

Chapter NR 16

GAME FARMS AND EXHIBITS

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NR 16.001 Definitions. (1) "Department" means the department of natural resources.

(2) "Wild animal" means any mammal, bird, fish or other creature of a wild nature endowed with sensation and the power of voluntary motion.

(3) "Waterfowl" means any migratory bird of family Anatidae (wild ducks, geese, brant and swans).

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

(5) "Pen" means any cage, fenced-in plot, or other enclosure in which animals are held.

History: Cr. Register. April, 1978, No. 268, eff. 5-1-78.

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 all game farms as provided in s. 29.574, Stats., including commercial operations, shooting game farms and hobbyists. The owner or lessee of any lands within the state suitable for the breeding and propagating of game birds or animals as may be approved by the department shall have the right upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands. On areas where the hunting or killing of wild animals is to be permitted, the game farm license shall only include species listed in s. 29.01(4), (6) and (7), Stats.

(2) SIZE OF HUNTING OR KILLING AREAS. No game farm license shall be issued for any land area larger than 640 contiguous acres or less than 80 contiguous acres where hunting, trapping or killing of wild animals is allowed, except for such land areas licensed as game farms prior to the effective date of this subsection.

(3) MIGRATORY BIRD DISPOSAL. No person shall import, export or sell waterfowl or other migratory birds without compliance with federal regulations except captive-reared mallard ducks, alive or dead, or their eggs may be acquired, transported, exported but not imported and disposed of by any person without a permit provided such ducks are properly marked as specified within the federal regulations.

(4) WILDLIFE FEE ASSESSMENT. In addition to an annual license fee, signs and expense payment for the inspection board, each applicant shall pay to the department a specified sum of money for each wild animal found on the lands which are desired for propagation. The fee assessed for each animal shall be the amount established in s. 29.65 (1), Stats.

(5) PEN REQUIREMENT. (a) When individual animals licensed under s. 29.574, Stats., are confined to an area which does not exceed one-fourth acre in size, the standards established in s. NR 16.10 (10) and (11) shall apply.

(b) A person licensed prior to the enactment of these regulations shall be exempt from the pen requirement criteria.

(c) Variation in pen construction other than specified shall be submitted to the department and may be approved by the department if found to comply with the intent and purpose of this section.

(d) All waterfowl bred, propagated or held on a game farm licensed pursuant to this section shall be enclosed within a covered pen by the licensee throughout the open season for hunting waterfowl in the state when written or oral notice is given to the licensee by the department or its agents.

(6) WATERFOWL DISEASE CONSIDERATIONS. In addition to the above requirements and pursuant to s. 29.586, Stats., if the department determines that any species of waterfowl licensed under this section may pose potential threat to native wildlife populations due to disease transmittal
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or other factors, the department may prescribe additional requirements including:

(a) If a contagious disease is suspected, all birds exposed to the disease shall be quarantined until certified free of contagious disease by a qualified veterinary authority.

(b) Separate pens for individual species and/or specific numbers of birds.

(c) Approved veterinary medicines or vaccines.

(d) Year-around covered pens.

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; r. and recr. Register, April, 1978, No. 268, eff. 5-1-78; am. (4) (a) to (f), Register, September, 1983, No. 333, eff. 10-1-83; am. (1), Register, July, 1987, No. 379, eff. 8-1-87; am (4) (intro.), r. (4) (a) to (f), Register, July, 1988, No 391, eff. 8-1-88.

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

(3) **APPLICATION FOR LICENSE.** Application 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 sub. (1) 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.

(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.

(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 pars. (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) 2a. 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; r. (2), r. and recr. (11), renum. (12) to be (13) and cr. (12), Register, April, 1978, No. 268, eff. 5-1-78; r. and recr. (3)(d) 3, Register, August, 1979, No. 284, eff. 9-1-79; r. (9) (b), Register, July, 1988, No. 391, eff. 8-1-88.