



Legislation Text

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Int. No. 1233

By Council Members Mendez, Johnson, Palma, Cabrera, Dromm, Koslowitz, Williams, Rodriguez and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the display of wild or exotic animals for public entertainment or amusement.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.1 to read as follows:

§ 17-199.1 Wild and Exotic Animal Performances Prohibited. a. Definitions. For the purposes of this section, the following terms have the following meanings:

1. Cause a performance. The term “cause a performance” means to be responsible for the management of a performance, to financially benefit as an owner or operator from a performance, or to sponsor a performance.

2. Companion animal. The term “companion animal” means any common household dog or cat, and any other domesticated animal normally maintained in or near the household of the owner or person who cares for such animal.

3. Farm animal. The term “farm animal” means poultry, sheep, swine, goats, donkeys, mules, horses, or any species of cattle.

4. Mobile or traveling housing facility. The term “mobile or traveling housing facility” means a transporting vehicle such as a truck, trailer or railway car, used to house animals while traveling for exhibition or other performance.

5. Performance. The term “performance” means any exhibition, public showing, presentation, display, exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, performance, or similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.

6. Wild or exotic animal. The term “wild or exotic animal” means any animal from any of the following superorders, orders, classes, families or clades except for companion animals and farm animals, or any hybrid of any such animal, including a hybrid with a companion animal or farm animal:

i. Ardeidae (herons);

ii. Artiodactyla (including hippopotamuses, giraffes, camels and llamas);

iii. Canidae (including wolves, foxes and jackels);

iv. Cetacea (including whales and dolphins);

v. Crocrodilia (including alligators and crocodiles);

vi. Diomedeidae (albatrosses);

vii. Elephantidae (elephants);

viii. Felidae (including tigers, lions, jaguars and leopards);

ix. Herpestidae (mongooses);

x. Hyaenidae (hyenas);

xi. Marsupialia (including kangaroos and koalas);

xii. Mustelidae (including ferrets, weasels, otters and badgers);

xiii. Non-human primates (including apes, monkeys and lemurs);

xiv. Pelicanidae (pelicans);

xv. Perissodactyla (including rhinoceroses, tapirs and zebras);

xvi. Phoenicopteriformes (flamingos);

xvii. Pinnipedia (including seals, sea lions and walruses);

xviii. Procyonidae (including raccoons);

xix. Ratites (including ostriches, emus and kiwis);

xx. Sphenisciformes (penguins);

xxi. Ursidae (bears);

xxii. Viverridae (civets and genets); and

xxiii. Xenarthra (including anteaters, sloths and armadillos).

b. Prohibited acts. It shall be unlawful for any person to cause a performance of any wild or exotic animal, unless such performance:

1. occurs at a non-mobile facility accredited by the association of zoos and aquariums or the global federation of animal sanctuaries; or

2. is conducted as part of an educational or conservation program or presentation by or on behalf of an institution or facility accredited by the association of zoos and aquariums or the global federation of animal sanctuaries, if the wild or exotic animal or animals used in the performance is or are not kept in a mobile or traveling housing facility for more than 12 hours in any 24 hour period that includes such performance; or

3. occurs as part of a religious ceremony or celebration, and consists solely of the display of such wild or exotic animal; or

4. occurs at a research facility registered by the United States department of agriculture and approved to operate pursuant to section 504 of the New York state public health law.

c. Enforcement. Any authorized employee, officer, or agent of the department or any other city agency designated by the mayor may enforce the provisions of this section or any rule promulgated thereunder.

d. Rules. The commissioner may promulgate rules as may be necessary for the purpose of carrying out this section.

e. Violation and penalties. Any person who violates subdivision b of this section or any rule promulgated thereunder shall be liable for a civil penalty not to exceed two thousand five hundred dollars for

each violation recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings; except that for a first such violation and other violations occurring on the same day, such person shall be liable for a civil penalty not to exceed one thousand dollars for each violation recoverable in a proceeding before any such tribunal. Each performance of a wild or exotic animal constitutes a separate violation of this section.

§ 2. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 3. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner shall take such actions, including the promulgation of rules, as may be necessary for the timely implementation of this local law.

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