

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 118

Introduced by Council Members Mendez, Johnson, Palma, Cabrera, Dromm, Koslowitz, Williams, Rodriguez, Rosenthal, Gibson, Torres, Cohen, Levin, Vacca, Cornegy, Richards, Reynoso, Salamanca, Menchaca, Espinal, Ferreras-Copeland, Chin, Lander, Gentile, Van Bramer, Levine, Perkins, Cumbo, Maisel, Garodnick, Grodenchik, Vallone, Treyger, Wills, Mealy, Ulrich and the Public Advocate (Ms. James).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to wild or exotic animal circus performances

Be it enacted by the Council as follows:

Section 1. Legislative Findings. The Council finds that traveling circuses are detrimental to animal welfare due to the adverse effects of frequent transport, extended periods of confinement and physically abusive training techniques. The extended period of time in vehicles and temporary facilities utilized by the circus industry restrict natural behaviors and cause animals to suffer and be prone to health, behavioral and psychological problems. Tricks that exotic and wild animals are forced to perform require extreme physical coercion techniques, including the restriction of food, the use of bullhooks (a heavy bar with a sharpened point and hook), electric shocks, metal bars, whips, and other forms of physical abuse.

The conditions in traveling circuses, including constant travel, limited facilities, long periods of restricted movement, separation from natural groupings, stress, and physical coercion inevitably compromise the welfare of animals, which can lead to abnormal behavior and increased risks to public safety. Restricting the use of exotic and wild animals in traveling circuses and shows is the

most cost-effective and efficient way to safeguard both animal welfare and public safety.

Passage of this bill will add New York City to the list of four states and 125 localities in 34 states across the country that have enacted partial or full bans on circus animals.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.5 to read as follows:

§ 17-199.5 Wild and exotic animal circus performances prohibited. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Cause a performance. The term “cause a performance” means to be financially or operationally responsible for the management of a performance, or to officially or financially sponsor a performance.

Circus. The term “circus” means any live show or carnival which, along with clown, acrobatic, or stunt performances, features performances by live wild or exotic animals that, in order to be able to perform, have traveled in mobile housing facilities or were taken from their permanent residence and required to travel for any distance.

Companion animal. The term “companion animal” means any domesticated animal normally maintained in or near the household of the owner or person who cares for such animal. The term “companion animal” does not include farm animals or animals that cannot be sold, given, possessed, harbored, kept or yarded pursuant to paragraph (1) of subdivision (a) of section 161.01 of the New York city health code.

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

Wild or exotic animal. The term “wild or exotic animal” means any animal, other than a

companion animal or farm animal, from any of the following superorders, orders, classes, families or clades, or any hybrid of any such animal, including a hybrid with a companion animal or farm animal:

- 1. Artiodactyla (including hippopotamuses and giraffes);*
- 2. Canidae (including wolves, foxes and jackels);*
- 3. Cetacea (including whales and dolphins);*
- 4. Crocodilia (including alligators and crocodiles);*
- 5. Elephantidae (elephants);*
- 6. Felidae (including tigers, lions, jaguars and leopards);*
- 7. Hyaenidae (hyenas);*
- 8. Kangaroos;*
- 9. Non-human primates (including apes, monkeys and lemurs);*
- 10. Perissodactyla (including rhinoceroses, tapirs and zebras);*
- 11. Pinnipedia (including seals, sea lions and walruses);*
- 12. Struthio (ostriches); and*
- 13. Ursidae (bears)*

b. Prohibited acts. It shall be unlawful for any person to cause a performance of any wild or exotic animal that is part of a circus.

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 \$2,500 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 of subdivision b occurring on the same day, such person shall be liable for a civil penalty not to exceed \$1,000 for each violation recoverable in a proceeding before any such tribunal. Each performance of an individual wild or exotic animal constitutes a separate violation of this section.

f. Other laws not affected. Nothing in this section shall be construed to affect any other protections or prohibitions related to animals pursuant to any other provision of law.

§ 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 prior to such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 21, 2017 and returned unsigned by the Mayor on July 24, 2017.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 118 of 2017, Council Int. No. 1233-A of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.