

Public Hearing draft dated 7/29/2015

**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**

<a href="#">6.24.010</a>	<a href="#">Purpose</a>
<a href="#">6.24.020</a>	<a href="#">Definitions</a>
<a href="#">6.24.030</a>	<a href="#">Display or performance of wild or exotic animals prohibited</a>
<a href="#">6.24.040</a>	<a href="#">Exemptions</a>
<a href="#">6.24.050</a>	<a href="#">Penalties</a>

**6.24.010 Purpose**

It is the purpose and intent of the city 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.

**6.24.020 Definitions**

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

"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, amusement, or benefit 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 domesticated cats);
- C. Canidae (except domesticated 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 (skunks, weasels, otters, badgers);
- M. Procynonidae (raccoons, coatis);
- N. Edentata (anteaters, sloths, armadillos);
- O. Viverridae (mongooses, civets, and genets).

**6.24.030 Display or performance of wild or exotic animals prohibited**

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, except as allowed by Montana law.

**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 30 days after adoption and passage.

**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

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John Engen  
Mayor