

**CITY OF KINGMAN
ORDINANCE NO. 1888**

**AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE
CITY OF KINGMAN, ARIZONA, AMENDING CHAPTER 3 OF THE CITY
OF KINGMAN CODE OF ORDINANCES BY ADDING A SECTION
PROHIBITING THE USE OF WILD AND EXOTIC ANIMALS IN PUBLIC
PERFORMANCES AND CIRCUSES.**

WHEREAS, the Mayor and Common Council has determined that the public health, safety, and welfare will be promoted by modifying the following provision to the City of Kingman Code of Ordinances;

WHEREAS, the Mayor and Common Council has determined that the abuse inherent in the use of wild and exotic animals in public performances and circuses is detrimental to the animals themselves and to the viewing citizens of our community; and

WHEREAS, there are numerous violations of the Animal Welfare ACT and charges filed against circus by the U.S. Department of Agriculture, and furthermore

WHEREAS, there are numerous records of circus animals escaping their handlers in towns and cities throughout the United States creating a danger to the community and the animals, and

WHEREAS, the Mayor and Common Council has determined that circus animals used in public performances and circuses are often mistreated by the use of bull hooks and whips when learning to perform tricks, are deprived of food and water to control bodily emissions during performances, are shackled with tire chains making normal movements impossible, are transported over long distances in uncomfortable trucks, and are deprived of normal socialization with other animals, and;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1 Chapter 3, Article I of the Code of Ordinances of the City of Kingman, is amended by adding text, to read as follows;

Sec. 3-11 Wild and exotic animals performances prohibited.

- a. Purpose. It is the intent of the Kingman City Council to protect the public against hazards that wild and exotic animals used in performances pose to society and to protect wild and exotic animals from cruel and inhumane treatment.
- b. Definitions. For the purpose of this section only, the following words and terms shall be deemed to mean and to be construed as follows:
 1. "Circus" means a class C licensee that is licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments, regulations, and standards adopted pursuant to the Act, that offers performances by live animals, clowns, and/or acrobats.
 2. "Person" means an individual, partnership, corporation, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative of these.
 3. "Public Performance" means any mobile or stationary act, circus, public show, trade show, photographic opportunity, carnival, city or county fair, agricultural fair, ride, parade, race, or similar undertaking incorporating wild or exotic animals wherein the animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement or benefit of a live audience.
 4. "Wild or exotic animal" means any or all of the following orders and families, whether born in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
 - a. Non-human primates and prosimians (such as chimpanzees, baboons, monkeys, etc.): All species.
 - b. Felidae (such as lions, tigers, cougars, leopards, ocelots, servals, etc.): All species except domestic cats.

- c. Canidae (such as wolves, coyotes, etc.): All species except domestic dogs.
- d. Ursidae (such as bears): All Species.
- e. Marsupialia (such as kangaroos, etc.): All species.
- f. Proboscidae (such as elephants): All species.
- g. Crocodilia (such as crocodiles, alligators, etc.): All species.
- h. Artiodactyla (such as hippopotamuses, giraffes, camels, etc.): All species except domestic cattle, swine, sheep, llamas, alpacas or goats.
- i. Perissodactyla (such as zebras, rhinos, and tapirs): all species except domestic horses, donkeys, or mules.
- j. Struthioniformes (such as ostriches): All species.
- k. Casuariiformes (such as emus): All species.

5. "Wildlife sanctuary" means a 501(c)(3) organization described in the United States Internal Revenue Code where:

- a. No commercial trade in animals occurs (including, but not limited to, sale of animals, animal parts, by-products, offspring, photographic opportunities or public events for financial profit, or any other entertainment purposes),
 - b. No propagation of animals occurs in the facility, and
 - c. No unescorted public visitation is allowed; no direct contact between the public and wild animals is allowed; animals are not taken from the sanctuary or enclosures for exhibition.
- c. Prohibition. It shall be unlawful for any person to conduct, sponsor, or operate a public performance or circus that includes wild or exotic animals on any public or private land within the City of Kingman.
- d. Exceptions. The provisions of this section shall not apply to:
- 1. Institutions accredited by the Association of Zoos and Aquariums, the Zoological Association of America, or the Global Federal of Animal Sanctuaries.
 - 2. Any wildlife sanctuary as defined under this ordinance.
 - 3. Education activities such as Future Farmers of America, 4-H, or similar other conservational educational activities.
 - 4. The use or exhibition of animals at rodeos, gymkhanas, horse shows, dog shows, cat shows, and livestock shows.
 - 5. The use or exhibition of animals involved in falconry.
 - 6. Federal, State, and Local Governmental organizations.
- e. Penalty. A violation of this section is a class three misdemeanor.

SECTION 2 Penalties for violation of Chapter shall be in accordance with Section 1-8 of the Code of Ordinances for the City of Kingman.

SECTION 3 If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on the _____ day of _____, 2019

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Jen Miles, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney