



REPORT TO COUNCIL

City of Sacramento

39

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

CONSENT
June 22, 2010

**Honorable Mayor and
Members of the City Council**

Subject: Pass for Publication: Ordinance Amendment: Amending Sections 9.44.020, 9.44.215, Subsection B and Adding Article X, Sections 9.44.810 through 9.44.840 to the Sacramento City Code, Relating to the Humane Treatment of Animals performing in Travelling Commercial Animal Exhibitions

Location/Council District: Citywide

Recommendation:

Review an ordinance to amendment Sections 9.44.020, 9.44.215, Subsection B and adding Article X, Sections 9.44.810 through 9.44.840 to the Sacramento City Code with regard to treatment, administrative penalties, permits and inspections for animals performing in travelling commercial animal exhibitions, 2) review regulations for the humane treatment of animals adopted pursuant to the ordinance, and 3) pass for publication the ordinance title as required by the Sacramento City Charter, Article III, paragraph 32(c) to be adopted on July 13, 2010.

Contact: Michelle Heppner, Special Projects Manager, 916-808-1226
Penny Cistaro, Animal Care Services Manager, 916-808-7433

Presenter: Michelle Heppner, Special Projects Manager, Office of the City Manager, 916-808-1226

Department: Department of General Services

Division: Animal Care Administration

Organization No: 12100

Description/Analysis:

Issue: Responsible, travelling commercial animal exhibitions are fun, family-oriented attractions for city residents. However, it is important to make these venues safe environments for both the public and the animals that perform in them. The proposed amendments to Sections 9.44.020, 9.44.215, Subsection B and adding Article X, Sections 9.44.810 through 9.44.840 to the Sacramento City Code address potential concerns with regard to the treatment of animals performing in the city.

Policy Considerations: This ordinance amendment would empower the City of Sacramento Animal Care Services to establish conditions necessary to protect the public health and safety and to provide for the humane care and treatment of performing animals. An application and permit fee would be mandated as part of the amended ordinance. Inspections by city animal control officers would be required before all performances. Administrative penalties could apply.

Environmental Considerations: None.

California Environmental Quality Act (CEQA): Under the CEQA guidelines, continuing administrative activities do not constitute a “project” as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.

Sustainability Considerations: None.

Commission/Committee Action: This item was scheduled to come before the city’s Law & Legislation Committee on June 15, 2010. Due to lack of a quorum, that meeting did not take place. Because of the time-sensitive nature of the provisions required by these ordinance amendments, the City Manager has deemed this item urgent and is recommending that it move forward directly to the full Council without review by the Law & Legislation Committee.

Rationale for Recommendation: Currently, there are no provisions in the city code with regard to the treatment of animals performing in travelling commercial animal exhibitions. In order to assure their humane treatment, the proposed ordinance amendment would, via an application and permit process, empower Sacramento animal care officers to perform inspections to enforce safe and compassionate living conditions, health and handling for specifically defined animals.

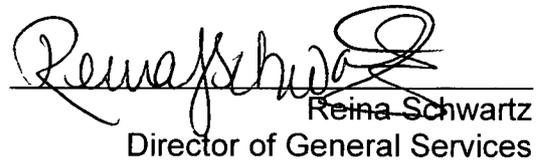
Financial Considerations: Minimal impact.

Emerging Small Business Development (ESBD): n/a

Respectfully Submitted by:


Perry Cistaro, Animal Care Services Manager

Approved by:


Reina Schwartz
Director of General Services

Recommendation Approved:


GUS VINA
Interim City Manager

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ORDINANCE NO. 2010-

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 9.44.020 AND 9.44.215 OF THE SACRAMENTO CITY CODE AND ADDING ARTICLE X TO CHAPTER 9.44 OF THE SACRAMENTO CITY CODE, RELATING TO TRAVELLING COMMERCIAL ANIMAL EXHIBITIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

- A. The definition of "wild animal" in Section 9.44.020 of the Sacramento City Code is amended to read as follows:

"Wild animal" means any of the following

1. Following members of the Class Reptilia:

Order Ophida (such as, but not limited to, racers, boas, water snakes and pythons) over eight feet in length, and Order Loricata (such as, but not limited to, alligators, caymans, and crocodiles) over four feet in length.

2. Following members of the Class Aves:

Order Falconiformes (such as, but not limited to, hawks, eagles and vultures which are not kept pursuant to federal or state permit), and Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries, and emus).

3. Following members of the Class Mammalia:

Order Carnivora, expressly excepting the domestic dog (*Canis familiaris*) and the domestic cat (*Felis catus*), but including, but not limited to, the family felidae (such as ocelots, margays, tigers, lions, jaguars, leopards and cougars), the family canidae (such as wolves, dingos, coyotes and jackals), the family ursidae (bears), the family odobenidae (walruses), the family otaridae (sea lions and fur seals), Order Marsupialia (such as kangaroos and opossums) and Order Chiroptera (bats), and Order Edentata (such as sloths, anteaters and armadillos), and Order Proboscidea (elephants), and Order Primata (including, but not limited to, monkeys, chimpanzees and gorillas), and Order Ungulata (expressly

excluding any animal which would be included within the definition of "domestic animal" in this section and including, but not limited to, antelope, deer, bison and camels).

4. Following members of the Class Actinopterygii:

Family cyprinidae (goldfish) and family osphronemidae (bettas).

4.5 Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.

56. Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, or touch or other means, except honey producing bees.

- B. The following definitions are added to Section 9.44.020 of the Sacramento City Code to read as follows:

"Travelling commercial animal exhibition" means the use or display of animals for public entertainment or amusement and includes but is not limited to circuses, rodeos, carnivals and traveling shows. "Travelling commercial animal exhibition" does not include the use or display of animals for educational purposes.

"Cruel and inhumane" means every act, omission or act of negligence whereby unjustifiable pain, suffering or death is caused or permitted or attempted to be caused or permitted against animals.

- C. Except as specifically amended in subsections A and B above, Section 9.44.020 shall remain unchanged and in full force and effect.

SECTION 2.

- A. Subsection B of Section 9.44.215 of the Sacramento City Code is amended to read as follows:

B. Any person violating any section of Article X of this chapter, subsection B or (F)(3) of Section 9.44.490 of this chapter, or subsection B or (F)(3) of Section 9.44.430 of this chapter shall be subject to the following administrative penalties: upon the first violation, a fine of five hundred dollars (\$500.00) for each animal with respect to which there is a violation, and a second or subsequent violation, a fine of not less than one thousand dollars (\$1,000.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.

- B. Except as specifically amended in subsection A above, Section 9.44.215 shall remain unchanged and in full force and effect.

SECTION 3.

Article X is added to Chapter 9.44 of the Sacramento City Code to read as follows:

ARTICLE X. ANIMALS IN TRAVELLING COMMERCIAL ANIMAL EXHIBITIONS

9.44.810 Permit Required.

It is unlawful for any person to operate, conduct or maintain any commercial animal exhibition in which any domestic or wild animal is displayed, used or kept without first obtaining a permit from the Animal Care Service Manager at least thirty days prior to the scheduled performance or event.

9.44.820 Permit Requirements.

A. Application requirements.

An application for a permit for a travelling commercial animal exhibition shall be made on a form provided by the Animal Care Service Manager, shall be accompanied by payment of a permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of days and hours of operation; the number and types of animals maintained and proof of insurance coverage in amounts and types of coverage required by the City's risk manager.

B. Permit issuance.

The Animal Care Services Manager shall issue a permit upon submission of a completed application, payment of the permit fee and proof of insurance coverage.

9.44.830 Regulations

The Animal Care Services Manager shall have the authority to promulgate regulations to protect the health, safety and welfare of the public attending travelling commercial animal exhibitions and to insure the proper and humane treatment of all wild and domestic animals displayed, used or maintained by a commercial animal exhibition. The regulations shall be effective upon approval by council resolution. Violation of the regulations promulgated pursuant to this section shall constitute a violation of this section.

9.44.840 Cruel and Inhumane Treatment of Animals Prohibited.

It shall be unlawful for a travelling commercial animal exhibition to treat, control or maintain a wild or domestic animal in a cruel or inhumane manner.

9.44.850 Inspection.

The Animal Care Services Manager or his or her designee shall have the authority at all times during the effective dates of a permit granted pursuant to this article, to inspect any commercial animal exhibition to insure proper and humane treatment of all wild and domestic animals in compliance with the regulations adopted pursuant to section 9.44.830.

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Adopted by the Sacramento City Council

Date Adopted

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3. Following members of the Class Mammalia:

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5. Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.

6. Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, or touch or other means, except honey producing bees.

B. The following definitions are added to Section 9.44.020 of the Sacramento City Code to read as follows:

“Commercial animal exhibition” means the use or display of animals for public entertainment or amusement and includes but is not limited to circuses, rodeos, carnivals and traveling shows. “Commercial animal exhibition” does not include the use or display of animals for educational purposes.

“Cruel and inhumane” means every act, omission or act of negligence whereby unjustifiable pain, suffering or death is caused or permitted or attempted to be caused or permitted against animals.

C. Except as specifically amended in subsections A and B above, Section 9.44.020 shall remain unchanged and in full force and effect.

SECTION 2.

C. Subsection B of Section 9.44.215 of the Sacramento City Code is amended to read as follows:

B. Any person violating any section of Article X of this chapter, subsection B or (F)(3) of Section 9.44.490 of this chapter, or subsection B or (F)(3) of Section 9.44.430 of this chapter shall be subject to the following administrative penalties: upon the first violation, a fine of five hundred dollars (\$500.00) for each animal with respect to which there is a violation, and a second or subsequent violation, a fine of not less than one thousand dollars (\$1,000.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.

- D. Except as specifically amended in subsection A above, Section 9.44.215 shall remain unchanged and in full force and effect.

SECTION 3.

Article X is added to Chapter 9.44 of the Sacramento City Code to read as follows:

ARTICLE X. ANIMALS IN TRAVELLING COMMERCIAL ANIMAL EXHIBITIONS

9.44.810 Permit Required.

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C. Application requirements.

An application for a permit for a commercial animal exhibition shall be made on a form provided by the Animal Care Service Manager, shall be accompanied by payment of a permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of days and hours of operation; the number and types of animals maintained and proof of insurance coverage in amounts and types of coverage required by the City's risk manager.

D. Permit issuance.

The Animal Care Services Manager shall issue a permit upon submission of a completed application, payment of the permit fee and proof of insurance coverage.

9.44.830 Regulations

The Animal Care Services Manager shall have the authority to promulgate regulations to protect the health, safety and welfare of the public attending travelling commercial animal exhibitions and to insure the proper and humane treatment of all wild and domestic animals displayed, used or maintained by a commercial animal exhibition. The regulations shall be effective upon approval by council resolution. Violation of the regulations promulgated pursuant to this section shall constitute a violation of this section.

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It shall be unlawful for a commercial animal exhibition to treat, control or maintain a wild or domestic animal in a cruel or inhumane manner.

9.44.850 Inspection.

The Animal Care Services Manager or his or her designee shall have the authority at all times during the effective dates of a permit granted pursuant to this article, to inspect any commercial animal exhibition to insure proper and humane treatment of all wild and domestic animals in compliance with the regulations adopted pursuant to section 9.44.830.

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PFP: Ordinance Amendment: Travelling Commercial Animal Exhibitions June 22, 2010

Sacramento Animal Care Services
2127 Front Street, Sacramento, CA 95818 (916) 808-7433

APPLICATION FOR PERMIT TO OPERATE A TRAVELLING COMMERCIAL ANIMAL EXHIBITION

I, _____
Name of Applicant Phone Number

of _____
Business Address City Zip Code

Mailing address if different from above _____

The name, address and telephone number of a responsible person who has access to permittee's exhibit and can be reached in an emergency at any time outside of exhibition hours.

Emergency Contact Phone Number

Address City Zip Code

Having acquainted myself with the provisions of the appropriate sections Chapter 9.44 of the Sacramento City Code I hereby apply for a permit to conduct a: _____

which shall have the business name of: _____, for the period

of _____, 20_____, and ending _____, 20_____, at the following address:

Hours of operation: _____

I hereby agree to abide by the provisions of Chapter 9.44 and general Rules and Regulations adopted by Animal Care Services. I also agree to the following special conditions, if any:

1. Have you or your partners or officers ever been arrested, convicted, or placed on probation for any offense involving the treatment or care of animals? _____ If "yes" please attach explanation.

2. Number and type of animals to be housed _____

Use additional sheet if necessary

3. Closest distance animal facilities will be located to nearest dwelling _____

4. Do you have copies of and understand Chapter 9.44 and the general Rules and Regulations? _____

PFP: Ordinance Amendment: Travelling Commercial Animal Exhibitions · June 22, 2010

If partnership or corporation, list partners or officers _____

I certify that the above information is factual and correct to the best of my knowledge and belief. Falsification of, or deletion from this form will be grounds for withholding of this permit.

Date _____ Signature _____

Date Received _____	Amount Received _____
Received by _____	License Number _____

CITY OF SACRAMENTO
ANIMAL CARE SERVICES
RULES AND REGULATIONS FOR THE HUMANE TREATMENT OF ANIMALS IN
TRAVELLING COMMERCIAL ANIMAL EXHIBITIONS

1. When applying for a permit, the applicant shall furnish to the City of Sacramento Animal Care Services (ACS) with a list of the kinds of animals to be kept, handled or exhibited and with the estimated maximum number.
2. Animals must be supplied with sufficient good and wholesome food as often as the feeding and energy habits of such animals require. Water must be provided at all times.
3. All animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation and drainage shall be maintained.
4. Proper shelter and protection from the weather shall be provided at all times. Animals must not be overcrowded nor exposed to excessive heat or cold. Quarters shall be draft free.
5. All facilities and exhibits must have someone in attendance 24 hours a day or provide a public notice at the facility indicating the hours no one is in attendance and an emergency telephone number.
6. Permittee shall use every reasonable precaution to insure that animals are not teased, mistreated, annoyed, harassed, or made to suffer by any person or means.
7. Permittee shall not maintain nor permit any condition to exist that is, or could be, injurious to the animals.
8. Animals which are worked, kept for sale or exhibited shall be strong, healthy and in good condition.
9. Animals which are enemies by nature, or are temperamentally unsuited, shall not be quartered together or so near each other as to cause animals fear, torment, or annoyance.
10. Providing ACS a list of any tack, equipment, devise, substance, material, or housing that shall be used for any animals listed on the permit.
11. Animals must be maintained in quarters or enclosures constructed as to prevent their escape. Permittee assumes full responsibility for recapturing any animal that escapes from the permittee's premises or possession.
12. Permittee shall take all reasonable precaution to protect the public from the animals and the animals from the public. Attention must be given to public health risks specific to the species exhibited and the nature of the exhibit.

13. Sick or diseased animals shall be isolated from healthy animals at all times, and so segregated that the illness or disease shall not be transmitted to another animal or the public.
14. Working or performing animals shall be given proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal.
15. Animal bedding shall be sufficient in size, quantity, and of good quality to allow for proper disinfecting.
16. No animal, which has been suspended from labor by ACS shall be worked or used until released by ACS.
17. Any changes in address, owner, or management shall be reported in writing to ACS at least five (5) days prior to the change.
18. Permittee shall not tranquilize any animal except under the supervision of a licensed veterinarian.
19. The permittee's proof of insurance in an amount subject to approval by the City's Risk Management Department must be provided with the permit application.