

ORDINANCE NO. 353

Keeping of Animals

The Village Board of the Village of Lomira, Wisconsin, hereby ordains Section 4-7 – Keeping of Exotic or Wild Animals be amended to read as follows:

Sec. 4-7 Keeping of Animals

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Exotic animal means those species of animal that are not domesticated by humans. Exotic animals include but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List as adopted by the Village Board.

Possess means to own, possess, keep, harbor, bring into the Village, act as a custodian, or have custody or control of an animal.

- (b) Village of Lomira Prohibited Animal List. The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as "exotic animals" pursuant to this section. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or to limit the generality of each group of animals unless otherwise specified.

(1) Class Mammalia.

a. Order Chiroptera. (Any bat species.)

b. Order Artiodactyla. (Hippopotamuses, giraffes, camels, deer.) Excludes domestic cattle, swine, sheep, goats, alpaca, and llama.

c. Order Carnivora.

1. Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals.) Excluding domestic cats.

2. Family Canidae. (Wolves, coyotes, foxes, jackals.) Excluding domestic dogs.

3. Family Ursidae. (All bears.)

4. Family Mustelidae. (Weasels, skunks, martins, minks.) Excluding ferrets.

5. Family Procyonidae. (Raccoons, coatis.)

6. Family Hyaenidae. (Hyenas.)

7. Family Viverridae. (Civets, genets, mongooses.)

- d. Order Edentalia. (Anteaters, armadillos, sloths.)
 - e. Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders.)
 - f. Order Perissodactyla. (Rhinoceroses, tapirs.) Excluding horses, donkeys and mules which are permitted in Agricultural zoned properties.
 - g. Order Primates. (Lemurs, monkeys, chimpanzees, gorillas.)
 - h. Order Proboscidae. (Elephants.)
 - i. Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs.) Excluding guinea pigs, rats, mice, gerbils, and hamsters.
 - j. Order Capra Hircus (goats); permitted in Agricultural and Exclusive Agricultural zoned properties. Refer to Sec. 135-76.
 - k. Order Ovis Aries (sheep); permitted in Agricultural and Exclusive Agricultural zoned properties. Refer to Sec. 135-76.
- (2) Class Reptilia.
- a. Order Squamata.
 - 1. Family Helodermatidae. (Gila Monsters and Mexican beaded lizards.)
 - 2. Family Varanidae. (Any monitor which will normally grow over two feet in length.)
 - 3. Family Iguanidae. (Only green iguanas and rock iguanas.)
 - 4. Family Boidae. (All species whose adult length may exceed eight feet.)
 - 5. Family Colubridae. (Boomslangs and African twig snakes.)
 - 6. Family Elapidae. (Coral snakes, cobras, mambas.)
 - 7. Family Nactricidae. (Only keelback snakes.)
 - 8. Family Viperidae. (Copperheads, cottonmouths, rattlesnakes.)
 - b. Order Crocodilia. (Crocodiles, alligators, caimans, gavials.)
- (3) Class Aves
- a. Order Falconiformes. (Eagles, hawks, vultures.)
 - b. Order Rheiformes. (Rheas.)
 - c. Order Struthioniformes. (Ostriches.)

- d. Order Casuariiformes. (Cassowaries and emus.)
 - e. Order Strigiformes. (Owls.)
- (4) Class Arachnida.
- a. Order Scorpiones, Family Buthidae.
 - 1. Arabian fat-tailed scorpion - *Androctonus crassicauda*.
 - 2. Arizona centruroides scorpion - *Centruroides exilicauda*.
 - 3. Death stalker - *Leiurus quinquestriatus*.
 - 4. Egyptian yellow scorpion - *Androctonus amoreuxi*.
 - 5. Israeli black scorpion - *Hottentotta judaicus*.
 - 6. S.A. giant fat-tailed scorpion - *Parabuthus transvaalicus*.
 - 7. Sinai desert scorpion - *Androctonus bicolor*.
 - 8. Yellow desert scorpion - *Androctonus Australia*.
 - b. Order Araneae, Family Therididae.
 - 1. Argentina red widow spider - *Latrodectus coralinus*.
 - 2. Brown widow spider - *Latrodectus geometricus*.
 - 3. Red-black widow - *Latrodectus hasselti*.
 - 4. Red widow spider - *Latrodectus bishop*.
 - 5. Southern black widow spider - *Latrodectus mactans*.
 - 6. Western widow - *Latrodectus Hesperus*.
 - c. Order Araneae, Family Loxoscelidae, Brown recluse spider - *Loxosceles reclusa*.
- (5) Class Chilopoda.a.Order Scolopendromorpha, Family Scolopendridae.
- a. Amazon giant banded centipede - *Scolopendra gigantea*
 - b. Arizona Tiger Centipede - *Scolopendra viridis*
 - c. Florida Keys centipede - *Scolopendra alternans*.
- (6) Any federal or state endangered or threatened species.
- (7) Class Columidae (pigeons).

- a. Definition: Homing or carrier pigeons are exempt when such birds fly for training purposes and races. The harboring of pigeons other than in an approved pen or coop is a public nuisance. The person in charge of any building or structure harboring pigeons other than under approved conditions shall remove such pigeons from the structure in a humane manner.
- (8) Class Gallus Domesticus, Gallus Gallus, and Gallus Galliformes- roosters, chickens, turkeys, quail
- a. Permitted in Agricultural and Exclusive Agricultural zoned properties. Refer to Section 135-76.
- (9) Class Apoidea – bees.
- a. Permitted in Agricultural and Exclusive Agricultural zoned properties. Refer to Section 135-76.
- (c) Keeping of exotic animals.
1. Permit required. No person shall possess an exotic animal without first obtaining an exotic animal permit.
 2. Exceptions. This subsection (c) shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinary hospitals or clinics, licensed or accredited research or medical institutions, licensed or accredited educational institutions, including museums, an animal certified as having been specially trained to assist an individual with impaired vision, hearing, or mobility, any government-owned or -operated facility, volunteers working on behalf of a government-owned or -operated facility, or a person temporarily transporting an exotic animal through the Village if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.
- (d) Exotic or excess animal permit.
1. Applications.
 - a. Application for an exotic or excess animal permit shall be made to the Village Clerk on a form supplied by the Village Clerk's Office.
 - b. Upon receipt of an application, the Clerk shall forward the application to law enforcement for verification of the veracity of the application as well as research into the qualifications of the applicant in accordance with the requirements of this section.
 - c. All applications shall be accurately completed in its entirety or shall be rendered void by the Village Clerk.
 - d. A permit may be granted without further review by the Village Board in the event law enforcement approves of the application.

- e. Each permit shall expire upon the death of the animal which is the subject of the permit

(2) Factors to be considered. In determining whether a permit under this section shall be granted, law enforcement shall consider the number and type of animals to be possessed, the applicant's criminal record, including any animal-related police calls for service, known prior history of the animals, health of the animals, whether proper licenses and vaccinations have been obtained, the condition of the applicant's residence where the animals will be kept, the likelihood of a public or private nuisance being created, and any other factors determined to be relevant

(3) Denial.

a. If the Humane Officer determines that any portion of the application is false or that the applicant does not possess the necessary qualifications, the application may be denied by law enforcement.

b. Law enforcement shall notify any applicant so denied.

c. Any applicant whose application has been denied by law enforcement may appeal such determination to the Board of Appeals. Upon appeal, the Board of Appeals shall determine if the applicant possesses the qualifications of this section. After making such determination, the Board of Appeals shall forward its recommendation to the Village Board.

(4) Issuance of license. The Village Clerk shall not issue any exotic or excess animal permit until all the requirements above have been satisfied.

(e) Construction of animal structures. All stables, coops, yards, pens, or other structures wherein any animal is kept shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be washed as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor.

(f) Removal of animal waste. No person who possesses an animal shall permit such animal to defecate upon any property other than that of its owner or custodian unless the custodian immediately thereafter cleans up and removes such animal excreta from such property.

(g) Accumulation of animal waste. No person possessing an animal shall permit more than 72 hours' accumulation of such animal's feces to remain on property under the possessor's control.

(h) Controlling animals. No person who possesses an animal shall walk or escort such animal off the property under the possessor's control unless the person is in possession of equipment to clean up any defecation which may be deposited by such animal.

(i) Harvesting animals. No person may slaughter any animal unless specifically allowed to slaughter animals as regulated.

(j) Penalties. Any person who shall violate this section shall forfeit not less than \$100 nor more than \$1,000.00 for each offense. Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(e) - Animals to be confined.

(1) No person, owner, or custodian shall permit any animal to be at large within the Village. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal.

(2) No person, owner, or custodian shall permit any animal to be left unattended within five feet of a public right-of-way.

(a) Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys, and parking lots.

(b) Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

Moved by Tr. Jewell, seconded by Tr. Pueszga,
to adopt Ordinance No. 353 as presented.

Roll call showed the following results: Ayes: Luedtke, Jewell, Kohlmann,
Zoomans, More, Pueszga, Litka

Nays: — Absent: —

Motion carried.

Passed and adopted this 9 day of August, 2023.

ATTEST:
Donald Luedtke
Donald Luedtke
Village President

Jenna Rhein
Jenna Rhein
Village Administrator-Clerk-Treasurer