

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. 7-1-12 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, 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, the Village Building Inspector, 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.

(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 armadillos.
 - 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 Humane Society of Dunn County, Inc.
 - (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, 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.** The Village of Elk Mound.
 - (12) **Village Board.** The Village Board of the Village of Elk Mound, and authorized committees and subunits thereof.
- (c) **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 135, 91st Congress).
 - (2) **Regulation of the Importation of Birds.** No person, firm or corporation shall import or cause to be imported into this Village 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.
- (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 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 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 to own, keep, maintain, harbor, board, or control an exotic animal without first 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 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 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 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 of 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 prescribed in Section 1-3-1.
 11. Any other information required by Village 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 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 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 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 Clerk-Treasurer/ Village office, local Humane Society, the Village's animal control officer, law enforcement authorities and 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.

7-1-12

- (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 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. Village representatives shall 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 Board, 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 Board 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 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 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 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 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, 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 violations 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. 7-1-13 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 deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
- (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 ensure that tenants do not permit the accumulation of animal waste on the rental property and that Elk Mound tenants regularly inspect and properly dispose of fecal matter.

Sec. 7-1-14 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. 7-1-15 Barking Dogs or Crying Cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually 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. The owner of a dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with Village law enforcement or animal control officers, or in the alternative, with the Village Clerk-Treasurer, within a four (4) week period.

Sec. 7-1-16 Snakes; Farm Animals.

- (a) **Snakes.**
- (1) For purposes of this Subsection, "poisonous" shall mean having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.

7-1-16

- (2) No person shall keep or possess any snake in the Village which is poisonous or in excess of ten (10) feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the Village Clerk-Treasurer in writing of the location and type of snake being kept and the purpose for such possession.
- (b) **Farm Animals; Miniature Pigs.** Except as provided in Section 7-1-25 regarding miniature pigs and on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl [more than two (2)] or rabbits [more than four (4)]. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than eighty (80) pounds which are intended for and kept as domestic pets.

Sec. 7-1-17 Sale of Rabbits, Chicks or Artificially Colored Animals.

- (a) 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) (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.

Sec. 7-1-18 Providing Proper Care, Food and Drink to Animals.

- (a) **Care of Dogs and Domesticated Animals.** All dogs and domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner or keeper. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death.
- (b) **Food and Water.**
 - (1) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.