

Draft for committee consideration on 8/19/15
Ordinance

An ordinance amending Title 6, Missoula Municipal Code establishing Chapter 6.24 entitled “Wild and Exotic Animals”. ~~in order to protect the public against hazards associated with commercial display or performance of wild and exotic animals and to protect wild and exotic animals from cruel and inhumane treatment.~~

Be it ordained the Chapter 6.24, Section 6.24.010 through 6.24.050 Missoula Municipal Code is hereby established as follows:

Chapter 6.24

Wild and Exotic Animals

<u>6.24.010</u>	<u>Findings and Purpose</u>
<u>6.24.020</u>	<u>Definitions</u>
<u>6.24.030</u>	<u>Display or performance of wild or exotic animals prohibited</u>
<u>6.24.040</u>	<u>Exemptions</u>
<u>6.24.050</u>	<u>Penalties</u>

6.24.010 Findings and Purpose

~~[Delete original first paragraph:] It is the purpose and intent of the city to protect against hazards associated with commercial display or performance of wild and exotic animals and to protect wild and exotic animals from cruel and inhumane treatment.~~

~~Citizens of Missoula value wildlife and animal welfare and recognize that wild and exotic animals have specific biological requirements best met in their natural habitat. Holding wild and exotic animals in captivity necessarily raises concerns regarding diminished welfare.~~

~~Many animal researchers and professionals and members of the public hold that entertainment or amusement are not sufficient justification for maintaining captive wild or exotic animals, especially endangered species, and that such practices are inconsistent with effective conservation efforts.~~

~~Our evolving scientific understanding of animal welfare requirements including indoor and outdoor space needs, restraint, transportation, social and behavioral considerations, and training methods indicates that traveling entertainment or amusement companies featuring wild and exotic animal performances are unsuited to, if not inherently incapable of, ensuring suitable welfare for their wild and exotic animals.~~

~~While threats to human health and safety may appear minimal on a local scale, particularly given the history of brief annual exhibitions, there is a well-documented and substantial record of public safety incidents involving escaped wild and exotic animals on a national and international scale.~~

~~Given these findings, the City of Missoula finds it is unsuitable and cruel to utilize wild and exotic animals in displays or performances intended primarily for public entertainment or amusement and endeavors to prohibit such.~~

6.24.020 Definitions

As used in this Chapter, the following definitions apply:

“Display” means any exhibit of live animals open to the public except an exhibit that is part of an educational activity.

“Domestic animal” means any animal that is tame by nature and includes but is not limited to dogs, cats, and rabbits. ~~and livestock.~~

~~“Educational activity” means an organized event that includes teaching or instructing with the intent of imparting knowledge to others. An educational activity must include educational content designed to~~

~~teach the behavior, biology, habitat, conservation or care of the animals through lecture, group discussion, or hands on activities. Animals used in an educational activity may not perform tricks that are not part of their natural behavior.~~

[Alternate definition] "Educational activity" means an organized event that includes teaching or instruction with the intent of imparting knowledge to others. An educational activity must be led by an employee or volunteer of an organization with non-profit status under 26 U.S.C. § 501(c)(3) that provides education about animal behavior, biology, conservation, or care as part of its mission. An educational activity must include content designed to teach the behavior, biology, habitat, conservation or care of animals through lecture, group discussion, or hands-on activity.

"Livestock" means cattle, sheep, swine, poultry, fowl, ostriches, emus, peacocks, goats, horses (including ponies), mules, asses, llamas, alpacas, bison, rabbits and rheas.

"Performance" means any public showing, presentation, exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, exhibition, or similar undertaking in which live animals are required to perform tricks, fight, or participate as accompaniments for the entertainment or amusement of an audience.

"Person" means any individual, partnership, firm or corporation, trust, association or other legal entity.

For the purposes of this section, "wild and exotic animal" means any animal that is not a domestic animal or livestock and includes any or all of the following orders and families, or similar orders and families whether bred in the wild or in captivity, and any hybrid with domestic animals. The animals listed in parentheses are intended as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals listed, unless otherwise specified:

- A. Non-human primates and prosimians (chimpanzees, monkeys)
- B. Felidae (except domestic cats);
- C. Canidae (except domestic dogs);
- D. Ursidae (bears);
- E. Proboscidae (elephants);
- F. Crocodilia (alligators, crocodiles);
- G. Marsupialia (kangaroos, opossums);
- H. Reptilia over eight feet in length and snakes and reptiles of venomous variety;
- I. Perissodactyla (rhinoceroses, tapirs, but not horses, ponies, donkeys, mules);
- J. Artiodactyla (hippopotamuses, giraffes, camels, antelope, deer, elk, moose, mountain goats, but not reindeer, cattle, swine, sheep or domestic goats);
- K. Hyaenidae (hyenas);
- L. Mustelidae (weasels, otters, badgers);
- M. **Mephitidae (skunks)**
- N. Procyonidae (raccoons, coatis);
- O. Edentata (anteaters, sloths, armadillos);
- P. Viverridae (mongooses, civets, and genets).

6.24.030 Display or performance of wild or exotic animals prohibited

Except as allowed by Montana state law, it shall be unlawful for any person to cause or permit the display or performance of any wild and exotic animal for any commercial purpose on any public or private property within the city.

6.24.040 Exemptions

The following are exempt from the provisions of this ordinance:

- A. rodeo activities that meet humane standards of the professional rodeo cowboy's association;
- B. educational activities.

6.24.050 Penalties

- A. Violation of this ordinance is subject to the provisions of Sections [6.07.030](#) of this Title. Each wild or exotic animal in each display or performance shall constitute a separate violation.

B. Prosecution under this ordinance does not preclude prosecution for violation of [Section 6.07.460](#) (Cruelty to Animals).

Effective date: This ordinance shall be effective **July 1, 2016**.

Severability If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the _____ day of _____, 2015, by a vote of _____

Second and final reading and adoption on the _____ day of _____, 2015, by a vote of _____.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor