

ORDINANCE NO. 2010-022

Adopted by the Sacramento City Council

July 20, 2010

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).

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.

- 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 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 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 unannounced 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.

Adopted by the City of Sacramento City Council on July 20, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

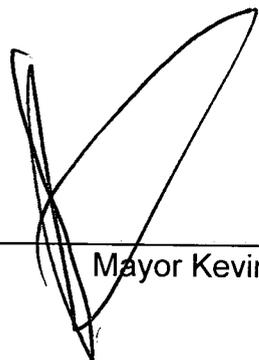
Abstain: None.

Absent: None.

Attest:



Shirley Concolino, City Clerk



Mayor Kevin Johnson

Passed for Publication: June 22, 2010

Published: June 24, 2010

Effective: August 18, 2010