

ORDINANCE NUMBER 65

An Ordinance Relating to Prohibited and Protected Animals

The Village Board of the Village of Marquette in session duly begun on the 14th day of January, 2019, does hereby ordain as follows:

Section One:

A. Protected animals.

- (1) Possession and sale of protected animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale or buy or attempt to buy within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*Canis lupus*), sea otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*), Mexican ridley turtle (*Lepidochelys kemp*i).
- (2) Compliance with federal regulations. 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 Interior and published in the Code of Federal Regulations pursuant to the Endangered Species act of 1969 (Public Law 135, 91st Congress).
- (3) Regulating the importation of certain birds. No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph 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 Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

B. Exceptions. The provisions of Subsection A above shall not be deemed to prevent the importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collectors permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

C. Wild animals; prohibition on keeping. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals:

- (1) All poisonous animals and reptiles including rear-fang snakes.
- (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); Ansiamangs (*Symphalangus*).

- (3) Baboons (*Papio*, *Mandrillus*).
- (4) Bears (*Ursidae*).
- (5) Bison (*Bison*).
- (6) Cheetahs (*Acinonyx jubatus*).
- (7) Crocodilians (*Crocodylia*), 30 inches in length or more.
- (8) Constrictor snakes, six feet in length or more.
- (9) Coyotes (*Canis latrans*).
- (10) Deer (*Cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (11) Elephants (*Elephas* and *Loxodonta*).
- (12) Gamecocks and other fighting birds.
- (13) Hippopotami (*Hippopotamidae*).
- (14) Hyenas (*Hyaenidae*).
- (15) Jaguars (*Panthera pardus*).
- (16) Leopards (*Panthera pardus*).
- (17) Lions (*Panthera leo*).
- (18) Lynxes (*Lynx*).
- (19) Monkeys, old world (*Cercopithecidae*).
- (20) Ostriches (*Struthio*).
- (21) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
- (22) Rhinoceroses (*Rhinocerotidae*).
- (23) Sharks (*Chondrichthyes*).
- (24) Snow leopards (*Panthera uncia*).
- (25) Tigers (*Panthera tigris*).

(26) Wolves (*Canis lupus*).

(27) Poisonous insects.

D. Exceptions. This Ordinance shall not apply where animals are in the care, custody, or control of a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational or medical institutions; a department of natural resources licensed animal rehabilitation facility; or licensed pet shops; provided that:

- (1) All animals and animal quarters are kept in a clean and sanitary condition and so Maintained as to eliminate objectionable odors;
- (2) Animals are maintained in quarters so constructed as to prevent their escape.

E. Farm animals. Cows, horses, pigs, sheep, llamas, poultry and other farm animals shall not be kept within the Village limits unless approved by the Village Board. No animals, including rabbits, shall be kept if, in the opinion of the Village Board, they constitute a nuisance.

F. Feral Cats. No person may feed a feral cat in the Village of Marquette unless the food is placed within a house with said house being occupied by an individual (s). This Section does not apply to humane society or animal shelter organizations that provide care to cats so long as the cats are fed within said shelter or society's building.

G. Any prohibited, protected or wild animal, listed in this ordinance, owned, possessed, harbored, kept, or maintained in violation of this section may be impounded and destroyed by the Village or its agents, at the expense of the violator.

(1) Any law enforcement, humane, or a public health officer, or a Village attorney shall have the authority to enforce the provisions of this ordinance including, but not limited to, seizing any animal that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this ordinance.

(2) Any such animal or creature seized pursuant to this ordinance shall be held in a facility designated by the Village until the animal or creature is identified as to genus and species to ascertain if the animal is an endangered species identified as such in the Wisconsin Statutes. At any time after such identification, the Village may destroy the animal as provided herein.

(3) The animal seized shall be impounded. The Village may require the appealing party to post bond in an amount sufficient to satisfy the cost of holding and identifying the animal. If it is determined that the animal has been owned, possessed, harbored, kept, or maintained in violation of this ordinance, the costs incurred by the Village for impounding, holding, and identifying the animal shall be paid by the violator. Anyone found to be in violation of this ordinance shall, in addition to the penalties provided, forfeit the prohibited animal to the Village for destruction or disposition as deemed proper. Prior to such forfeiture, the Village may direct a transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator for safe keeping, with the cost thereof being assessed and paid by the violator.

H. Enforcement.

(1) The provisions of this article shall be enforced by the Village, the Green Lake County Sheriff, the Green Lake County Department of Public Health, and/or other persons authorized by the Village, County Sheriff or the Green Lake County Department of Public Health. This ordinance may be enforced by citation, injunction or civil forfeiture. The Village Attorney is also authorized to bring an action to enforce the provisions of this ordinance.

(2) The Village and its agents, the Green Lake County Sheriff and those designated by the Sheriff are authorized to catch and impound those animals at large in violation of this ordinance, with such authorization to include the pursuit of said animals upon non-animal-owner private property. It shall be a violation of this ordinance to interfere with the Village personnel, the law enforcement officer, public health officer or designee, trained individual or Green Lake County Sheriff's office employee in the performance of their duties.

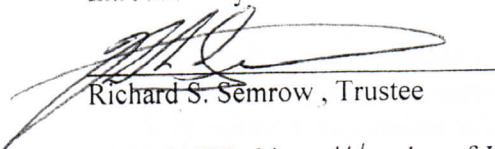
I. Violations and penalties.

Any person violating any provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$1,000 together with all court costs and costs as indicated in this ordinance. If any violation be continuing, each day's violation shall be deemed a separate violation.

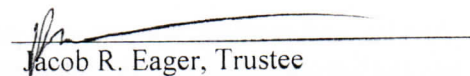
Section Two: This ordinance shall take effect from and after its passage and publication as required by law.

Roll Call Ayes 3 Nays 0 Absent 0 Abstain 0

Introduced by:



Richard S. Semrow, Trustee

Introduced by:


Jacob R. Eager, Trustee

APPROVED this 14 day of January, 2019.

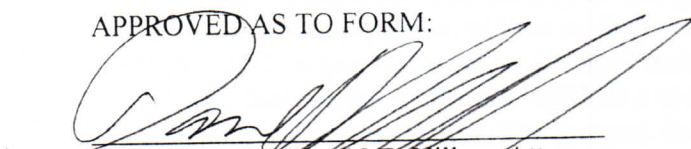
VILLAGE OF MARQUETTE


Peter C. Michalos, President

ATTEST:


DEBORAH J. ELAGEL, Village Clerk

APPROVED AS TO FORM:


DANIEL D. SONDALLE, Village Attorney

Posted: JAN. 15, 2019