



## ANIMAL ADVISORY COMMISSION RECOMMENDATION 20230710-007

Date: September 10, 2023

Subject: Recommendation from Animal Advisory Commission (“AAC”) regarding public contact with wild animals

Motioned By: Linder

Seconded By: Herrera

### **Recommendation:**

[Please see the attached document for the text of the recommended Code amendments.]

### **Description of Recommendation to Council:**

The AAC recommends that Title 3 of the City Code be amended to limit public contact with wild animals at for-profit zoos and aquariums.

### **Rationale:**

Many injuries and other harmful interactions between wild animals and the public have been reported to the AAC in recent months. These reports include interactions in which members of the public were not warned of or aware of the potential for injury to themselves or the animals. The AAC is also concerned with the public-health risks of interactions between the public and wild animals. Accordingly, the AAC recommends that the Austin City Council amend the City Code to limit public contact with wild animals at for-profit zoos and aquariums.

### **Vote:**

The motion passed 8-0

For: Clinton, Smagula, Nilson, Linder, Herrera, Dulzaides, Hassen and Nemer

Against: None

Abstain: None

Absent: Loney, Tucker, Bruce, Huddleston

Attest: Attest: Jason J Garza for Don Bland  
Don Bland, Chief Animal Services Officer

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 3 OF THE CITY CODE RELATING TO ANIMAL REGULATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

**PART 1.** City Code Section 3-1-1 (*Definitions*) is amended to add new definitions to read as follows and to renumber the subsequent definitions accordingly:

(6) FOR-PROFIT ZOO OR AQUARIUM means an entity or individual who (1) exhibits any animals to the public for compensation and (2) is not described in Section 501(c)(3) of the Internal Revenue Code of the United States and currently exempt from taxation under 501(a) of that Code. Such term includes carnivals, circuses, and zoos exhibiting animals, but such term excludes retail pet stores as well as rodeos, state and county fairs, and livestock exhibitions.

(16) PUBLIC CONTACT means any form of direct physical contact such as touching or handling an animal as well as interacting with an animal in close proximity and without a physical barrier, such that direct physical contact between the animal and members of the public is possible.

(24) WILD ANIMAL means a species, including each individual of a species, that normally lives in a state of nature and is not ordinarily domesticated. This definition applies to species whether they are native to Texas or not. This definition applies to individuals regardless of the individuals' origins, including captive bred as well as wild caught animals. For the purposes of this section, "wild animal" includes any vertebrate member of the phylum Chordata, as well as any species of octopus from the phylum Mollusca.

**PART 2.** Chapter 3-2 (*Restrictions on Animals*) is amended to add a new Section 3-2-10 to read:

**§ 3-2-10 FOR-PROFIT ZOOS AND AQUARIUMS**

(A) A for-profit zoo or aquarium may not allow public contact with wild animals. This prohibition does not apply to facilities accredited by the Association of Zoos and Aquariums (AZA).

(B) For any animal bite or scratch that must be reported pursuant to Tex. Health & Safety Code § 826.041, the for-profit zoo or aquarium will quarantine the animal at their expense and must notify the member of the public who was bitten or scratched of the results of the 30 day quarantine within 3 days of the completion of the quarantine.

**PART 3.** City Code Section 3-7-2 (*Offense and Penalty*) is amended to add a new 3-7-2(l) to read:

(l) Each instance of an action prohibited by Section 3-2-10 (*For-Profit Zoos and Aquariums*) is a separate offense. The minimum fine for each offense under Section 3-2-10 is \$200.

**PART 4.** This ordinance takes effect on \_\_\_\_\_, 2023.

**PASSED AND APPROVED**

\_\_\_\_\_, 2023

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Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Myrna Rios  
City Clerk