

CHAPTER 11

DANGEROUS OR EXOTIC ANIMALS

11.1 DEFINITIONS. Unless specifically defined below, words or phrases used in this Section shall be interpreted as having the same meaning as they have in common law, the Wisconsin Statutes or Wisconsin Administrative Code, to give this ordinance its most reasonable application. Words used in the present tense include the future, and vice-versa. Words used in the singular include the plural, and vice-versa. The word "shall" is always mandatory; the word "may" is always permissive.

(1) Animal. Any member of the animal kingdom except human beings.

(2) Board. The Town of Black Earth Board.

(3) Dangerous or Exotic Animal.

(a) any genus/species of animal which is capable of killing, inflicting serious injury upon, or causing illness or disease among, human beings or domestic animals and having a known tendency, (either in its natural state, in the wild, or as a tame, feral or domesticated animal) as a species to do so, and is declared to be a dangerous animal by the Board;

(b) those animals deemed to be "dangerous animals" include the following, subject to amendment by the Board:

- i. Canidae; e.g. wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes, jackals, within the order Carnivora but excluding *Canis familiaris*, the domestic dog.
- ii. Felidae; e.g. lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, within the order Carnivora but excluding *Felis domestica*, the domestic cat.
- iii. Mustelidae; e.g. badgers, wolverines, weasels, skunks, mink, otters within the order Carnivora, but not including domestic ferrets.
- iv. Procyonidae; e.g. raccoons, pandas, kinkajous within the order Carnivora.
- v. Ursidae; e.g. black bears, brown bears, grizzly bears, polar bears, of the order Carnivora.
- vi. Cebidae; e.g. monkeys.
- vii. Cercopithecidae; e.g. baboons.
- viii. Callithricidae; e.g. marmosets, tamarins.
- ix. Pongidae; e.g. gibbons, orangutans, chimpanzees, gorillas.
- x. Lemuridae; e.g. lemurs.
- xi. Didelphidae; e.g. opossums.
- xii. Castoridae; e.g. beavers.

- xiii. Viveridae; e.g. civets and mongooses.
- xiv. Hyaenidae; e.g. hyaenas.
- xv. Formicidae; e.g. fire ants within the order Hymenoptera.
- xvi. Apidae; specifically Africanized strains of *Apis mellifera* the honey bee.
- xvii. Crocodylidae; e.g. crocodiles, alligators, caimans, gavials, of the order Squamata.
- xviii. Heloderamatidae; e.g. gila monsters, beaded lizards, of the order Squamata.
- xix. Crotalidae; e.g. rattlesnakes, copperhead snakes, cottonmouth moccasin snakes, waglers vipers, palm vipers, eyelash vipers, of the order Squamata.
- xx. Viperidae; e.g. rhinoceros vipers, bushmasters, puff adders, gaboon vipers, of the order Squamata.
- xxi. Elapidae; e.g. cobras, taipans, coral snakes, sea snakes, of the order Squamata.
- xxii. Opisthoglyphous colubridae; e.g. twigsnakes, boomslangs, mangrove snakes, mussuranas, malagasy hognose snakes of the order Squamata.
- xxiii. *Eunectes murinus*; e.g. anacondas of the order Squamata.
- xxiv. *Boa constrictor*; e.g. boa constrictors of the order Squamata.
- xxv. *Morelia amethystina*; amethystine pythons of the order Squamata.
- xxvi. *Python sebae*; African rock pythons of the order Squamata.
- xxvii. *Python molurus*; burmese pythons, Indian pythons, Ceylonese pythons of the order Squamata.
- xxviii. *Python reticulatus*; reticulated pythons of the order Squamata.
- xxix. Venomous spiders of the families teridiidae, and loxoscelidae respectively, and scorpions of the order Scorpiones.

(4) Keeping. The act of confining, harboring, maintaining, owning or sheltering an animal.

(5) Owner. Any person keeping an animal.

(6) Person. Any agency, association, business, club, company, corporation, firm, individual, institution, organization, partnership, syndicate, trust, trustee, or any federal, state or local governmental agency or instrumentality of other entity recognized by the law as the subject of rights and duties. The feminine, masculine, singular or plural is included in any circumstance.

(7) Uncontrolled Dangerous Animal. A dangerous animal on or off the premises of the owner and not under the control of the owner or persons acting for the owner or not confined in a secure enclosure.

(8) Vicious Animal. An animal that has attack and/or bitten a person without provocation.

(a) Dogs used in security or police work shall not be classified as vicious dogs if a bite or bites occur while the dog is actually performing in such a capacity.

(b) Dogs shall not be classified as vicious dogs if a bite or bites are inflicted upon a person who is, at the time of the bite or bites, engaged in a criminal act against the person or property of another.

(c) Animals used in agriculture as defined by the United States Department of Agriculture shall not be considered dangerous animals.

(9) Designated Pound. The Town of Black Earth hereby designates the Dane County Humane Society, a non-profit organization located at Voges Rd., Madison, Wisconsin, the official pound for dogs and other animals detained.

11.2 DANGEROUS OR EXOTIC ANIMALS PROHIBITED. No person shall keep a dangerous or exotic animal in the Town of Black Earth except by permit as hereafter provided.

11.3 DANGEROUS OR EXOTIC ANIMALS ALLOWED. The prohibition contained in Section 2 of this Ordinance shall not apply to the keeping of dangerous animals in the Town of Black Earth under any of the following circumstances:

(1) Dangerous or exotic animals kept at state licensed veterinary hospitals, humane societies, licensed rehabilitator or animal control pounds for treatment or impoundment.

(2) Dangerous or exotic animals kept by federal, state, county and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.

(3) Dangerous or exotic animals kept by governmental agencies, educational institutions, medical institutions or research laboratories for instructional or research purposes.

(4) Dangerous or exotic animals kept in publicly owned zoos.

(5) Dangerous or exotic animals kept for fur pelting businesses on properly zoned land.

(6) Dangerous or exotic animals kept by individuals meeting USDA permit requirements and the permit requirements contained herein.

(7) Dangerous or exotic animals commercially exhibited for ten (10) days or less.

(8) Animals being commercially transported through the Town of Black Earth.

11.4 KEEPING OF LARGE NON-VENOMOUS REPTILES.

(1) No person shall be permitted to keep a species of constricting snake as specified in Section 2.1(3)(b) unless the person can show two (2) years experience in the secure and humane keeping of snakes.

(2) Snakes as specified in Section 2.1(3)(b) shall be kept in locked cages in locked rooms..

(3) Cages shall be so constructed as to not break or give way as a result of a reasonably foreseeable accident or misuse.

(4) No person shall be permitted to keep a reticulated python, African rock python or an anaconda.

11.5 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS OR EXOTIC ANIMALS

(1) The Town may cause to be seized and removed any dangerous or exotic animal kept without a permit or any permitted dangerous or exotic animal that is not kept confined under USDA standards. Any dangerous or exotic animal seized may be euthanized by the designated pound or other facility to which the seized animal is removed.

(2) The owner of a seized animal may be assessed for any cost incurred for capturing, maintenance of, or euthanizing the animal.

(3) A dangerous or exotic animal that kills or causes serious injury to a human being shall be immediately surrendered as directed by the Board.

11.6 LIABILITY. Nothing in this ordinance absolves the owner of an animal that inflicts injury on a person or property from financial responsibility for the animal's actions.