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Revised Comments on Amendments to W.M.C. §8.08.010 Creatures forbidden  
to Prohibit Wild Animals and W.M.C. §8.08.001 Definitions

- Currently City ordinance generally prohibits a person from keeping or maintaining bees, wasps, hornets, poisonous snakes, farm animals, wolves or any animal which is part of the *canis lupis* (wolves) species or an animal raised for fur bearing purposes. With recent revisions to City ordinances, individuals may, however, keep honey bees and chickens pursuant to a City permit.
- Revisions are proposed to W.M.C. §8.08.010 to expand the City's creatures forbidden ordinance to prohibit individuals from keeping, maintaining or having in their possession or under their control venomous reptiles, dangerous wild animals, insects or reptiles, or other animals or reptiles of wild, vicious or dangerous propensities. A non-exclusive list of animals, insects and reptiles is set forth in the proposed ordinance amendments to serve as an example of the scope of the prohibition.
- The ordinance as originally presented to the Public Health & Safety Committee at its December 17, 2018 meeting prohibited all crocodiles and alligators but permitted constrictor type snakes that do not exceed 6 feet in length. After discussion, the Committee requested the ordinance be revised to prohibit all constrictor snakes, as well as to prohibit sugar gliders.
- The draft ordinance does not restrict individuals from owning ferrets, or captive-bred species of caged birds, rodents, turtles (other than as prohibited under State of Wisconsin law), fish, and nonvenomous, nonconstricting snakes.
- A sample of other communities that prohibit wild and/or exotic animals includes: Madison, Neenah, Sun Prairie, LaCrosse, Mosinee, Green Bay, and Superior, Westport and Janesville. The proposed ordinance is similar in many respects to certain of these other community ordinances.
- As far as restrictions on constricting snakes, the ordinances of these sample communities provide (as of 12/2018):

Superior:	Prohibits constrictors more than 6 feet
Mosinee:	Prohibits constrictors more than 6 feet
LaCrosse:	No prohibition on constrictors, only poisonous snakes
Sun Prairie:	Prohibits constrictors 6 feet or more
Neenah:	Prohibits constrictors 6 feet or more
Madison:	Prohibits all reptiles over 10 feet
Green Bay:	Permitted under permit
Westport:	Prohibits constrictors over 6 feet
Janesville:	Prohibits constrictors

- Certain amendments are also proposed to W.M.C. §8.08.001 Definitions to more particularly define farm animals in light of increasing interest of individuals to keep certain animals that have traditionally been considered as farm animals but that are now often desired as pets. A definition is also included for “wild animals.”
- The City Attorney’s Office and the Police Department also anticipate bringing forward to the February Public Health & Safety Committee a follow up draft ordinance relating to temporary petting zoo and farm animal exhibits within the City.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

**ORDINANCE OF THE PUBLIC HEALTH & SAFETY COMMITTEE**

Amending Section 8.08.001 Definitions and Section 8.08.010 Certain creatures forbidden

Committee Action:

**Ordinance Number:**

Fiscal Impact:           None

**File Number:**

**Date Introduced:**

The Common Council of the City of Wausau do ordain as follows:

Add (        )

Delete (———)

Section 1.       That Section 8.08.001 Definitions, is hereby amended to read as follows:

8.08.001 Definitions.

...

(e)       “Farm animal/poultry” means any warmblooded animal/fowl normally or historically kept or raised on farms and usually used or intended for use as food/fiber food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This includes: horses, ponies, mules, donkeys, cows, pigs (including pot-bellied or other miniature pigs), goats, sheep, chickens, ducks and turkeys.

...

(l)       “Wild animal” means any native or non-native animal of a species which is generally not bred or kept by human beings and which generally exists untamed and in the wild, or any animal that is wild, ferocious, dangerous or vicious by nature, habit, disposition or character.

Section 2.       That Section 8.08.010 Certain creatures forbidden, is hereby amended to read as follows:

8.08.010 Certain Creatures forbidden. ~~(a) No person shall bring into, keep, harbor or maintain in the city any bees, wasps, hornets, poisonous snakes, farm animals, wolves or any animal which is in part of the canis lupis species or any animal raised for fur bearing purposes, unless otherwise permitted in this code.~~ (a)       Wild Animals. It is unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any venomous reptile or any other dangerous or wild animal, insect or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities. The prohibition of this subsection shall include any of the following animals, reptiles, or insects whether bred in the wild or in captivity, and also any of their

hybrids with domestic species listed herein. The animals, reptiles or insects listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.

(1) All venomous animals, reptiles including rear-fang snakes, arachnids and insects.

(2) Bears.

(3) Bees, wasps, hornets except honey bees kept in compliance with section 8.08.011 of this code.

(4) Bison.

(5) Camelids (llama, alpaca, camel).

(6) Canids (wolf, coyotes, foxes) except domesticated dogs.

(7) Cervids (white-tailed deer, elk, antelope, moose).

(8) Constrictor snakes, ~~six feet in length or more.~~

(9) Crocodylians (alligators, crocodiles).

(10) Dasypodidae (anteaters, sloths, armadillos).

(11) Elephants.

(12) Felids (lions, tigers, cougars, cheetahs) except domesticated cats.

(13) Game cocks and other fighting birds.

(14) Hippopotomi.

(15) Hyenas.

(16) Marsupials (kangaroos, opossums) ~~except sugar gliders.~~

(17) Mustelids (skunks, otters, badgers) except ferrets.

(18) Nonhuman primates and prosimians (chimpanzees, monkeys).

(19) Ostriches.

(17) Prairie dogs.

(20) Rhinoceroses.

This subsection shall not include captive-bred species of caged birds, rodents, turtles, fish and nonvenomous, nonconstricting snakes.

Any humane officer or law enforcement officer is empowered to impound any wild animal, insect or reptile found within the city in violation of this subsection and to seek whatever legal process is necessary to enter private property to carry out the provisions of this subsection. It is not a defense to allege that the wild animal, insect or reptile has been tamed or born or raised in captivity.

(b) Farm animals. No person shall keep, maintain or have in his or her possession or under his or her control within the city any farm animal or any animal raised for fur-bearing purposes. This subsection does not apply to agricultural zoned districts of the City or poultry kept in compliance with section 8.08.012 of this code or subsection (e) of this section.

~~(b)~~(c) Animals in Parks. No person shall possess in any public park or place, including any playground or school ground, any animal or creature other than a domesticated dog or cat. Any such domesticated dog or cat in a public park or place shall be subject to all other applicable restrictions and requirements of this chapter.

~~(e) The prohibitions in subsection (a) and (b) of this section do not apply where the animals or creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs, shows or sales of farm animals/poultry sponsored by an agricultural organization which occur at Marathon Park and are no longer than seven days in duration; a display for judging purposes; an itinerant or transient carnival, circus or other like show; dog or cat shows or trials; public or private educational institutions; licensed or accredited research or medical institutions; retail pet shops; a horse, pony, mule or other beast of burden in connection with a horse-drawn carriage license under Chapter 5.74 of the Wausau Municipal Code.~~

(d) Exceptions.

(1) The prohibitions in subsections (a), (b), and (c) of this section do not apply where the animals or creatures are in the care, custody or control of a veterinarian for treatment; an itinerant or transient carnival, circus or other like show; public or private educational institutions; or licensed or accredited research or medical institutions.

(2) The prohibitions in subsections (b) and (c) do not apply to farm animals where such farm animals/poultry are part of agricultural fairs, shows or sales of farm animals/poultry sponsored by an agricultural organization which occur at Marathon Park and are no longer than seven days in duration; farm animals/poultry on a display for judging purposes; an itinerant or transient carnival, circus or other like show; dog or cat shows or trials; public or private educational institutions; licensed or accredited research or medical institutions; retail pet shops; or a horse, pony, mule or other beast of burden in connection with a horse-drawn carriage licensed under Chapter 5.74 of the Wausau Municipal Code.

~~(d)~~(e) The prohibitions in ~~subsection (a) and (b)~~ subsections (b) and (c) of this section do not apply to the sale of live poultry or farm raised game birds (“Birds”) at a marketplace upon compliance with all of the following conditions . . .

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect on the day after its publication.

Adopted:

Approved:

Approved:

Published:

Attest:

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Robert B. Mielke, Mayor

Attest:

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Toni Rayala, Clerk