

# Town of Cary

## Wild Animal Shining Ordinance

### Ordinance #7 - 2012

The Town Board of the Town of Cary, Wood County, Wisconsin does ordain as follows:

#### **Section 1. Title**

This ordinance is entitled the "Town of Cary Wild Animal Shining Ordinance".

#### **Section 2. Purpose**

The purpose of this ordinance is to prohibit the shining of wild animals from public highways in the Town of Cary.

#### **Section 3. Definitions**

(a) "Flashlight" means a battery operated light designed to be carried and held by hand.

(b) "Light" includes flashlights, automobile lights and other lights.

(c) "Peace officer" has the meaning designated under Wisconsin Statute #939.22(22)

(d) "Shining" means the casting of rays of light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

#### **Section 4. Presumption**

A person casting rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.

#### **Section 5. Shining Wild Animals From Roadways Prohibited**

a) Prohibition. No person may use or possess with intent to use a light for shining wild animals from a highway as defined in Wisconsin Statutes #340.01(22) or from a vehicle located on a highway.

b) Exceptions. This subsection does not apply.

1) To a peace officer on official business, an employee of the Wisconsin Department of Natural Resources on official business or a person authorized by the department to conduct a game census.

2) To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.

3) To a person who possesses a flashlight or uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.

4) If rules promulgated by the Wisconsin Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals in a matter otherwise prohibited by the Ordinance.

#### **Section 6. Penalties**

Any person violating any of the provisions of this ordinance shall be punished by forfeiture of not less than \$100.00, nor more than \$500.00, together with the cost of prosecution for each such offense.

#### **Section 7. Severability**

The provisions of this ordinance are severable and the invalidity of any section or part thereof shall not render ordinance invalid.

#### **Section 8. Effective Date**

This ordinance shall be effective upon passage and publication.

This ordinance is adopted by the Town Board of Cary, Wood County, Wisconsin the 11th day of December, 2012.

Chairperson: Jeff Ignatowski

Attest: Patricia Lippert, Clerk

Published/Post December 20, 2012