

ORDINANCE # 2001-02

EXOTIC ANIMAL CONTROL ORDINANCE  
TOWN OF MARTELL

**Section 1: INTENT**

It is the intent of the Town of Martell in Pierce County, Wisconsin to protect the public health, safety, and general welfare against the health and safety risks that exotic animals can pose to the community and to protect the welfare of the individual exotic animals held in private possession.

**Section 2: DEFINITIONS**

As used in this ordinance, the following terms mean:

- (a) Animal: Exotic animal.
- (b) Animal Control Officer: The Town Constable or any other person designated by the Town of Martell to assist in the enforcement this Ordinance.
- (c) Animal Shelter: Any premises designated or used by the Town for the purpose of impounding and caring for all animals found running at large in violation of this ordinance.
- (d) At Large: An animal is at large when it is off the property of its owner and not properly confined or restrained in a manner such that the risk of uncontrolled or accidental contact by the animal with humans has been minimized.
- (e) Enclosure or Enclosure Area: The indoor and/or outdoor area in which an animal is kept confined, including the structure(s) in which it is confined.
- (f) Exotic animal: Any animal that is not normally domesticated in Wisconsin or that is wild by nature. Exotic animals include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and also any

hybrids with domestic species. The animals 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:

1. Non-human primates and prosimians (monkeys, chimpanzees, baboons)
  2. Felidae (Lions, tigers, bobcats, cougars, leopards, jaguars, not domesticated cats)
  3. Canidae (wolves, coyotes, foxes, jackals, excluding non-hybrid domesticated dogs)
  4. Ursidae (all bears)
  5. Reptilia (all venomous snakes, all constricting snakes, iguanas, turtles, lizards)
  6. Crocodilia (alligators, crocodiles)
  7. Proboscidea (elephants)
  8. Hyaenidae (hyenas)
  9. Artiodactyla (hippopotamuses, giraffes, camels, not cattle or swine or sheep or goats)
  10. Procyonidae (raccoons, coatis)
  11. Marsupialia (Kangaroos, opossums)
  12. Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
  13. Edentata (anteaters, sloths, armadillos)
  14. Viverridae (mongooses, civets, and genets)
- (g) Humane Society: Humane Society of Pierce/St. Croix, Inc.
- (h) Own/Owner/Owning: Any person, corporation, partnership or other legal entity who possesses, harbors, keeps, or controls an exotic animal in the Town. Any animal is being harbored if it is being fed and/or sheltered.

- (i) Solid Surface: Solid surface means cement, concrete or asphalt.
- (j) Town: Town of Martell
- (k) Town Board: Town Board of Martell

### **Section 3: PERMIT REQUIRED**

- (a) It is unlawful for any person to import, transfer, own, sell or purchase an exotic animal in the Town of Martell without a permit from the Town Board unless exempt as set forth in Section 3(d) of this ordinance.
- (b) It is unlawful for any person to sell, transfer, deliver or give an exotic animal to any other person in the Town of Martell unless the other person also holds a Town permit or is exempt from the permit requirement as set forth in section 3(d) of this ordinance.
- (c) Any person who owns, keeps, or controls an exotic animal in the Town of Martell shall obtain a permit from the Town for each such animal unless exempt as set forth in section 3(d) of this ordinance.
- (d) The provisions of this ordinance shall not apply to:
  - 1. Institutions accredited by the American Zoo and Aquarium Association
  - 2. Licensed Humane Societies
  - 3. Animal Control Officers
  - 4. Licensed veterinary hospitals or clinics
  - 5. Wildlife rehabilitators trained and licensed by the state who temporarily keep exotic animals in the Town, when the purpose is to return the animals to the wild.



#### **Section 4: OBTAINING PERMITS**

- (a) Written application for a permit shall be made to the Town Board prior to any person bringing an exotic animal into the Town. Such application shall provide, at a minimum, the name, age and address of the applicant, a description of the animal for which a permit is being sought to include gender, size and age, and a detailed description of the proposed measures and structure for confinement, including building plans, if any.
- (b) An appropriate fee shall be paid to the Town upon submission of a permit application. Said fee shall be set by resolution of the Town Board and shall be in an amount sufficient to pay the Town's costs of administering this ordinance.
- (c) As part of the permit application, the applicant shall submit a certificate of good health for the animal. A certificate of good health shall be issued by a certified veterinarian after the veterinarian has examined and tested the animal and found the animal to be properly immunized, cared for and free from disease, and shall have been issued within the seven days previous to permit application being made.
- (d) The owner/permit applicant shall also submit, as part of the permit application, a plan for the quick and safe recapture of the animal and, if recapture is impossible, for the destruction of any animal(s) for which a permit is being sought and a plan for the emergency evacuation of the facility holding the said animal(s), to be updated within thirty days after making any structural change to the facility.
- (e) Prior to permit approval or renewal:
  - 1. The Town Constable, or such other agent as the Town Chair shall appoint in specific cases, shall inspect the animal's proposed confinement area to ensure compliance with this Ordinance and shall provide a written report and recommendation to the Town Board as to whether the owner/permit applicant has complied with all relevant confinement area provisions contained in this ordinance so as to humanly and safely confine the animal for which a permit is being sought. A reasonable fee shall be charged for this inspection, to be set by resolution of the Town Board and paid at the

time of initial or renewal permit application.

2. The owner/permit applicant shall provide credentials, satisfactory to the Town Board, to establish that the owner has been properly trained to handle, care for, restrain and recapture the type of animal for which permit application is being made.
  3. The owner/permit applicant shall demonstrate ownership of, training and proficiency with tranquilizing and restraint equipment that is species-appropriate, to the satisfaction of the Town Constable/agent, and shall demonstrate adequate training and certification in first aid and CPR.
  4. The owner/permit applicant shall provide proof of having obtained one year's paid-up liability insurance in an amount not less than \$2,000,000.00 on the premises where the animal will be kept.
  5. The owner/permit applicant shall provide the Town with copies of all USDA, other state or federal permits issued to the owner/permit applicant and approving the owner's possession of the species for which a Town permit is being sought.
- (f) Upon receipt of the permit application, application fee, all required information and proof of insurance, the Town Board may issue a permit if the Board is satisfied that the animal and the manner in which it shall be kept will not pose a threat to public health and safety and that the owner/permit applicant is sufficiently trained and qualified to maintain the animal in a manner that will adequately maintain the animal and prevent it from posing a threat to public health and safety.
- (g) The permit shall be displayed, in plain view, on or near the animal's confinement area.
- (h) An exotic animal permit shall not be transferrable.
- (i) Permits for exotic animals shall be for a period of one year. The permit year shall commence on January 1 or as soon thereafter as officially issued and expire on

December 31 of that year. The permit is renewable. Annual renewal permit fees shall also be charged.

#### **Section 5: PERMIT RENEWAL**

- (a) Permit renewal applications shall be submitted on or before December 1 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, update all information required for the original permit and provide proof of continued paid-up insurance. As used herein "current" or "continued" means a document that is no more than thirty (30) days old.

#### **Section 6: DENIAL AND REVOCATION**

- (a) 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 unable to comply with the requirements to obtain a permit or has failed to comply with the provisions of this Ordinance at any time during a permit year.
- (b) The Town Board may revoke a permit for violation of this ordinance at any time, after first giving notice of the reasons for revocation to the permit holder and allowing a reasonable opportunity for the permit holder to respond and be heard.



## Section 7: CONFINEMENT

- (a) All animals 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 trained animal handler or USDA personnel brought in to assess the situation. The USDA standards for the humane handling, care and treatment of exotic animals (9 CFR Subchapter A (Animal Welfare, Part 3) shall also provide a basis against which to assess the sufficiency of space or facility for animals for which a permit is sought or held.
- (c) Animals kept outdoors shall be provided with shelter that allows them to remain dry and warm during rain or snow.
- (d) Outdoor Area: The outdoor area of an animal enclosure shall:
  - 1. have 2 sets of wire enclosures with a minimum of 4 inches separation between them;
  - 2. have the sides of the wire enclosure extend downward and be buried a minimum of 12 inches below ground;
  - 3. 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; and
  - 4. have a floor with a minimum 6 inch perimeter of "breaker rock" around the borders of the enclosed area and a minimum 5 inch uniform depth of class 5 gravel for the floor, or a floor with a minimum 4 inch uniform depth of concrete or asphalt over the remainder of the enclosure floor.
- (e) In addition to the structural requirements of the animal's outdoor enclosure, the owner of an animal 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 animals from injury and to prevent escape.

(f) Indoor Area: The indoor area of an animal enclosure shall:

1. be an insulated, moistureproof and windproof structure of adequate area to accommodate the need of the animal for adequate freedom of movement;
2. contain a solid floor no less than four (4) inches thick to prevent the animal from escaping;
3. 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;
4. locate the entrance to the building in which the animal is housed facing away from prevailing winds; and
5. have a self-closing door over the human and animal entryway during the winter months to protect the animal from the cold temperatures.

(g) 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 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.

#### **Section 8: BREEDING**

The owner of an animal for which a permit is required shall not allow the animal to breed or reproduce in any way.

#### **Section 9: WARNING SIGNS**

All owners of animals must display a sign, easily readable by the public, within twenty (20) feet of the animal's confinement area using the words "BEWARE OF \_\_\_\_\_", with the last word to indicate the type of animal that is being confined.

#### **Section 10: ESCAPE AND LIABILITY FOR ESCAPE**

- (a) A permit holder shall immediately notify the Town Chair, the local Humane Society, the Animal Control Officer and the Pierce County Sheriff of the escape out of doors of any animal for which a permit is required. The Town Chair shall be notified of all animal escapes.
- (b) A permit holder 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.

- (c) 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 ordinance.

## **Section 11: RESTRAINT AND IMPOUNDMENT**

- (a) All animals shall be kept under restraint by their owners as provided herein and shall not be permitted to run at large.
- (b) Unrestrained animals and animals running at large may be taken into custody in accordance with Wis. Stats. Chapter 173 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 have been abandoned.
- (c) The Town Constable, upon receipt of information indicating probable cause of a violation of this ordinance, may in his or her discretion and after investigation seize and impound an animal at the owner's expense in emergency situations or where previous notice has failed to produce compliance and where authorized by law.
- (d) If an owner fails to reclaim an animal within seven (7) days of taking the animal into custody, the Town Board shall consider the animal to be unclaimed, as authorized by Wis. Stats. § 173.23(1m), and shall take such steps concerning the animal as are authorized by law. The Town may contact the American Zoo and Aquarium Association for further assistance.

## **Section 12: ANIMAL CARE**

- (a) No owner shall fail to provide an animal with sufficient food, potable water, or

shelter when needed.

- (b) No person shall beat, cruelly ill-treat, torment, or otherwise abuse an animal.
- (c) No owner shall abandon an animal.
- (d) The Town Chair, Town Constable or designee shall have access to the premises where an animal is kept at all times and hours and shall conduct at least four periodic, unannounced inspection of the outdoor and indoor enclosure areas per year to ensure that said areas are being maintained in the manner required by this ordinance.

### **Section 13: INJURY**

- (a) All incidents occurring in the Town of Martell in which an animal injures or is suspected of injuring any person shall be reported to the Town Chair or the Town Constable by the permit-holder within one hour of the event.
- (b) An owner is responsible for all expenses incurred as a result of an injury inflicted or suffered by an animal, whether expenses are incurred by the family of the victim, the victim, the Town or on behalf of the animal involved.

### **Section 14: SANITATION**

- (a) Any person who owns, harbors, keeps, or controls an animal shall be responsible to keep his property clean of fecal matter and to keep obnoxious odors under control.
- (b) Disposition of all animal waste shall be in a manner that is consistent with maintaining human and animal health. Disposition of animal waste shall not pollute or contaminate groundwater or soil.



## **Section 15: ENFORCEMENT AND PENALTIES**

- (a) Transition. This Ordinance shall apply to animal owners in the Town and who possess exotic animal on the effective date of this Ordinance. All such animal owners shall provide the Town Clerk with the location, species, gender and age of each such animal within two weeks of the effective date of this ordinance. All such owners shall comply with this ordinance by applying for a permit within four months of the effective date of this ordinance. A permit shall be issued or the animal shall be removed from the Town by the owner within five months of the effective date of this ordinance.
- (b) Enforcement. The Town Chair and Town Constable with the assistance of the Humane Society and such veterinarian assistance as may be needed shall be primarily responsible for the enforcement of this Ordinance. The Town Chairman, or two members of the Town Board, may from time to time appoint such persons as may be necessary to assist the Town Constable with the enforcement of this Ordinance.
- (c) Violations and Penalties.
  - 1. It is a violation of this ordinance for a permit holder and/or owner to fail to comply with this ordinance and/or for anyone on the permit holder's premises to interfere with the Town representative who is responsible or associated with the administration or enforcement of this ordinance.
  - 2. Any person, partnership, corporation or entity who fails to comply with the provisions of this ordinance shall, upon adjudication of violation, be subject to forfeitures in the amount of not less than \$100.00 nor more than \$250.00 per violation, plus costs of prosecution in addition to any actions or assessments authorized elsewhere in this ordinance. Each day of a violation shall constitute a separate offense. This penalty is in addition to the other remedies for non-compliance set forth elsewhere in this ordinance.

## **Section 16: SEVERABILITY**

If any portion of this Ordinance is for any reason held invalid, such portion shall be deemed a

separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Enacted by the Town Board this 9 day of October, 2001.

AYE:

William J. Gilles  
Kevin Hunter  
Jeff Stuhell  
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NAY:

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ATTEST:

Janie Swanson 10/9/2001  
Town Clerk date

Published in \_\_\_\_\_ on \_\_\_\_\_

TOWN OF MARTELL  
PIERCE COUNTY, WISCONSIN

Resolution 01- 03 Establishing Fees to be Charged  
Under Exotic Animal Control Ordinance No. 01- 02

WHEREAS, the Martell Town Board enacted an Exotic Animal Ordinance on October 9, 2001; and

WHEREAS, the ordinance contemplates charging permit application and renewal fees and a confinement area inspection fee; and

WHEREAS, it is appropriate to set said fees in an amount that will reimburse the Town for its administrative overhead without departing unnecessarily from the actual and reasonable costs thereof.

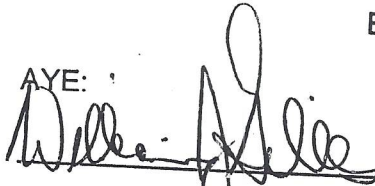

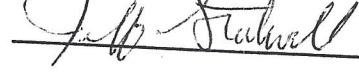
NOW, THEREFORE, BE IT RESOLVED, that permits to be charged in the Town of Martell in the implementation of exotic animal control ordinance shall be as follows:

- (a) Initial permit application fee: \$ 50.00.
- (b) Permit renewal application fee: \$ 25.00.
- (c) Confinement area inspection fee: \$100.00.

BE IT FURTHER RESOLVED, that the Town Board shall review the permit and inspection fees being charged from time to time and revise them as necessary to accurately reflect the actual and reasonable costs of administering the ordinance.

Enacted by the Town Board this 9th day of October, 2001.

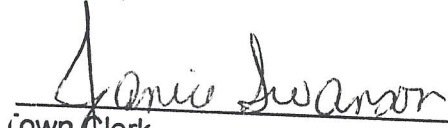
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ATTEST:

  
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Town Clerk date