

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 3-ANIMALS-OF THE ASHEVILLE CITY CODE TO REMOVE CERTAIN EXEMPTIONS FOR CIRCUSES AND ANIMAL EXHIBITIONS AND OTHER CLARIFYING PROVISIONS.

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WHEREAS, the City's Governance Committee, at its January 9, 2015 meeting, confirmed support for a change in the US Cellular booking policy to exclude events which include any performing wild or exotic animals; and

WHEREAS, the Chapter 3 of City Code as it relates to the keeping or performance of wild animals currently includes exemptions for circuses and animal exhibitions which are inconsistent with the revised US Cellular booking policy and which, if left unrevised, could have the effect of allowing circuses or other events involving the performance of wild or exotic animal in other locations within the City limits; and

WHEREAS, the City Council has determined that it is not in the best interests of the City allow the keeping or performance of wild animals by circuses or general animal exhibitions and therefore, the City Code should be revised accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article I of Chapter 3 of the Code of Ordinances regarding animals be amended to read as follows:

a) **Sec. 3-12. - Animal care.**

(h) It shall be unlawful for any person to sponsor, promote, or train a wild or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed or displayed in such a way that the animal is abused or harmed.

b) **Sec. 3-14. - Wild animals.**

No person or entity shall keep or permit to be kept on his/her/its premises a wild animal within the city limits. This section shall not apply to zoological parks as accredited by the Association of Aquariums and Zoos ("AZA"), nor apply to the possession, exhibition or handling of reptiles by employees or agents of duly constituted museums, laboratories, educational or scientific institutions in the course of their educational or scientific work. Additionally, this section shall not apply to any animal used for bona fide medical, scientific or educational purposes.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase

thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be enforced as provided in City Code Sec. 1-5.

Section 5. This ordinance will become effective upon adoption.

Read, approved and adopted this \_\_\_\_ day of June 2015.

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CITY CLERK

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MAYOR

Approved as to form:

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CITY ATTORNEY

DRAFT