

CHAPTER 9.22DISPLAY OF WILD OR EXOTIC ANIMALS FOR PUBLIC ENTERTAINMENT OR
AMUSEMENT

(Ordinance 2002-04)

9.22.010 Purpose and Intent It is the purpose and intent of the Encinitas City Council to protect the public against hazards that wild and exotic animals used in entertainment pose to society and to protect wild and exotic animals from cruel and inhumane treatment.

9.22.020 Definitions

For the purposes of this Chapter only, the following words and terms shall be deemed to mean and be construed as follows:

A. 'Display' means to undertake any exhibition, act, circus, ride, trade show, carnival, parade, race, photographic opportunity, performance or similar undertaking in which animals are required to perform tricks, fight, or participate as accompaniments in performances for the entertainment, amusement or benefit of an audience. Display shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals.

B. 'Domestic animal' means any animal that is livestock, a companion animal, or both. Livestock includes but is not limited to: 1) poultry 2) cattle 3) swine 4) sheep 5) goats and 6) horses. Companion animal means any animal that is commonly kept by persons as a pet or for companionship and includes but is not limited to: 1) domesticated dogs 2) domesticated cats 3) ferrets 4) gerbils 5) guinea pigs 6) hamsters 7) horses 8) mice 9) rabbits and 10) rats.

C. 'Educational activities' means teaching and instructing with the intent and effect of imparting valuable knowledge to others through oral presentations and written materials.

D. 'Exhibition' means a public showing, presentation, display, exposition, fair or similar activity.

E. 'Person' means any individual, establishment, firm, association, organization, partnership, trust, corporation or company.

F. 'Wild and exotic animal' means non-domestic animal 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:

1. Non-human primates and prosimians (chimpanzees, monkeys)
2. Felidae (except domesticated cats)
3. Canidae (except domesticated dogs)
4. Ursidae (bears)
5. Proboscidae (elephants)
6. Cotacea (whales, dolphins, porpoises)
7. Crocodilia (alligators, crocodiles)
8. Marsupialia (kangaroos, opossums)
9. Reptilia over 8 feet in length and snakes and reptiles of venomous variety.
10. Perissodactyla (rhinoceroses, tapirs, but not horses or donkeys or mules)
11. Artiodactyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep or goats)
12. Hyaenidae
13. Mustelidae (skunks, weasels, otters, badgers)
14. Procyonidae (raccoons, coatis)
15. Edentata (anteaters, sloths, armadillos)
16. Viverridae (mongooses, civets, and genets)
17. Pimipedia (seals, sea lions, walruses)
18. Struthioniformes (ostriches)
19. Casuariiformes (emus)

9.22.030 Display of Wild or Exotic Animals ----- Prohibited

It shall be unlawful for any person to display or sponsor a display of any wild and exotic animal for public entertainment, amusement or benefit on any public or private property within the City of Encinitas.

9.22.040 Enforcement

City officials shall have the power and authority to enforce the provisions of this Chapter and seek all available remedies including recourse in civil court.

9.22.050 Penalty

Any person who displays or sponsors a display of any wild and exotic animal for public entertainment, amusement or benefit shall be guilty of a misdemeanor.

9.22.060 Exemptions

The following are exempt from the provisions of this Chapter:

A. Educational activities endorsed or accredited by the American Zoo and Aquarium Association.

- B. Veterinarians in the ordinary course of a veterinarian's practice of business.
- C. Educational activities endorsed or accredited by the Association of Sanctuaries and the American Sanctuary Association"