - (1) **Prohibited Confinement.** An exotic animal shall not be tethered, leashed, chained outdoors, or allowed to run at large.
  - (2) **Confinement Standards.**
    - a. All exotic animals governed by this Section shall be confined in a building or secure enclosure that has a floor, a secure roof and sides, constructed and maintained so as to securely confine the animal and provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of animal debilitation, stress, abnormal behavior patterns, or the professional opinion of a veterinarian, a qualified animal trainer, or experts from the United States Department of Agriculture (USDA), United States Department of Interior, or Wisconsin Department of Natural Resources.
    - b. For each exotic animal, the permittee shall comply with the AZA's "Minimum Guidelines" for animal care and maintenance or the USDA's standards for the humane handling, care and treatment of exotic animals [9 CFR Subchapter A (Animal Welfare, Part 3)], whichever is more restrictive. These standards shall provide the basis against which to assess the sufficiency of space or facility for animals for which a permit is sought or held.
    - c. The Village of Elk Mound recognizes that exotic animals typically require extra care in the provision of confinement and care due to the climate and conditions of their original place of origin.

- (3) **Minimum Outdoor Area Standards.** The outdoor area of an exotic animal's enclosure shall, at a minimum:
- a. Have two (2) sets of wire enclosures with a minimum of four (4) inches separation between them;
  - b. Have the sides of the wire enclosure extend downward and be buried a minimum of twelve (12) inches below ground;
  - c. Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds damage the roof over the enclosure;
  - d. Have a floor with a minimum six (6) inch perimeter of breaker rock-grade aggregate around the borders of the enclosed area and a minimum five (5) inch uniform depth of Class Five gravel for the floor, or a floor with a minimum four (4) inch uniform depth of concrete or asphalt over the remainder of the enclosure floor;
  - e. Be provided with shelter that allows the exotic animal, if kept outdoors, to remain dry and warm during snow/sleet/rain;
  - f. In the alternative, present to and secure approval from the Village Board for an alternative outdoor confinement system that substantially complies with the safeguards of this Section.
  - g. In addition to the structural requirements of the exotic animal's outdoor enclosure, the permittee shall:
    1. Ensure that the outdoor area is maintained in a safe and healthful manner;
    2. Keep the outdoor area free of standing water, accumulated waste, and debris;
    3. Ensure that sufficient shade, by natural or artificial means, is available when the animal is outdoors; and
    4. Maintain the structural soundness of the outdoor structure in good repair to protect the exotic animals from injury and to prevent escape.
- (4) **Minimum Indoor Area Standards.** The indoor area of an exotic animal's enclosure shall:
- a. Be an insulated, moisture-proof and windproof structure of adequate area to accommodate the need of the animal for adequate freedom of movement;
  - b. Contain a solid floor of no less than four (4) inches thick to prevent the animal from escaping;
  - c. Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds blow off the roof over the enclosure;
  - d. Locate the entrance to the building in which the animal is housed facing away from prevailing winds; and
  - e. Have a self-closing door over the human and animal entryway during the winter months to protect the animal from cold temperatures.

- f. In addition to the structural requirements of the animal's indoor enclosure area, the owner of an animal shall:
  - 1. Ensure that the indoor enclosure area remains at an ambient temperature that will maintain the good health of the exotic animal;
  - 2. Provide proper ventilation of the indoor structure by natural or mechanical means to provide fresh air for the animal and to prevent moisture condensation;
  - 3. Ensure that the animal has natural or artificial lighting and adequate heat and ventilation to properly provide for the health of the animal at all times;
  - 4. Ensure that the animal has proper bedding in sufficient quantity for insulation against the cold and dampness and that is changed regularly; and
  - 5. Maintain the indoor enclosure area in good repair to protect the animal from injury and to prevent escape.
- (g) **Notification Signs.** All owners/permittees of an exotic animal(s) shall have continuously posted and displayed at each normal entrance onto the premises where an exotic animal is kept a conspicuous sign, clearly visible, and easily readable by the public, warning that there is an exotic animal on the premises. At least one such sign shall be located within twenty (20) feet of the animal's confinement area using the words "BEWARE OF \_\_\_\_\_", with the last word to indicate the type of exotic animal that is being confined. In addition, the permittee shall conspicuously display a sign with a warning symbol that adequately informs children of the presence of an exotic animal.
- (h) **Escape and Liability for Escape.**
  - (1) **Notification of Escape.**
    - a. An owner/permittee shall immediately notify the Village Clerk-Treasurer, local Humane Society, the Village's animal control officer, and law enforcement authorities serving the Village, including but not limited to, the County Sheriff's Department, of the escape of any exotic animal for which a permit is required
    - b. No person may intentionally release an exotic animal. If an exotic animal is released by any party, authorized or unauthorized, the owner/permittee is liable for all expenses associated with efforts to recapture the animal, and may, in addition, be subject to a forfeiture.
  - (2) **Liability.**
    - a. The owner/permittee shall be liable for all costs incurred by any public authority or their agents and resulting from the escape of any animal for which a permit is required, including boarding, placement, veterinarian and legal fees.
    - b. Neither the Village of Elk Mound or any agent of the Village shall be liable for the loss, death, injury or destruction of any animal for which a permit is required, nor shall the Village be liable for any injury or damage caused by any animal for which a permit is required and issued under this Section.
- (i) **Inspection.** The owner/permittee of an exotic animal, at all reasonable times, shall allow designated inspectors of the Village, humane officers and law enforcement authorities to enter the premises where the animal is kept to ensure compliance with this Section as a



condition of permit issuance. Such Village representatives may conduct a minimum of three (3) periodic, unannounced inspections of the outdoor and indoor enclosure areas per twelve (12) month period for USDA-designated dangerous exotic animals, and a minimum of one (1) such unannounced inspection per twelve (12) month period for non-dangerous exotic animals, to ensure that said areas are being maintained in the manner required by this Section.

(j) **Restraint and Impoundment.**

(1) ***Animals At Large May Be Impounded.***

- a. All exotic animals shall be kept confined or under proper restraint by their owners as provided herein and shall not be permitted to run at large. Unrestrained exotic animals and animals running at large may be taken into custody in accordance with Chapter 173, Wis. Stats., and impounded at any facility deemed appropriate for the protection of the public and with facilities and equipment that permit the facility to adequately care for the animal. Such animals shall be considered to be abandoned.
- b. Animal control officers, designees of the Village of Elk Mound, humane officers or law enforcement officers, upon receipt of information indicating probable cause of a violation of this Section, may in his/her discretion, and after investigation, seize and impound an animal in emergency situations or where previous written notice has failed to produce compliance and when otherwise authorized by law.

(2) ***Failure to Reclaim; Costs.***

- a. If an owner fails to reclaim an exotic animal within seven (7) days of taking the animal into custody, the Village shall consider the animal to be unclaimed, as authorized by Section 173.23(1m), Wis. Stats., and shall take such steps as authorized by law. The Village may contact the American Zoo and Aquarium Association for further assistance.
- b. The animal's owner is liable for the costs of capture, care and placement for the exotic animal from the time of confiscation until the time of return to the owner, until the animal is disposed of, or until the time the animal has been relocated to an approved facility, such as a proper wildlife sanctuary.
- c. If an exotic animal is confiscated due to the animal being kept in contravention of this Section, the animal's owner is required to post a security bond or cash deposit with the Village and/or animal control authority in an amount sufficient to guarantee payment of all reasonable costs expected to be incurred in caring and providing for the animal, including, but not limited to, the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The posting of the bond or cash deposit shall not prevent the Village of Elk Mound or animal control authority from disposing of the animal as permitted by law at the end of the thirty (30) days.
- d. An exotic animal may be returned to its owner only if, to the satisfaction of the Village Board, the possessor has a valid Village exotic animal permit, has corrected the conditions resulting in the confiscation, and has paid in full the cost

of placement and care of the animal while under the care and control of the Village or humane society.

- e. If the owner of a confiscated exotic animal cannot be located or if a confiscated animal remains unclaimed, the Village or humane society may, at its discretion, contact an approved facility, such as an institution accredited by the American Zoo and Aquarium Association (AZA), allow the animal to be adopted by a party who can satisfy the permit requirements of this Section, or may euthanize the animal as permitted by law.
- f. If an escaped exotic animal cannot be recaptured safely and is posing a threat to public health and safety, authorities may euthanize the animal as permitted by law.

(k) **Animal Care.**

- (1) **Food and Water.** No owner shall fail to provide an exotic animal in his/her care with sufficient food, potable water, or shelter when needed.
- (2) **Humane Treatment.** No person shall ill-treat, beat, torment or otherwise abuse an exotic animal.

(l) **Incidents Causing Injury.**

- (1) **Notification.** All incidents in the Village of Elk Mound in which an exotic animal injures or is suspected of injuring any person or domesticated animal shall be reported by the permittee to the Village Clerk-Treasurer and law enforcement authorities within two (2) hours of the incident.
- (2) **Liability.** The owner of an exotic animal shall be responsible for all expenses incurred as a result of an injury inflicted or suffered by an exotic animal, whether expenses are incurred by the family of the victim, the victim, the Village or on behalf of the animal involved.

(m) **Sanitation.**

- (1) **Fecal Matter; Odor.** Any person who owns, harbors, keeps, or controls an exotic animal shall be responsible for keeping his/her property properly clean of fecal matter and to keep obnoxious odors under control.
- (2) **Waste Disposal.** Disposal of all animal waste shall be in a manner that is consistent with normal agricultural practices and adequately protects human and animal health.

(n) **Limitation on Exotic Animal Numbers.** No person shall own, harbor or keep in his/her possession on any one parcel of property more than two (2) exotic animals over five (5) months of age at any one time, nor shall any person retain a litter/offspring, or portion thereof, of exotic animals longer than five (5) months following birth.

(o) **Compliance; Enforcement**

(1) **Transition Period.**

- a. As a measure deemed necessary by the Village Board to protect the public safety, health and welfare, this Section shall apply to owners of exotic animals in the Village of Elk Mound and who possess, harbor, board or keep an exotic animal(s) on the effective date of this Section.

- b. All such existing exotic animal owners shall file with the Village Clerk-Treasurer the location, species, gender and age of each such exotic animal within thirty (30) days of the effective date of this Section.
  - c. All such existing exotic animal owners shall comply with this Section, including applying for an exotic animal permit, within ninety (90) days of the effective date of this Section.
  - d. An exotic animal permit may be issued by the Village Board under the standards and procedures of this Section. Failure to apply for, and be granted, an exotic animal permit shall result in the animal being removed from its owner by the Village of Elk Mound, or its designees, within six (6) months of the effective date of this Section.
- (2) **Enforcement.** The Village Board, with the assistance of the humane society, animal control officers, and other law enforcement authorities, and such veterinarian assistance as may be needed shall be primarily responsible for the enforcement of this Section. The Village Board may appoint additional persons as may be necessary to assist with the enforcement of this Section.
- (p) **Penalties.** The following penalties shall apply to all violatons of this Section:
- (1) **Forfeiture.** Any person who fails to comply with the provisions of this Section shall, upon adjudication of the violation, be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) per violation, plus the costs of prosecution and any assessments and expenses related to enforcement authorized elsewhere in this Section. Each day of violation shall constitute a separate offense. This penalty is in addition to any other remedies for non-compliance set forth elsewhere in this Section.
  - (2) **Interference With Enforcement.** It is unlawful for a permittee/owner or any other person harboring, keeping, boarding or maintaining an exotic animal to fail to comply with the provisions of this Section, and/or for any person on the permittee's premises to interfere with the enforcement or administration of this Section.

## **Sec. 7-1-12 Animal Feces.**

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, potbellied pig , or other animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. The owner or person in charge of such animal shall, while on any street, alley or other public or private property of another with such animal, have within their possession the necessary equipment to immediately remove such fecal matter from the street, alley or other public or private property. This regulation is also applicable to farm animal waste transported through the Village. This Section shall not apply to a person who is visually or physically handicapped.

**7-1-12**

(b) **Accumulation of Fecal Matter Prohibited on Private Yards.**

- (1) **Owner's Property.** The owner or person in charge of the dog, cat or other animal must also prevent accumulation of animal waste on his/her own property by regularly inspecting and properly disposing of the fecal matter.
- (2) **Rental Property.** Any owner of property rented to others must insure tenants do not permit the accumulation of animal waste on the rental property by tenants regularly and shall inspect and properly dispose of fecal matter.

**Sec. 7-1-13 Injury to Property by Animals.**

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

**Sec. 7-1-14 Barking Dogs or Crying Cats.**

It shall be unlawful for any person knowingly to keep or harbor any dog which barks, howls or yelps, or any cat which cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

**Sec. 7-1-15 Sale of Rabbits, Chicks or Artificially Colored Animals.**

- (a) **Artificially Colored Animals or Fowl.** No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) **Sale Numbers; Brooder Chicks Exception.**
  - (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
  - (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

*State Law Reference:* Sec. 951.11, Wis. Stats.