

File
Original

TOWN OF ROCK
ORDINANCE NO. 831

AN ORDINANCE TO REGULATE THE KEEPING OF WILD ANIMALS AND REPTILES WITHIN THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN.

WHEREAS, in the Town of Rock, Rock County, Wisconsin, wild animals and reptiles are or may be kept or maintained in such a way as to constitute a nuisance by reason of the interference with the use and enjoyment of the property of surrounding property owners; and

WHEREAS, such interference with the use and enjoyment of surrounding property is dangerous to the safety and health of children as well as adults and interferes with the comforts and well being of the public; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated or prohibited;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Ordinance No. 831 of the Code of Ordinance of the Town of Rock is hereby created to read as follows:

CONTROL OF THE KEEPING AND MAINTENANCE OF WILD ANIMALS AND REPTILES

SECTION 1 - REGULATION:

It shall be unlawful to own, keep, have control of or exercise custody over in any way a wild animal or reptile, snake or similar creature within the Town of Rock. Wild animal is defined by Section 29.01 (1) of the Wisconsin Statutes (1981-82), and it is the intention of this ordinance to adopt that definition which reads that "wild animal" means any mammal, bird, fish or other creature of a wild nature endowed with sensation and the power of voluntary action.

SECTION 2 - EXEMPTIONS:

This ordinance shall not apply to the following:

- A. House pets, provided the pet is confined within the home or is tied up, securely penned or securely held by a leash.
- B. Pet stores.

- C. Pets customarily purchased at pet stores, provided the pets are confined wholly within the home or are tied up, securely penned or securely held by a leash and are readily domesticated.
- D. Domestic farm animals under the common law or under the Wisconsin Statutes provided the animals are confined as required under the common law or under the Wisconsin Statutes.

SECTION 3 - INTERPRETATION OF THIS ORDINANCE

This ordinance shall be interpreted to provide for the health and public safety of persons within the Town of Rock, and shall be construed to prohibit the keeping within the Town of Rock, whether confined or not, of any animal, reptile, bird or other creature that is not readily domesticated, or poses a threat to the neighborhood and others if the confined creature should break out of confinement.

SECTION 4 - PERSONS AFFECTED BY THIS ORDINANCE:

This regulation applies within the territorial limits of the Town of Rock.

SECTION 5 - TEMPORARY PERMIT:

If special circumstances arise which would justify the issuance of a temporary permit by the Town Board to keep a wild animal or reptile as defined in this ordinance within the Town for a limited period of time, the Town Board upon application duly made in writing, may by resolution grant such temporary permit.

SECTION 6 - REFERENCES:

References to the term "person", "anyone", or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership or corporation unless the context clearly indicates otherwise.

SECTION 7 - SEVERABILITY AND CONFLICT:

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason

held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8 - PENALTY:

Any person violating this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Imprisonment in the county jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to 1 day of confinement for each \$10.00 of fine or fraction thereof.

SECTION 9 - EFFECTIVE DATE:

In accordance with Wisconsin Statute 61.50(1), this ordinance shall take effect and may be enforced from and after its passage and posting.

Dated at Afton, Wisconsin, this 4th day of April,
1983.

TOWN BOARD OF THE TOWN OF ROCK

By: John N. Lee
Town Chairman

By: Richard M. O'Leary
Town Supervisor

By: Lorren K. Scott
Town Supervisor

ATTEST:

Virginia Shelly
Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the ~~4th~~ day of April, 1983, and that on the 3^d day of May, 1983, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock.

Virginia Skelly
Virginia Skelly
Town Clerk, Town of Rock
Rock County, Wisconsin

Subscribed and sworn to before me this 5th day of May, 1983.

Dudrick Wisner
Notary Public
Rock County, Wisconsin
My commission: 15 permanent

wild animal