

Chapter NR 16

GAME FARMS AND EXHIBITS

NR 16.01 Deer farm fence specifications NR 16.10 Wildlife exhibits
NR 16.02 Game farms

(Sections 29.574 to 29.578, 29.585 and 29.586, Wis. Stats.)

NR 16.01 Deer farm fence specifications. (1) Deer farm fence construction, replacement or repairs on licensed deer farms shall comply with the following minimum specifications:

(a) *Minimum size.* There shall not be less than ½ acre of land within the area enclosed as a licensed deer farm.

(b) *Fence height.* 1. 7 ft. 10 in. woven wire for deer farms licensed for white-tailed and larger species of deer.

2. 6 ft. woven wire for deer farms licensed for species smaller than white-tailed deer.

(c) *Posts (wooden).* Length—12 ft. Tops not less than 4 in. in diameter. Corner and gate posts with minimum of 6 in. tops.

(d) *Posts (steel or iron).* Length—11 ft.

(e) *Post spacing.* 12 ft. (or less).

(f) *Wire (woven) mesh and gauge.*

1. 14½ gauge, not larger than 36 sq. in. mesh opening.

2. 12½ gauge, not larger than 48 sq. in. mesh opening.

3. 11 gauge or heavier, not larger than 48 sq. in. mesh opening.

4. Adjoining strips or widths of woven wire shall be securely fastened together at intervals not exceeding 4 ft.

(g) *Staples.* Nine-gauge, one staple for each strand of wire.

(2) **EXCEPTIONS.** The use of materials, other than those herein specified, in deer farm fence construction may be permitted by the secretary if found to exceed minimum specifications and in fact sufficient to hold the deer therein.

History: Cr. Register, April, 1958, No. 28, eff. 5-1-58; renum. from WCD 16.01 to be NR 16.01 and am. (2), Register, April, 1971, No. 184, eff. 5-1-71.

NR 16.02 Game farms. (1) **APPLICATION.** This section applies to game farms as provided in section 29.574, Wis. Stats. Game farm licenses may be issued only when the hunting and killing of animals and birds with weapons in the licensed area will be restricted to those species listed in section 29.01 (3), (b), (c) and (d), Wis. Stats.

(2) **GAME FARM FENCE SPECIFICATIONS.** Game bird and animal farm fence construction, replacement or repairs shall comply with the following minimum specifications:

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(a) Unless otherwise provided in this section, the area to be included within the licensed game bird and animal farm shall be enclosed with a woven wire fence not lighter than 20-gauge wire with mesh not larger than 2 inches. Such fence shall be not less than 47 inches high of which 6 inches may be laid in or upon the ground in a manner to prevent the passage of game at ground level.

(b) Game bird and animal farms licensed solely for mallard shooting shall be enclosed by a 1 strand wire fence.

(c) Fence specifications for bear and other large animals shall be as defined in section NR 16.10 (11).

(d) Variation in fence construction other than specified shall be submitted to the department of natural resources and may be approved by the department if found to comply with the intent and purpose of these rules. In cases where pens are licensed in lieu of the fence requirement, all pens will meet the specifications for the particular species in NR 16.10 (11) and all requirements of NR 16.10 (10).

(3) **TAGGING HAND-REARED GAME.** All mallard ducks possessed in captivity, without a permit, shall have been physically marked by at least one of the following methods prior to 6 weeks of age and all such ducks hatched, reared and retained in captivity thereafter shall be so marked prior to reaching 6 weeks of age.

(a) Removal of the hind toe from the right foot.

(b) Pinioning of a wing: Provided that this method shall be the removal of the metacarpal bones of one wing or a portion of the metacarpal bones which renders the bird permanently incapable of flight.

(c) Banding of one metatarsus with a seamless metal band.

(d) Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

(e) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transferred in any number at any time or place; provided that all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age.

History: Cr. Register, April, 1958, No. 28, eff. 5-1-58; cr. (1), Register, November, 1959, No. 47, eff. 12-1-59; am. Register, August, 1961, No. 68, eff. 9-1-61; renum. from WCD 16.02 to be NR 16.02, and am. (1) and (2), Register, April, 1971, No. 184, eff. 5-1-71; r. and recr. Register, September, 1972, No. 201, eff. 10-1-72; am. (2) (d) and r. and recr. (3), Register, July, 1976, No. 247, eff. 8-1-76.

WCD 16.03 History: Cr. Register, April, 1958, No. 28, eff. 5-1-58; cr. (4), Register, November, 1959, No. 47, eff. 12-1-59; r. Register, August, 1961, No. 68, eff. 9-1-61.

NR 16.04 History: Cr. Register, April, 1958, No. 28, eff. 5-1-58; am. Register, November, 1959, No. 47, eff. 12-1-59; renum. from WCD 16.04 to be NR 16.04 and am., Register, April, 1971, No. 184, eff. 5-1-71; r. Register, September, 1972, No. 201, eff. 10-1-72.

NR 16.10 Wildlife exhibits. (1) **APPLICATION.** This section applies to wildlife exhibits and wildlife exhibit licenses provided in section 29.585, Wis. Stats.

(2) **DEFINITIONS.** The following terms, when used in this section, shall be construed as indicated.

Register, July, 1976, No. 247

(a) *Pen*. "Pen" includes any cage, fenced-in plot, or other enclosure in which birds or animals are held under a wildlife exhibit license.

(b) *Adult*. "Adult" means any animal which has reached the age of one year.

(c) *Wild animals*. "Wild animals" are defined as any mammal, bird, fish or other creature of a wild nature endowed with sensation and capable of voluntary motion.

(3) **APPLICATION FOR LICENSE**. Applications for wildlife exhibit licenses shall be on forms prepared and furnished by the secretary and shall show:

(a) The name and address of the applicant.

(b) The location of the proposed exhibit, including a legal description of the land and the approximate area devoted to the entire exhibit. Traveling exhibits shall include their itinerary and dates of exhibition.

(c) The species and number of wild animals to be exhibited.

(d) The source from which wild animals are to be obtained. If already in possession, include the license number under which they are possessed.

(e) Specifications of the pens and shelters provided for each kind of wild animal.

(4) **TRAVELING WILDLIFE EXHIBITS**. Applications for traveling wildlife exhibits having pen specifications that do not comply with the minimums required in subsection (11) may be approved by the secretary provided all other rules of wildlife exhibits are complied with.

(5) **STOCK TO BE LEGALLY OBTAINED**. All animals and birds retained in a wildlife exhibit shall have been obtained in a lawful manner. Evidence of lawful possession, such as the receipted invoice, bill of lading or similar evidence of the source from which any wild animal was obtained, shall be presented for inspection to any department officer upon request. All wild animals covered by license shall be made available for inspection upon demand of the department officer.

(6) **DISPLAY OF LICENSE**. Any person to whom a license for wildlife exhibit is issued shall publicly display such license at the place the exhibit is kept.

(7) **LABELS**. Each pen shall be labeled for the information of the public with the proper common name, in English, of the wild animals therein confined.

(8) **FEEDING**. (a) Regular feeding schedules for such wild animals shall be maintained by the licensee and the rations supplied shall be adequate to maintain proper strength and healthy appearance in such animals and, so far as possible, consistent with the food which is ordinarily eaten by such animals in a wild state.

(b) Fresh water shall be kept in pens by the licensee at all times, unless removed for sanitary reasons when it shall be supplied at intervals of not over 4 hours from sunrise to sunset. Drinking

fountains and other receptacles shall be kept clean and in a sanitary condition. Proper signs shall be conspicuously posted on pens and enclosures requesting the public to refrain from annoying the animals or feeding them unless specified foods are provided for this purpose.

(9) TREATMENT AND SANITATION. (a) All animals so retained shall be handled in a humane manner and kept free, as far as possible, from parasites, sickness or disease and when afflicted or unsightly shall be removed from public display by the owner and given proper medical attention or be destroyed in a humane manner.

(b) No chain link or similar type of fence may be used that could wedge or catch the claws of an animal.

(c) All pens shall be cleaned daily and said pens and their surroundings shall be kept in a sanitary and attractive condition, free from offensive odors. All dens or shelter boxes shall have a ventilator and shall be vented in such manner as to prevent a draft.

(d) The wildlife exhibit shall have no paper, cartons, tin cans, bottles, garbage of any kind, animal excrement or other debris within 100 feet of any pen unless the same shall be contained in a suitable metal garbage container with cover, the contents of which shall be emptied and taken away daily.

(10) PENS AND HOUSING. (a) All wild animals held in captivity in wildlife exhibits shall be confined at all times in pens of such strength and type of construction that it will be impossible for said animals to escape and at no time shall animals be chained or otherwise tethered to stakes, posts, trees, buildings, or other anchorage.

(b) All pens confining carnivorous animals and such other animals that may be a hazard to public safety shall be surrounded on the side or sides where the public may approach them by substantial guard rails not less than 36" in height. Such guard rails shall be well supported and fully enclosed with 36" woven wire stock fencing and shall be erected not less than 4 feet from the pens in which the animals are confined. Such pens, guard rails and fencing shall be kept in good repair at all times and all gates and doors shall be kept securely locked.

(c) All such pens shall be provided with rain-proof dens, nest boxes, shelters and bedding of sufficient size and quantity to protect the animals kept therein from inclement weather or the direct rays of the sun.

(11) MINIMUM PEN SPECIFICATIONS. Pens shall be constructed to comply with the following minimum specifications:

(a) *Deer of any species.* 1. Fenced area. Deer farm fence specifications will be used.

a. *Exception.* Deer farm licensee may hold or exhibit deer in pens with space of no less than 400 square feet for from 1 to 3 deer, and 100 square feet additional for each deer in excess of 3; and with fence no less than 6 feet high and not lighter than 16-gauge wire, with mesh no larger than 2 inches; no guard fence required.

2. Floor. Covered by not less than 1 inch of sand.

a. *Exception.* Deer farm licensee may exhibit not to exceed 4 fawn deer not confined in any manner from June 1 to the opening date of the bow and arrow season for deer in that county, provided that such fawn deer have been first ear tagged by the department with tags furnished free of charge.

(b) *Bears.* 1. No more than 2 adults and their offspring of the year may be held together in one pen. Pen must be enclosed completely, including a top.

2. Floor. Material; Concrete 4 inches thick.

3. Space. 200 sq. ft. for 1 animal; an additional 100 sq. ft. for 2 animals and their young of the year.

4. Framework for the walls and top. Material: 2-inch galvanized iron pipe or 2 x 2 angle iron with all upright members set 2 feet deep in concrete.

5. Walls. Material: 9-gauge fence with mesh no greater than 2-inch diameter, fastened at the bottom, at each 4-inch interval, to horizontal crossbar, 1 inch x 3/8 inch in cross section, welded at the ends to the vertical framework of the pen; or vertical steel bars or rods of 1/2-inch diameter, spaced no greater than 2 inches apart, set 4 inches deep in concrete, and having at every 36-inch interval above the floor a horizontal crossbar, 1 inch x 3/8 inch in cross section welded to each vertical bar; or 3 walls may be of cement block, stone or concrete construction.

6. Height. 6 feet.

7. Top. Material: Concrete, stone, cement block, or 9-gauge fence.

8. Shelter. Concrete, stone or cement block. Inside dimensions of den—6 ft. x 4 ft. high. Den shall be built outside of pen with gate to lock bear, either in or out of den, to permit cleaning and handling.

(c) *Timber wolves, coyotes, wildcats and lynx.* 1. Not more than 2 adults, and these must be of the same species, and their offspring of the year, may be held together in one pen. Pen must be enclosed completely, including a top.

2. Floor. Material: Concrete 4 inches thick.

3. Space. Concrete floor—300 sq. ft.

4. Walls and top. Material: 12-gauge woven or welded wire. Mesh no greater than 1" x 2".

5. Shelter. Weatherproof den box, wood, concrete, stone or cement block, inside dimensions 3 ft. x 4 ft. x 3 ft. high.

(d) *Red foxes, gray foxes or mutation.* 1. Not more than 2 adults, and these must be of the same species, and their offspring of the year, may be held together in one pen. Pen must be enclosed completely, including a top.

2. Floor. Material: Concrete 4 inches thick, or raised floor of 16-gauge fur-farm netting with hexagonal mesh no greater than 1 inch. Raised floor shall include a board runway 1" x 6" the length of the pen.

3. Space. Concrete floor—100 sq. ft. Raised floor—50 sq. ft.

4. Walls. Material: 16-gauge fur-farm netting, with mesh no greater than 1 inch.

5. Height. 6 feet with concrete floor.
3 feet with raised floor.

6. Top. 16-gauge fur-farm netting with mesh no greater than 1 inch.

7. Shelter. Weatherproof den box 2 feet x 3 feet x 2 feet high.

(e) *Opposum, porcupines, racoons, skunks, and woodchucks*. 1. Not more than 3 adults, and these must be of the same species, or one pair and their offspring of the year, may be held together in one pen.

2. Floor. Material: Concrete 4 inches thick or gravel or sand 4 inches deep with wire mesh base, or raised 16-gauge fur-farm netting with mesh no greater than 1 inch.

3. Space. Concrete or gravel or sand floor—36 sq. ft.
Raised floor—50 sq. ft.

4. Walls. Material: 16-gauge fur-farm netting with mesh no greater than 1 inch, built with metal frames.

5. Height. Concrete floor—6 ft.
Raised floor—3 ft.

6. Top. Material: Same as for walls, either completely enclosed or have top 2 feet of walls with sheet metal or other nonclimbing material.

7. Shelter. Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

(f) *Beaver and otter*. 1. Not more than 2 adults, and these must be of the same species, and their offspring of the year, may be held together in one pen. Pen must have escape-proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. Floor. The floor must be constructed with a trough in it 4 ft. long, 2 ft. deep and 3 ft. wide at top, with top of trough at floor level.

3. Material. Concrete 4 inches thick.

4. Space. 144 sq. ft.

5. Walls. Material: 12-gauge woven or welded fence or netting, with mesh no greater than 1" x 2".

6. Height. 6 feet.

7. Shelter. Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

8. Water supply. Tank or trough 4 ft. long, 2 ft. deep and 2 ft. wide, with water filling the trough or tank at all times with inlet pipe at the top of trough or tank at one end and with intake opening of drain pipe within 3 inches of top of trough or tank at opposite end from inlet.

(g) *Badger*. 1. Not more than 3 adult or one pair and their offspring of the year may be held together in one pen. Pen must have escape-

proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. Floor. Material: Concrete 4 inches thick.

3. Space. 144 sq. ft.

4. Walls and top. 14-gauge woven or welded fence or netting, with mesh no greater than 1 inch, built with metal frames using 1" pipe or 2" x 2" angle iron.

5. Shelter. Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

(h) *Weasel, mink, and muskrats*. 1. Not more than 3 adults or one pair and their offspring of the year may be held together in one pen. Pen must have escape-proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. Floor. Material: 4-inch concrete or a raised floor using hardware cloth.

3. Space. 8 sq. ft.

4. Walls and top. Material: hardware cloth with mesh not greater than 1/2 inch.

5. Shelter. Weatherproof den box 1 sq. ft. in size.

(i) *Rabbits and hares*. 1. Not more than one pair and their offspring of the year may be held together in one pen. Pen must be enclosed completely, including a top.

2. Floor. Material: A raised floor is to be used. 16-gauge fur-farm netting with mesh no greater than 1/2 inch.

3. Space. 12 sq. ft.

4. Walls and top. 16-gauge fur-farm netting or hardware cloth, with mesh no greater than 1/2 inch.

5. Height. 3 feet.

6. Shelter. Weatherproof den box, 1 ft. x 1 1/2 ft. x 1 ft. high.

(j) *Tree squirrels, ground squirrels, and chipmunks*. 1. Not more than 5 individuals, or one pair and their offspring of the year, may be held together in one pen. Pen must have escape-proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. Floor. Material: Dirt, gravel or concrete 4 inches thick, or raised floor using hardware cloth.

3. Space. 36 sq. ft.

4. Walls and top. Material: 18-gauge fur-farm netting with mesh no greater than 1 inch or hardware cloth with mesh not greater than 1/2 inch.

5. Height. 6 feet.

6. Shelter. Weatherproof den box, 1 ft. sq.

(k) *Waterfowl*. 1. Not more than 2 pairs of adults, or one pair and their offspring of the year may be held together in one pen, unless 20 sq. ft. for each additional pair is added to such pen size.

2. Floor space. 100 sq. ft.

3. Shelter. Weatherproof shelter with roof and 8 walls and floor space of 8 sq. ft. per pair of birds in pen, or a lean-to furnishing equivalent space and protection.

4. Water supply. Pens shall be provided with an adequate and constant water supply easily accessible to the waterfowl and cleaned and drained daily.

(l) *Eagles, hawks, and owls*. 1. Not more than 3 adults, or one pair and their offspring of the year may be held together in one pen.

2. Floor. Material: 4 inches of gravel or sand.

3. Space. 144 sq. ft.

4. Walls and top. 18-gauge woven wire with mesh not greater than 1 inch. Top completely enclosed. Pen shall be not less than 8 ft. high. A perch or roosting bar shall extend the width of the pen and be placed not less than 2 ft. from the top of the pen.

5. Shelter. A weatherproof shelter having a roof and three sides.

(m) *Turkeys and peafowl*. 1. Not more than 2 pairs of adults, or 1 pair and their offspring of the year may be held together in one pen.

2. Floor space: 144 sq. ft.

3. Walls and top. 18-gauge woven wire with mesh not greater than 1 inch. Top completely enclosed. A board shelter 18 inches high shall be built around the bottom sides of the pen to prevent current draft.

4. Shelter. A weatherproof shelter with a roof and 3 sides.

(n) *Additional game birds*. 1. Not more than 5 adults, or 1 pair and their offspring of the year may be held together in one pen, unless 20 sq. ft. for each additional pair is added to such pen size.

2. Floor. Material: 4 inches of gravel or sand.

3. Space. 100 sq. ft.

4. Walls and top. 18-gauge woven wire with mesh not greater than 1 inch. Top completely enclosed. A board shelter 18 inches high shall be built around the bottom sides of the pen to prevent current draft.

5. Shelter. Weatherproof shelter house shall have a top and three sides, 2 ft. x 3 ft. x 3 ft. high.

General exception. The use of other materials or variation in pen or fence construction other than specified shall be submitted to the secretary and may be permitted if found to comply with the intent and purpose of these rules.

(p) *Buffalo, elk, moose, and similar game animals*. 1. Fenced area. Deer farm fence specifications NR 16.01 (1) or exceptions NR 16.01 (2) will be used.

a. Exception. The minimum fence height for buffalo only, shall be 5 feet.

b. Exception. The "safety fence" defined in subsection (10) (b) shall be constructed where needed or in lieu thereof may be constructed *inside* the enclosure of sufficient strength and design to carry out the purpose and intent of such "safety fence".

2. The use of "rubbing posts" for the well-being of these animals is recommended. Wooden posts 7 feet long and 10 inches or more in diameter are set in the ground to a depth of 4 feet with 3 feet exposed. Posts may be placed singly in a group of 3 in a triangle 6 feet apart.

(12) EXCEPTION. When wild animals are to be exhibited within a fenced area comprised of 40 acres or more and having adequate facilities for vehicular traffic, the pen and safety fence requirements contained in Wis. Adm. Code NR 16.10 (10) and (11) may be waived by the secretary if the following conditions are met:

(a) The outside fence meets the applicable requirements of Wis. Adm. Code NR 16.10;

(b) Vehicles are restricted to traveling on a well-defined roadway;

(c) Viewers are confined to and remain in cars, trucks or similarly enclosed vehicles;

(d) The doors and windows of viewers' vehicles remain closed at all times when the vehicles are within the enclosure;

(e) Viewers are prohibited from feeding the animals;

(f) A speed limit of 10 miles per hour or less is established within the enclosed area;

(g) The licensee has a safe procedure for removing vehicles which have broken down from the enclosure;

(h) The licensee maintains adequate liability insurance naming the department and its employees as an additional named insured.

The licensee shall be required to post notices and verbally inform viewers of conditions (b) through (g) and to enforce these conditions within the enclosed area. Failure by the licensee to meet and enforce any one of these conditions shall be sufficient cause for revocation of the wildlife exhibit license.

History: Cr. Register, April, 1958, No. 28, eff. 5-1-58; cr. (11) (p), Register, November, 1959, No. 47, eff. 12-1-59; renum. from WCD 16.10 to be NR 16.10 and am. (3) intro. par., (4), (5), (11) (a) 2.a. and (n) 5. and (p) 1. intro. par., Register, April, 1971, No. 184, eff. 5-1-71; cr. (12), Register, April, 1976, No. 244, eff. 5-1-76.