

TOWN OF DUNN

ORDINANCE #2006-04

REGULATING THE KEEPING OF EXOTIC ANIMALS, PROTECTED ANIMALS, FOWL, REPTILES & INSECTS

The Town Board of the Town of Dunn, Dunn Co., Wisconsin, do ordain as follows:

SECTION I. ORDINANCE CREATED

A. Intent.

1) **Purpose.** It is the purpose and intent of the Town of Dunn 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 Town'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 Town, have in one's possession, act as a custodian for, or have custody or control of 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 non-mandatory and discretionary.

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

2) **Animal Control Officer.** The town constable, law enforcement officers, building inspector, town chairperson, animal control officers, humane society employees, or any other person designated by the Town of Dunn to enforce or assist in the enforcement of this Section.

3) **Animal Shelter.** Any premises designated or used by the Town for the purpose of impounding and caring for animals found in violation of this Section, or of any other Town ordinance regulating the keeping of and care of animals. Included within this definition are animal shelters whose services are secured by the Town 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 siamans (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 (Rhinocerotidae) 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 U.S. Dept. of Agriculture's dangerous species list.*

7) **Humane Society.** The Humane Society of Dunn County.

8) **Own/Owner/Owing.** 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 Town, 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) **Town.** The town of Dunn, Dunn Co.

12) **Town Board.** The Town Board of the Town of Dunn, Dunn Co., and authorized committees and sub-units 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 sub-species of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the U.S. 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 Town any part of the plumage, skin or dead body of any species of hawk,

owl or eagle. This sub-section 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 Town without first obtaining a permit from the Town 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 Town without first obtaining a permit from the Town Board as prescribed by this Section, unless exempt from such permit requirement.

2) **Keeping, Harboring, Maintaining or Controlling an Exotic Animal.** It shall be unlawful for any person in the Town to own, keep, maintain, harbor, board, or control an exotic animal without first obtaining a permit from the Town Board as prescribed by this Section, unless exempt from such permit requirement.

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 Town ten (10) days or less per year and holding all other required Town, 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 Town if the transit time is not more than twenty-four (24) hours and the animals 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 Town Clerk 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 U.S. 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 Town Clerk, in writing, of any changes in his/her insurance status, validity or carrier.] The Town of Dunn shall be listed as a co-insured solely for the purpose of notice of cancellation of such insurance policy.

9. Copies of all U.S. Department of Agriculture, U.S. 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 Town exotic animal permit is being sought.

10. Exotic animal permit application fee in the amount of fifty dollars (\$50.00) per animal.

11. Any other information required by Town authorities to properly consider the application.

b) **Certified Information.** The applicant shall certify in writing that:

1. The applicant is eighteen (18) year of age or older.

2. The applicant has not been convicted of or found rresponsible 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, if the animal is listed in the U.S. Department of Agriculture dangerous animal list.

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 Town Clerk shall schedule consideration of the application before the Town 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 Town Board a minimum of seven (7) days prior to the meeting date.

2) **Town Board Action.** Upon consideration of the application, the Town Board may issue an exotic animal permit if the Board is satisfied that:

a) All of the application and insurance requirements required by Subsection D.4) and E.4) have been fully satisfied;

b) The applicant has provided credentials, satisfactory to the Town 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 Town 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 property 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 thirty-five dollars (\$35.00) for each exotic animal.

4) **Permit Renewal – Issuance Criteria.**

a) Exotic animal permit renewal applications shall be submitted to the Town Clerk 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 Town Board shall consider renewals in the same manner as with the issuance of original permits.

d) The Town 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 Town Board may revoke a permit for violation of this Section after giving written notice of the reasons for revocation to the permit holder. The Town shall give the permittee notice, by certified mail with receipt requested, of intent to consider revocation of the exotic animal permit. The Town shall give the permittee an opportunity to respond to the notice and address the issues identified at an open, noticed Town Board meeting, after which the Town Board shall make its determination, with the reasons thereof included in the record of the Town 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 Town Board. An owner/permittee shall notice the Town Clerk of any changes central to the validity of the permit, including the death of the exotic animal.

F. **Confinement Standards.**

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 U.S.

Department of Agriculture (USDA), U.S. 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 Town 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 Town 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 are 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 Town Chairperson, local Humane Society, the Town's animal control officer 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 part, 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 Town or any agent of the Town shall be liable for the loss, death, injury or destruction of any animal for which a permit is required, nor shall the Town 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 Town, 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. Town 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) The town constable, designee's of the Town 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 Town 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 Town 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 Town 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 Town 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 Town Board, the possessor has a valid Town 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 Town or Humane Society.

e) If the owner of a confiscated exotic animal cannot be located or if a confiscated animal remains unclaimed, the Town 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 animals 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 Town in which an exotic animal injures or is suspected of injuring any person or domesticated animal shall be reported by the permittee to the Town Chairperson or Town Clerk 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 Town 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 of the same species 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 Town Board to protect the public safety, health and welfare, this Section shall apply to owners of exotic animals in the Town 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 Town Clerk 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 Town 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 Town, or its designees, within six (6) months of the effective date of this Section.

2) **Enforcement.** The Town Chairperson and Town Constable, with the assistance of the Humane Society and other law enforcement authorities, and such veterinarian assistance as may be needed, shall be primarily responsible for the enforcement of this Section. The Town Board may appoint additional persons as may be necessary to assist with the enforcement of this Section.

P. **Wolf/Dog Hybrid Regulation and Confinement.** The provisions of this Subsection address the unique public health and safety concerns involved with the keeping of wolf/dog hybrids:

1) **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:

a) **Canine Animal.** Includes all members of the family *canidae* except foxes.

b) **Domesticated Dog.** *Canis familiaris*.

c) **Wolf.** Includes both *canis lupus* and *canis niger*.

d) **Coyote.** *Canis latrans*.

e) **Jackal.** *Canis aurens*.

f) **Dingo.** *Canis dingo*.

2) **Prohibition on Unregistered Animals.** No person shall harbor, keep or maintain within the Town of Dunn any wolf/dog hybrid which has not been registered pursuant to Subsection P.11) on or before January 30, 2007. This prohibition shall not apply to animals being transported through the limits of the Town of Dunn within a one (1) hour period of time. A pup born to a female wolf/dog hybrid so registered shall be removed from the Town of Dunn before it has reached the age of five (5) months. Wolf/dog hybrids permitted in the Town of Dunn shall be confined as set forth in this Subsection.

3) **Removal – Impoundment.** Whenever any person is charged with harboring, keeping or maintaining a wolf/dog hybrid in the Town of Dunn which has not been registered on or before January 30, 2007, that person shall remove said animal from the Town of Dunn 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 the Town Board 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 P.11) on or before January 30, 2007, it shall be removed from and not returned to the Town of Dunn.

4) **Confinement Requirements.** The owner of any wolf/dog hybrid permitted to be kept in the Town of Dunn, 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 Subsection. A wolf/dog hybrid may be kept only in enclosures that meet the following minimum requirements:

a) 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.

b) 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.

c) 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.

d) The second enclosure shall consist of a securely anchored fence at least eight (8) feet in height, which shall entirely surround the first enclosure, and no part of which shall be less than eight (8) feet in height, 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 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.

e) 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.

f) 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.

g) 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 applicable Zoning Code.

5) **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.

6) **Right of Inspection.** To insure compliance with this Subsection, 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 Town shall produce the same for inspection on demand of any law enforcement, conservation or public health officer or court.

7) **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.

8) **Veterinary Exception.** The foregoing provisions of this Subsection shall not apply to doctors of veterinary medicine in temporary possession of wolf/dog hybrids in the ordinary course of their practice.

9) **Abandonment or Negligent Release.** No person shall willfully or negligently release or abandon a wolf/dog hybrid as defined herein within the Town.

10) **Nonconforming Enclosures.** As to any person keeping wolf/dog hybrids in existing enclosures in the Town of Dunn on the date of passage of this Section, Subsection P.4) shall take effect on January 30, 2007; 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 Subsection shall take effect and be in force from and after passage and publication as provided by law.

11) **Wolf/Dog Hybrid Registration.** All owners of any wolf/dog hybrid in the Town of Dunn shall, on or before January 30, 2007, 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 Town Clerk's office and pay a registration fee of fifty dollars (\$50.00) annually. At the time of registration, each owner of any

wolf/dog hybrid kept within the Town limits shall provide to the Town Clerk 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 Town of Dunn as co-insured solely for the purpose of notice of cancellation of such insurance policy.

12) **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.

Q Penalties. The following penalties shall apply to all violations of this Section, including Subsection P governing wolf/dog hybrids:

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.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

Passed by the Town Board of
Town of Dunn, Dunn Co., WI,

Filed this ____ day of
_____, 2006

Don Heit, Chairman

Vicki Weber-Price, Clerk

Jeff Creaser, Supervisor I

Published and/or Posted: _____

John Miller, Supervisor II