

Chapter NR 16

GAME FARMS AND EXHIBITS

NR 16.001 Definitions
NR 16.01 Deer farm fence specifications

NR 16.02 Game farms
NR 16.10 Wildlife exhibits

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

Register, April, 1978, No. 268

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 (1) Application. This section applies to all game farms as provided in section 29.574, Wis. 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 section 29.01 (3) (b), (c), and (d), Wis. 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 purposes, the title of which rests in the state. The fee assessed for each animal shall be the amount hereinafter stated in this section:

- (a) Any wild turkey or bear, \$100
- (b) Any fox or bobcat, \$50
- (c) Any coyote, \$25
- (d) Any sharptail grouse, or ruffed grouse, \$15
- (e) Any pheasant, Hungarian partridge, or quail, \$10
- (f) Any rabbit, squirrel, opossum or weasel, \$5

(5) Pen requirement. (a) When individual animals licensed under section 29.574, Wis. Stats., are confined to an area which does not exceed one-fourth acre in size, the standards established in section NR 16.10(10) and (11) Wis. Adm. Code 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.

Register, April, 1978, No. 268

(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 section 29.586, Wis. 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 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.

NR 16.10 Wildlife exhibits. (1) APPLICATION. This section applies to wildlife exhibits and wildlife exhibit licenses provided in section 29.585, Wis. 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 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 unless an exception is granted pursuant to subsection (12).

(a) *Deer of any species.* 1. Not more than 3 deer may be held together in one pen unless additional space is provided.

2. 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.

3. Floor. Natural soil, well drained.

4. Space. a. 400 sq. ft.

b. 100 sq. ft. for each additional animal.

5. Fencing. Deer farm fence specification shall be required.

6. Height. Deer farm height specification shall be required.

7. Shelter. Weatherproof shelter with roof and 3 walls and floor space of 24 square feet per animal shall be provided.

(b) *Buffalo, elk, moose and similar animals.* 1. Fenced area.

a. Deer farm fence specifications NR 16.01 shall be required except the minimum fence height for buffalo shall be 5 feet.

b. 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.

(c) *Bear and cougar.* 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. Concrete 4 inches thick.

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

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

5. Walls. 9-gauge fencing 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

in cross section welded to each vertical bar; or 3 walls may be of cement block, stone or concrete construction.

6. Height. a. Bear - 6 ft.

b. Cougar - 10 ft.

7. Top. Materials: Concrete, stone, cement block, or 9-gauge fencing.

8. Perches. A minimum of two perches measuring 2 ft. x 5 ft. should be provided for each cougar.

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

(d) *Timber wolf and coyote*. 1. Not more than 2 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. The pen as required herein must have an escape-proof top completely enclosed; however, additional but not required exercise yards do not require enclosed tops.

2. Floor: Concrete, 4 inches thick. Additional exercise yard may be provided on natural soil, well drained.

3. Space. 144 sq. ft. provided by rectangular or circular fence structure.

4. Walls. a. Timber wolf: 9-gauge chain-link fence with mesh no greater than 2 inches.

b. Coyote: 14-gauge woven or welded wire with mesh no greater than 1-inch x 2 inches.

c. Additional exercise yards must be constructed of the same wall materials. Bottom of the wall to extend 6 inches beneath ground surface connecting to a 3-foot width of 12-gauge woven or welded wire which shall extend parallel and beneath the ground surface toward the inside of the pen.

5. Height. a. Top enclosed - 6 ft.

b. Top not enclosed - 9 ft.

6. Top. 14-gauge woven or welded wire with mesh no greater than 2 inches.

7. Shelter. Weatherproof den box, wood, concrete, stone or cement block, inside dimensions 4 ft. x 6 ft. x 4 ft. high for timber wolf and 3 ft. x 4 ft. x 3 ft. high for coyote.

(e) *Bobcat (wildcat) and lynx*. 1. Not more than 2 adults, and these must be of the same species, or one pair and their offspring may be held together in one pen. Pen must have escape-proof top completely enclosed.

2. Floor. Concrete 4 inches thick.

3. Space. 144 sq. ft. with circular construction recommended.

4. Walls and top. 12-gauge woven or welded wire with mesh no greater than 2 inches.

5. Height. 10 ft.

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

7. Perches. A minimum of 2 perches measuring 1 ft. x 2 ft. should be provided for each animal.

(f) *Red fox, gray fox or mutations fisher and pine martin.* 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 unless additional space is provided. Pen must be enclosed completely, including a top.

2. Floor. Concrete 4 inches thick, or gravel or sand 4 inches deep with 16-gauge wire mesh base, 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-inch x 6 inches the length of the pen.

3. Space. a. Concrete gravel or sand floor. 1) 120 sq. ft.

2) 8 sq. ft. each additional animal

b. Raised floor. 1) 50 sq. ft.

2) 4 sq. ft. each additional animal

c. Circular construction recommended.

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

5. Height. a. Concrete gravel or sand floor - 6 ft.

b. Raised floor - 3 ft.

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

(g) *Opposum, porcupine, raccoon, skunk and woodchuck.* 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 unless additional space is provided.

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

3. Space. a. Concrete, gravel or sand floor. 1) 30 sq. ft.

2) 10 sq. ft. for each additional animal.

b. Raised floor - 20 sq. ft.

c. Circular construction recommended.

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

5. Height. a. Concrete, gravel or sand floor - 6 ft.

b. Raised floor - 3 ft.

6. Top. Same as walls, completely enclosed or top 2 ft. of walls with sheet metal or other nonclimbing material.

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

(h) *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 unless additional space is provided. 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 containing a water trough 6 ft. long, 2 ft. deep and 4 ft. wide at top, with top of trough at floor level and drain at bottom.

3. Material. Concrete 4 inches thick.

4. Space. a. 100 sq. ft.

b. 10 sq. ft. for each additional animal.

5. Walls. Material: 14-gauge woven or welded fence or netting, with mesh no greater than 1 inch x 2 inches.

6. Height. 6 ft.

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

8. Water supply. Water shall be drained at frequent intervals to provide clean and sanitary conditions.

(i) *Badger.* 1. Not more than 3 adults or one pair and their offspring of the year may be held together in one pen unless additional space is provided. Pen must have escape proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other non-climbing material.

2. Floor. Material: Concrete 4 inches thick.

3. Space. a. 100 sq. ft.

b. 6 sq. ft. for each additional animal.

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-inch pipe or 2 inch x 2 inch angle iron.

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

(j) *Weasel, mink, and muskrats.* 1. Weasel and muskrat: Not more than 3 adults or one pair and their offspring of the year may be held together in one pen unless additional space is provided. 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. Mink: Only one animal per pen. Pen must have escape-proof top.

3. Floor. Material: 4-inch concrete or a raised floor using hardware cloth with mesh no greater than ½-inch.

4. Space. a. Weasel and muskrat: 15 sq. ft.; 5 sq. ft. for each additional animal.

b. Mink: 6 sq. ft.

5. Walls and top. Material: hardware cloth with mesh not greater than, a. ½-inch for weasel.

b. 1-inch for mink and muskrat.

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

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

2. Floor. A raised floor is to be used. 16-gauge fur-farm netting with mesh no greater than ½-inch.

3. Space. a. 20 sq. ft.

b. 3 sq. ft. each additional animal.

4. Walls and top. 18-gauge fur-farm netting or hardware cloth, with mesh no greater than ½-inch.

5. Height. 3 ft.

6. Shelter. Weatherproof den box, 1 ft. x 1-½ ft. x 1 ft. high.

(l) *Tree squirrels, ground squirrels, and chipmunks*. 1. Not more than 3 individuals, or one pair and their offspring of the year, may be held together in one pen unless additional space is provided. 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 with mesh no greater than ½-inch.

3. Space. a. 16 sq. ft.

b. 3 sq. ft. each additional animal.

4. Walls and top. 18-gauge fur-farm netting with mesh no greater than 1-inch or hardware cloth with mesh not greater than ½-inch.

5. Height. 4 ft.

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

(m) *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 additional space is provided.

2. Floor. Natural soil, well drained.

3. Space. a. Ducks. 1) 24 sq. ft.

2) 4 sq. ft. each additional bird.

b. Geese or brant. 1) 120 sq. ft.

2) 8 sq. ft. each additional bird.

c. Swans. 1) 130 sq. ft.

2) 12 sq. ft. each additional bird.

4. Walls. 20-gauge woven wire with mesh no greater than 2 inches.

5. Height. 6 ft. including portion which may be buried beneath ground surface.

6. Top. 20-gauge woven wire or plastic with mesh no greater than 2 inches.

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

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

(n) *Pheasants and ruffed grouse*. 1. Not more than 2 adults or one pair and their offspring may be held in one pen unless additional space is provided. Pen must have top completely enclosed.

2. Floor. a. Natural soil, well drained.

b. Cover crops consisting of dwarf-essex rape, dwarf sun-flower, grain sorghum or similar types are recommended for pheasant rearing.

3. Space. a. 20 sq. ft.

b. 4 sq. ft. for each additional bird.

4. Walls. 20-gauge woven wire with mesh no greater than 2 inches, the lower 2 ft. of which shall be 16-gauge woven wire with mesh no greater than 1-inch.

5. Height. 6 ft. including portion which may be buried beneath ground surface.

6. Top. 20-gauge woven wire or plastic with mesh no greater than 2 inches.

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

(o) *Quail, Chukar partridge and Hungarian partridge*. 1. Not more than 2 adults or one pair and their offspring may be held together in one pen unless additional space is provided. Pen must have top completely enclosed.

2. Floor. Wire, wood, concrete or natural soil, well drained or raised floor constructed with ½-inch hardware cloth, 3 feet above ground surface.

3. Space. a. 3 sq. ft.

b. One sq. ft. for each additional bird.

4. Walls and top. 20-gauge woven wire with mesh no greater than one inch.

5. Shelter. Weatherproof shelter with roof and 3 sides, 2 ft. x 3 ft. x 3 ft. high or a lean-to furnishing equivalent space and protection.

(p) *Turkeys and peafowl*. 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 additional space is provided. Top shall be completely enclosed.

2. Floor. Natural soil, well drained.

3. Space: a. 100 sq. ft.

b. 8 sq. ft. for each additional bird.

4. Walls and top. 18-gauge woven wire with mesh not greater than 2 inches.

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

(a) *Eagles, hawks, falcons and owls*. 1. Not more than 2 adults or one pair and their offspring of the year may be held together in one pen. Pen must have escape-proof top.

2. Floor. 2 inches of pea gravel, well drained.

3. Space. a. Hawks, falcons and owls - 250 sq. ft.

b. Eagles - 400 sq. ft.

c. Circular construction recommended.

4. Walls. A minimum of 2 walls shall be constructed of wood. The remainder shall consist of vertical bars spaced narrower than the width of the bird's body completely covered on the outside by 20-gauge woven or welded wire with mesh no greater than one inch or 18-gauge welded wire fabric with mesh no greater than one inch.

5. Height. a. Hawks, falcons and owls - 8 ft.

b. Eagles - 12 ft.

6. Top. Wood or 18-gauge welded wire fabric with mesh no greater than one inch or combination of wood and wire. Wire construction requires additional woven nylon netting with mesh no greater than one inch installed a minimum of 7 inches below and parallel to the wire surface.

7. Water supply. Fresh water shall be provided daily. A minimum of one suitable container for each bird, 2 to 6 inches deep and wider than the length of the bird shall be required.

8. Perches. a. Falcons - A minimum of one shelf-type perch, one ft. wide and covered with artificial turf or similar materials.

b. Hawks, owls and eagles - A minimum of 2 perches shall be required for each bird consisting of a tree limb which shall be covered with natural bark or hemp rope. The diameter of the covered perch shall conform to the bird's foot.

9. Marking. (a) Raptors held under a permit shall wear a numbered non-reusable marker supplied by the fish and wildlife service.

(b) The marker must be attached to the raptor immediately upon acquisition.

(c) It shall be unlawful to alter, counterfeit or deface a marker except that permittees may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

10. It is recommended that beaks and talons be inspected and filed down as necessary each month.

11. It is recommended that foot health and overall body condition be inspected at frequent intervals.

12. It is recommended that partitions to provide escape from public view be provided.

(r) *Other birds or animals.* 1. Not more than 5 adults, or 1 pair and their offspring of the year may be held together in one pen, unless additional space is provided.

2. Floor. Natural soil or 4 inches of gravel or sand, well drained.

3. Space. a. 100 sq. ft.

b. 10 sq. ft. for each additional animal.

4. Walls and top. 20-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 3 sides, 2 ft. x 3 ft. x 3 ft. high.

(12) **GENERAL EXCEPTION.** The use of other materials or variation in pen or fence construction other than specified in this section shall be submitted to the secretary and may be permitted if found to comply with the intent and purpose of these rules.

(13) **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 section NR 16.10 (10) and (11) Wis. Adm. Code may be waived by the secretary if the following conditions are met:

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

(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), (6), (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.

Register, April, 1978, No. 268