

## **7-12-185 Temporary animal exhibitions – permit required.**

(a) For purposes of this section, the term “temporary animal exhibition” shall be defined as set forth in Section 4-384-010.

(b) No person shall operate a temporary animal exhibition without first having obtained an animal exhibition permit.

(c) An application for an animal exhibition permit shall be made on a form prescribed by the executive director, and shall be accompanied by a non-refundable application fee as set forth in Section [4-5-010](#). The application shall contain:

(1) The name and business address of the applicant and any other associated information that the executive director may require, including any disclosures pertaining to ownership or control of the applicant;

(2) A description of the proposed exhibition, including location, dates of operation, the species and numbers of animals included, and any animal tricks, behaviors or other activities intended as part of the exhibition;

(3) Proof of insurance with amounts and coverages set by the executive director, following consultation with the City's risk manager; and

(4) Such other information as the executive director may reasonably require.

(d) Upon being satisfied that a permit application is complete and meets the requirements of this section, and that the proposed exhibition will not endanger the public or create an imminent hazard to the health of the animals included in such exhibition, the executive director shall issue the permit. The permit shall be valid only for the exhibition as described on the application. If the executive director denies the permit, he shall inform the applicant in writing, stating the reasons for the denial.

(e) (1) Any person found to be operating a temporary animal exhibition without the permit required by this section, or in violation of the terms of a permit issued pursuant to this section, shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 for each offense, or summary closure of the exhibition, or both a fine and summary closure. A separate violation shall be deemed to have occurred for each day of noncompliance.

(2) If the executive director determines that any violations are limited in scope or egregiousness such that they can be corrected by the permittee, the executive director may mandate that the permittee complete corrective action by a date certain, or, if summary closure is imposed, as a precondition to re-opening the exhibition. Provided, however, that summary closure of a temporary animal exhibition shall only be authorized if an inspection by the department results in a finding of an imminent hazard to the health of animals included in such exhibition. Corrective action may be imposed in conjunction with a fine.

(f) (1) Any applicant who believes that his application for a permit is wrongfully denied, or any permittee whose exhibition has been summarily closed pursuant to this section, may file an appeal with the department of administrative hearings within five business days of the date of the notice of the executive director's denial or the closure. If no appeal is filed within said five-day period, the executive director's action shall be deemed final.

Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the executive director.

Any final decision of the department of administrative hearings shall be subject to judicial review in accordance with applicable law.

(2) If under the circumstances there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the executive director shall be deemed a final decision subject to judicial review in accordance with applicable law.

(Added Coun. J. 5-9-12, p. 27485, § 154)