

TITLE 7

Licensing and Regulation

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Title 7 ▶ Chapter 1

Licensing of Dogs and Regulation of Animals

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Sec. 7-1-1 Dog License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the Town of Cady to own, harbor or keep any dog more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner.** Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
 - (2) **At Large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
 - (3) **Dog.** Any canine, regardless of age or sex.
 - (4) **Neutered.** A dog or cat having nonfunctional reproductive organs.
 - (5) **Animal.** Mammals, reptiles and birds.
 - (6) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

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- (7) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
- (8) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (9) **Pet.** An animal kept and treated as a pet.

State Law Reference: Secs. 174.05 through 174.10, Wis. Stats.

Sec. 7-1-2 Rabies Vaccination Required for License.

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Cady after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Town stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Town of Cady.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this

requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).

- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

Sec. 7-1-3 Issuance of Dog and Kennel (Multiple Dog) Licenses.

- (a) **Dog Licenses.**
 - (1) It shall be unlawful for any person in the Town of Cady to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
 - (3) The minimum license tax under this Section shall be in accordance with the Town Board's current fee schedule.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Town Treasurer or his/her deputy shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer or his/her deputy shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
 - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town

of Cady continues to be unlicensed constitutes a separate offense for which a separate penalty applies.

- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Town Treasurer or his/her deputy upon application therefor.

(b) **Multiple Dog/Kennel Licenses.**

- (1) Any person who keeps or harbors multiple dogs may, instead of the license tax for each dog required by this Chapter, apply for a multiple dog license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax in accordance with the Town Board's current fee schedule. Upon payment of the required multiple dog license tax and, if required by the Town Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Town Treasurer or his/her deputy shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept in the kennel or premises.
- (2) The owner or keeper of multiple dogs shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a multiple dog tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

State Law Reference: Sec. 174.053, Wis. Stats.

Sec. 7-1-4 Late Fees.

The Town issues dog licenses during Town tax collection periods, approximately December 15–January 31; at other times licenses may be obtained from the Town Treasurer with a penalty of a late fee.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district or neighborhood is quarantined for rabies, all dogs and cats within the Town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be

impounded. All officers shall cooperate in the enforcement of the quarantine. The Town Clerk shall promptly post in at least three (3) public places in the Town notices of quarantine.

- (b) **Exemption of Vaccinated Dog or Cat from Town Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Town quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
- (1) **Quarantine or sacrifice of dog or cat.** A law enforcement, humane or animal control officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) **Sacrifice of other animals.** A law enforcement, humane or animal control officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) **Quarantine of Dog or Cat.**
- (1) **Delivery to isolation facility or quarantine on premises of owner.** A law enforcement, humane or animal control officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) **Health risk to humans.** If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) **Risk to animal health.**
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the

owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) **Sacrifice of a dog or cat exhibiting symptoms of rabies.** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
 - (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Town, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
 - (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions.** It shall be unlawful for any person within the Town of Cady to own, harbor or keep any dog, cat, fowl or other animal which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Town.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Town.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-7)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.
- (b) **Vicious Dogs and Animals.**
- (1) For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the law enforcement or animal control authorities.
 - (2) No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) **Animals Running at Large.**
- (1) No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Town Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
 - (2) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it. All dogs shall be leashed or under the direct control of their owners in areas within the Town of Cady not zoned agricultural.
- (d) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

Sec. 7-1-7 Barking Dogs and Crying Cats.

- (a) 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 law enforcement or humane officer shall determine if a dog or cat is in violation of this Section and shall issue a warning or citation dependent upon the severity and regularity of the offense. A dog or cat is considered to be in violation of this Section when three (3) formal, written complaints are filed with the Town within any one thirty (30) day period.

- (b) No person shall be found to be in violation of this Section unless first notified in writing, at least ten (10) days prior to the issuance of any citation or summons, of the fact of the complaints of noise.

Sec. 7-1-8 Impoundment of Animals.

(a) **Animal Control Agency.**

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

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

- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his/her possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being

impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town Ordinance.

- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (e) **Town Not Liable for Impounding Animals.** The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-9 Keeping Of Exotic Animals; Protected Animals, Fowl, Reptiles and Insects.

(a) **Intent.**

(1) **Purpose.** It is the purpose and intent of the Town of Cady 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 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, Building Inspector, Town Chairperson, animal control officers, humane society employees, or any other person designated by the Town of Cady 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 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 Pierce/St. Croix, Inc. or similar organization.
 - (8) **Own/Owner/Owning.** Any person, corporation, partnership, limited liability corporation, organization, association, joint venture, trust, or other legal entity who possesses, harbors, keeps, controls, boards, or has in his/her custody an exotic animal in the 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 Cady, St. Croix County, Wisconsin.
 - (12) **Town Board.** The Town Board the Town of Cady, 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 Town 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 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 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 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 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 Town Clerk, in writing, of any changes in his/her insurance status, validity or carrier]. The Town of Cady 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 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) 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 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 Subsections (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 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 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 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 Town Board. An owner/permittee shall notify the Town Clerk 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 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 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 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 party, authorized or unauthorized, the owner/permittee is liable for all expenses associated with efforts to recapture the animal, and may, in addition, be subject to a forfeiture.

- (2) **Liability.**
 - a. The owner/permittee shall be liable for all costs incurred by any public authority or their agents and resulting from the escape of any animal for which a permit is required, including boarding, placement, veterinarian and legal fees.
 - b. Neither the 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. Law enforcement authorities, designees 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 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 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, 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 Cady any wolf/dog hybrid which has not been registered pursuant

to Subsection (p)(11) below on or before January 30, 2006. This prohibition shall not apply to animals being transported through the limits of the Town of Cady 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 Cady before it has reached the age of five (5) months. Wolf/dog hybrids permitted in the Town of Cady 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 Cady which has not been registered on or before January 30, 2006, that person shall remove said animal from the Town of Cady 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, 2006, it shall be removed from and not returned to the Town of Cady.
- (4) **Confinement Requirements.** The owner of any wolf/dog hybrid permitted to be kept in the Town of Cady, 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} neared than eight (8) feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than six (6) feet from any part of the first enclosure. Said fence shall be a "vision barrier" fence, no more than five percent (5%) open for through vision, except, however, that the portion of said fence facing the dwelling of the owner of said animals or of the property on which they are kept shall be constructed of not less than nine- (9-) gauge chain link fencing, to provide for observation of said animals. If any portion of said fence is made of wood, the finished or painted side thereof shall face outward from the first enclosure.

- 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 Cady on the date of passage of this Section, Subsection (p)(4) shall take effect on January 30, 2006; 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 Cady shall, on or before January 30, 2006, 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 an annual registration of Fifty Dollars (\$50.00). 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 Cady 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.

Sec. 7-1-10 Penalties.

(a) General Penalties.

- (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4, 7-1-5, 7-1-6 or 7-1-7 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- (2) An owner who refuses to comply with an order issued under Section 7-1-8 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with

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the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.

(b) **Section 7-1-9 Violations.** The following penalties shall apply to all violatons of Section 7-1-9, including Subsection (p) governing wolf/dog hybrids:

(1) **Forfeiture.** Any person who fails to comply with the provisions of Section 7-1-9 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 Section 7-1-9. 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 Section 7-1-9.

(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 Section 7-1-9, and/or for any person on the permittee's premises to interfere with the enforcement or administration of Section 7-1-9.

Title 7 ► Chapter 2

Automobile and Motorcycle Races, Shows and Exhibitions

7-2-1 Regulation and Licensing of Automobile and Motorcycle Races, Shows and Exhibitions

Sec. 7-2-1 Regulation and Licensing of Automobile and Motorcycle Races, Shows and Exhibitions.

- (a) **Definitions.** As used in this Chapter, the following terms shall have the following meanings:
- (1) **Automobile.** A motor vehicle with a shipping weight of more than one thousand (1,000) pounds and designed primarily for the purpose of transporting persons rather than property but which does not have a passenger-carrying capacity sufficiently large to bring it within the definition of "motor bus."
 - (2) **Motorcycle.** Any two (2) or more wheeled motor-driven or power-driven cycle or motorized bicycle.
 - (3) **General Purpose Fire Extinguisher.** An extinguisher capable of putting out Type A, B or C fires.
- (b) **Applicability.** The provisions of this Chapter shall apply to all private or public races, shows or exhibitions involving any motorized vehicle in the Town of Cady whether specifically licensed, in all or part, by another ordinance or not.
- (c) **License Required.**
- (1) It shall be unlawful for any person, firm or corporation to conduct or operate any automobile, motorcycle or motorized vehicle race, show or exhibition ("race, show or exhibition"), whether for private or public attendance, whether free or for admittance to which a fee is charged, without having first secured a license therefor, from the Town Board.
 - (2) Any person, firm or corporation intending to conduct a race, show or exhibition shall present an application therefor in writing to the Town Board giving the name of the applicant (person, firm or corporation) desiring to conduct said show, race or exhibition and designating the place where said show, race or exhibition is to be held.
 - (3) No license shall be granted unless the applicant has first complied with all of the provisions of this Chapter.

- (4) The license fee hereunder shall be as prescribed by the Town, payable to the Town Clerk at the time of application. In the event that the license applied for shall not be granted, the license fee which has been paid to the Town shall be refunded to the applicant.
- (5) Licenses issued shall be for a period of one (1) year commencing on April 1st. The license cannot be transferred by the person, firm or corporation to whom it is issued.
- (d) **Location Restrictions.** It shall be unlawful for any person, firm or corporation to conduct or operate any race, show or exhibition within one thousand two hundred (1,200) feet of any residential or farm building.
- (e) **Sanitary Facilities.** It shall be unlawful for any person, firm or corporation to conduct or operate any race, show or exhibition unless adequate sanitary facilities are provided in compliance with Wisconsin State Board of Health and St. Croix County regulations, or other pertinent regulations, and such facilities are approved by the Town Board.
- (f) **Lighting.** It shall be unlawful for any person, firm or corporation to conduct or operate any race, show or exhibition at night unless adequate lighting facilities are provided and approved by the Town Board. Glare from such lighting shall be confined to the boundaries of said parcel.
- (g) **Miscellaneous Conditions of License.** In addition to other requirements of this Chapter, no license for an automobile, motorcycle, snowmobile or other motorized vehicle racing in the Town of Cady shall be issued unless the applicant satisfies the Town Board of the following, both at time of application and after license issuance:
 - (1) **Hours.** Racing is prohibited at all times during the hours of 10:00 p.m. and 7:00 a.m. No race shall be started after 10:00 p.m.
 - (2) **Fencing.** Said race track shall be properly fenced, to-wit: A wire mesh fence with netting of fourteen (14) gauge or its equivalent, not less than ten (10) feet in height, supported by pressure-treated posts with five (5) inch tops, placed twelve (12) feet apart, or steel posts equivalent thereto.
 - (3) **Fire Extinguisher.** There will be present at all times while the track is open to the public or drivers/crews for any racing activity or preparation, the following:
 - a. A ten (10) pound portable fire extinguisher, containing halogen or dry chemical-type compound, for each concession stand.
 - b. Two (2) twenty (20) pound portable fire Extinguisher, containing halogen or dry chemical-type compound, or in lieu thereof, one (1) twenty (20) pound and two (2) ten (10) pound portable fire Extinguisher on the track during any motor-powered racing activity.
 - c. Two (2) ten (10) pound portable fire Extinguisher containing halogen or dry chemical-type compound, in the pit area whenever racing vehicles are being loaded, unloaded or worked on.
 - (4) **Security.** The applicant shall provide proof of adequate arrangements to secure the safety and protection of patrons, including either regularly employed, duly sworn, off-duty Wisconsin law enforcement officers or private security guards licensed by the

State of Wisconsin, at a security presence rate of one (1) security guard per one thousand (1,000) patrons, with a minimum of four (4) such security personnel at each event.

- (5) **Race Track Guard Fencing.** The perimeter of the curved portion of the race track shall be protected by a standard, corrugated highway guard rail, mounted approximately fifteen (15) inches above the ground on 6" x 8" inch pressure-treated wooden posts, except where such portion of the track curve is needed for an access or exit path, or the equivalent of such guard rail.
- (6) **Ambulance Service.** The applicant/licensee shall provide the Town Board with a notarized copy of a contract for ambulance service at the facility. Such ambulance service shall be in full compliance with all applicable regulatory and certification requirements of the Wisconsin Statutes and the Wisconsin Administrative Code. In the event the contract is voided or the licensing/certification of the ambulance service is suspended or terminated, then the license granted under this Chapter shall be automatically suspended until such time as suitable ambulance service in accord with the provisions of this Chapter is obtained. A licensed ambulance shall be on hand at all times during racing sessions.
- (7) **Insurance.** No license shall be issued until the applicant has on file with the Town Clerk of the Town of Cady, and in full force at all times, a public liability insurance policy with minimum coverage amounts of Five Hundred Thousand Dollars (\$500,000.00) per person and One Million Dollars (\$1,000,000.00) per occurrence.
- (8) **Parking Areas.** The licensed premises shall provide sufficient on-site parking to accommodate all patrons attending an event. Such parking areas shall be fully graveled or surfaced. Parking on grass or dirt does not meet the standards of this Section.
- (9) **Stationary Noise Limits – Maximum Permissible Sound Levels.**
 - a. Noise from a licensed premises shall not exceed the following standards for maximum sound pressure levels measured at the property line.

Zoning	Noise Rating-Daytime	Noise Rating-Nighttime (after 6:00 p.m.)
Residential	70 db	60 db
Commercial/ Agriculture	75 db	70 db
Industrial	100 db	100 db

- b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise by 5 db in any octave band to be designated excessive.

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- c. Pure tones and impulsive noises are factors. Five (5) noise rating numbers shall be taken from the table in Subsection (a) above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- (10) **Other Regulations.** The site shall be in conformance with all applicable zoning regulations, driveway access and other pertinent Town and County regulations.
- (h) **License Application.** Application for an automobile, motorcycle, snowmobile or other motorized vehicle racing license shall be made to the Town Clerk of the Town of Cady, with a license fee of Five Hundred Dollars (\$500.00), payable at time of application. The license term shall be for each calendar year. Such application for an annual license shall be made no later than April 1st of each year, and, if approved by the Town Board, the Town Clerk may issue such license. As a condition of license consideration, a public hearing shall be held on each application, following a Class II notice.
- (i) **License Revocation or Suspension.**
 - (1) The Town Board may immediately revoke the license of any person, firm or corporation if any of the provisions of this Chapter are violated.
 - (2) The Town Chairperson is authorized to suspend the license of any person, firm or corporation violating any of the provisions of this Chapter and such suspension of license shall be acted on at the next subsequent Town Board meeting, following public hearing.

Designation and Regulation of All Terrain Vehicle Routes

Sec. 7-3-1 TITLE AND PURPOSE

The title of this ordinance is the Town of Cady All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles in the town.

Sec. 7-3-2 AUTHORITY

The Town Board of the Town of Cady, St Croix County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s23.33 (8) (b) and (11) Wis. Stats

Sec. 7-3-3 ADOPTION OF ORDINANCE

The Town Board of Cady, St Croix County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provided the authority for the town to designate all-terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

Sec. 7-3-4 OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to s.23.33 (4) (d) 4, Wis. Stats, except as otherwise provided in s.23.22 (4) Wis. Stats, no person may operate an all-terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. On paved roadway all-terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

Sec. 7-3-5 DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle routes in the town:

All roads in the Town of Cady that are properly signed as all terrain vehicle routes, excluding dead-ends and driveways. Dead ends may be used only by town residents and only to access designated routes.

Sec. 7-3-6 CONDITIONS TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s.23.33 (8) (d), Wis. Stats, the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance.

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking all-terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of an uniform all-terrain vehicle route or trail or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
 - 2. Possess any uniform all-terrain vehicle route or trail sign or standard of the types established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provision of s.23.33, Wis. Stats, which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to the St. Croix, Dunn, and Pierce County Sheriff Departments.
- D. In addition to the provisions of s.23.33, Wis. Stats, the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance:
 - 1. All ATV operators shall observe a speed limit of not more than 40 mph or the posted roadway speed limit, whichever is lower.
 - 2. All ATV operators shall ride single file.
 - 3. The allowed hours of operation shall be from dawn until dusk.
 - 4. Anyone under the age of twelve (12) cannot operate an ATV on a road or route under any circumstances.
 - 5. Anyone under the age of sixteen (16) cannot operate an ATV on a roadway without a safety certification.
 - 6. All ATV operators under the age of 18 must wear a helmet.
 - 7. Lights must be on at all times.

Sec. 7-3-7 ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Sec. 7-3-8 PENALITIES

The penalties under s.23.33 (13) (a), Wis. Stats, are adopted by reference.

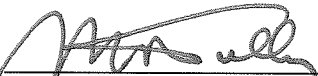
Sec. 7-3-9 EFFECTIVE DATE

This ordinance is effective when all-terrain vehicle routes signs are posted by the local ATV clubs and goes for a probationary period of June 3, 2008 until November 30, 2008, but can be discontinued at any time by the decision of the Cady Town Board.


The town clerk shall properly post this ordinance as required under s 60.80, Wis. Stats.

Adopted this 2nd day of June, 2008

TOWN OF CADY



Mike Tully, Chairman



Carla Greiber, Clerk, Attest