

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-23

3 INTRODUCED BY:

4
5 Councilor Signe I. Lindell

6 Councilor Peter Ives

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9
10 AN ORDINANCE

11 RELATING TO ANIMAL WELFARE; AMENDING SUBSECTION 5-2 SFCC 1987 TO
12 ADD DEFINITIONS; AND AMENDING SUBSECTION 5-10 TO PROHIBIT
13 TRAVELING ANIMAL ACTS.

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. Subsection 5-2 SFCC 1987 (being Ord. #1979-2, as amended) is
17 amended to add the following definition:

18 *Display* means any exhibition, fair, act circus, ride, or similar undertaking in which *wild*
19 *or exotic animals* are required to perform tricks, give rides, or participate as accompaniments for
20 the entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

21 Section 2. Subsection 5-2 SFCC 1987 (being Ord. #1979-2, as amended) is
22 amended to amend the following definition:

23 *Wild or exotic animal* means any animal not normally considered domesticated and shall
24 include, but not be limited to:

25 A. Class reptilia; order phidia, such as racers, boas, water snakes and pythons,

1 and order loricata, such as alligators, caymans and crocodiles;

2 B. The following members of the class aves; order falconiforms, such as
3 hawks, eagles and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries
4 and emus; [~~and~~]

5 C. Class mammalia; order carnivora; family felidae, such as ocelots, margays,
6 tigers, jaguars, leopards and cougars, except commonly accepted domesticated cats; [~~the~~]
7 family canidae, such as wolves, dingos, coyotes and jackals, except commonly accepted
8 domesticated dogs; family mustelidae, such as weasels, martins, mink, badgers, except
9 ferrets, family procynnidae, such as raccoons; family ursidae, such as bears; [~~and~~] family
10 pinnipedia such as seals, sea lions and walruses; order marsupialia, such as kangaroos
11 and common opossums; order edentata, such as sloths, anteaters and armadillos;
12 order proboscidea, such as elephants; order primata, such as monkeys, chimpanzees and
13 gorillas; order rodenta, such as porcupines; [~~and~~] order ungulata, such as
14 hippopotamuses, giraffes, llamas, antelope, deer, bison and camels but excluding cattle,
15 swine, sheep and goats; and order euungulata such as rhinoceroses, tapirs and zebras but
16 excluding horses, ponies, donkeys, burros and mules;

17 D. Class chondrichthyes, subclass elasmobranchii such as sharks, stingrays
18 and skates; and

19 [~~D~~]E. Hybrids, which includes the offspring of two animals of different races,
20 breeds, species, varieties or genera involving any one or more of the animals mentioned
21 in Subsections A-D above.

22 **Section 2. Subsection 5-10.1 SFCC 1987 (being Ord. #1979-2, as amended) is**
23 **amended to amend the following definition:**

24 **5-10.1 Wild or Exotic Animals.**

25 A. It is unlawful to be in charge of, possess or own:

1 (1) Any wild or exotic animal or species prohibited by federal or state law;

2 (2) Any wild or exotic animal or species when kept in such numbers or in
3 such a way as to constitute likelihood of harm to the animals themselves, to human
4 beings or to the property of human beings, or which constitutes a public or private
5 nuisance;

6 (3) Bats; or

7 (4) Skunks, except those owned by individuals on the effective date of this
8 chapter and provided that any wild or exotic animal permit is obtained for the skunks
9 within sixty (60) days of the effective date.

10 B. It is unlawful to receive, purchase, own or keep any wild or exotic animal without
11 first applying to and receiving from the administrator a permit to do so. Notwithstanding, those
12 persons in possession of a wild or exotic animal when they become residents of the city in the
13 future or who possess the animal on the effective date of this chapter have a sixty (60) day period
14 in which to apply for the permit before the penalty provisions of this chapter become enforceable.

15 C. No person shall apply for a wild or exotic animal permit without first obtaining
16 any required state or federal permits.

17 D. The application for a permit shall contain the name of the applicant; [~~his~~] their
18 address, the address of the proposed location of the wild or exotic animal if different from the
19 applicant's; a brief description of the applicant's plan for keeping the wild or exotic animal which
20 shall include the species of animal, the number of individuals of each species, and a description of
21 the housing facilities; a list of individuals qualified to care for the animal desired or that have
22 agreed to advise or assist the applicant in the proper care and treatment of the animal and who
23 would be willing to recommend the person applying for the permit; and the list of publications
24 which the applicant has studied in order to qualify for a permit for the animal.

25 E. Upon receipt of the application, the administrator shall inspect the facilities where

1 the animal is to be housed and shall make whatever other investigations [~~he~~] they deems
2 necessary. The administrator may deny a permit if the inspection or investigation determines that
3 the provisions of this section are not met.

4 F. Whenever, in any given permit year, there are new wild or exotic animals in a
5 collection due to the reproduction of members of the collection or to replacement in the same
6 number and zoological species as the members replaced, the new animals do not require an
7 additional permit during the year, provided the administrator is notified in writing of the new
8 exotic animals within thirty (30) days of acquisition. When a new or wild exotic animal or
9 collection is added, a new permit must be secured and a new fee shall be due and payable at the
10 time of issuance of the permit and shall be a prerequisite of the issuance.

11 G. The wild or exotic animal permit shall be valid for one (1) year, and shall be
12 reviewed within sixty (60) days after expiration and an inspection is required prior to the renewal
13 of the permit. If, during the preceding year, more than one (1) renewal permit has been issued an
14 applicant, the former permits may be consolidated so that only one (1) renewal permit is required;
15 provided, however, that the renewal date for the consolidated permit shall be the date of the
16 issuance of the earliest permit. The animal services center may deny the application for renewal
17 for cause.

18 H. Individuals authorized to acquire a wild or exotic animal shall, within fourteen
19 (14) days of acquisition, submit to the animal services center, a health certificate from a qualified
20 veterinarian stating that the animal is in good health and has been vaccinated in accordance with
21 applicable time schedules.

22 I. It is unlawful to receive, purchase, own or keep any wild or exotic animal unless:

23 (1) Housing is sufficiently spacious, ventilated and temperature-controlled,
24 clean and sanitary at all times;

25 (2) The wild or exotic animal is provided with proper food, water and

1 attention;

2 (3) The wild or exotic animal is kept and cared for in such a way as not to
3 endanger the safety of any person or property; and

4 (4) The wild or exotic animal permittee notifies the administrator when
5 changing [~~his~~] their residence or location of the wild or exotic animal, or selling or
6 otherwise disposing of the wild or exotic animal for which the permit was issued.

7 J. Permits issued pursuant to the provisions of this subsection shall be surrendered
8 for inspection upon the request of the administrator. The premises on which a wild or exotic
9 animal is maintained shall be open at any reasonable hour and in a reasonable manner for
10 inspection by the administrator.

11 K. For failure to have a permit in advance of obtaining a wild or exotic animal or to
12 renew the permit within sixty (60) days of the expiration date, or upon suspension of a wild or
13 exotic animal permit, the administrator shall have the authority to enter the premises where the
14 wild or exotic animal is kept, at any reasonable hour, and to impound the animal. The animal
15 shall be surrendered upon the demand of the administrator. Procedures for the reclamation and
16 humane euthanasia of impounded wild or exotic animals shall be followed pursuant to subsection
17 5-4.4 of this chapter, and for penalties, pursuant to Section 5-12. The wild or exotic animal may
18 be returned to its owner if the problem for which it was impounded is corrected within the time
19 period allotted by the administrator and all penalties are paid.

20 L. Notwithstanding the above, the valid zoological park, veterinary hospital, humane
21 society, shelter, public laboratory, [~~circus, sideshow,~~] educational or scientific facility, provided
22 protective devices adequate to prevent the animal from escaping and/or injuring the public are
23 provided, are excluded from the above portions of this subsection.

24 M. Upon application to the administrator, the keeping of these prohibited animals
25 may be permitted for educational or scientific purposes; provided there is no conflict with state or

1 federal regulations. In lieu of licensing each animal, a wild or exotic animal permit may be issued
2 in accordance with this subsection.

3 N. No person shall keep, conduct or operate any traveling animal show, petting zoos,
4 circus, ~~[pony rides,]~~ animal acts or miscellaneous animal or reptile exhibits that include any wild
5 or exotic animal, as defined, unless for exclusively public educational purposes. ~~[without first~~
6 ~~obtaining a special animal permit from the administrator as follows:]~~

7 O. Special animal permits as referenced in Subsections B-N above shall be obtained
8 from the administrator as follows:

9 (1) Each application for a special animal permit shall be in writing upon a
10 form to be furnished by the administrator and shall contain such information as the
11 administrator shall require;


12 (2) All special permits issued by the administrator shall be for a specified
13 period of time but not to exceed one (1) year unless revoked or suspended, or unless the
14 holder of the permit changes the location of his place of business, or sells, assigns,
15 transfers or otherwise disposes of his business or his interests therein; and

16 (3) Upon the filing of each application, either for an original permit or
17 renewal, the administrator shall make an investigation as he deems proper. The
18 administrator shall then issue a permit to the applicant if it is found that:

19 (a) The animals, or the conduct or operation of the business for
20 which the permit is requested will not constitute a menace to the health, peace or
21 safety of the citizens; and

22 (b) The premises and establishment where the animals are to be kept
23 are maintained in a clean and sanitary condition and that the animals will not be
24 subject to needless suffering, unnecessary cruelty or abuse and that the applicant
25 has not had a permit revoked within one (1) year prior to the date of application.

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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M/Legislation/Bills 2017/Traveling Animal Act Ban