



MODEL ORDINANCE FOR GREAT APES

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Article I. Purpose and Definitions

1.1 - Purpose.

The purpose of this ordinance is to promote the well-being and responsible guardianship of great apes.

1.2 - Definitions.

For the purpose of this ordinance the following words shall have the following meanings:

“Approved great ape sanctuary” means a facility for the care of great apes that is in compliance with all federal and state laws and that provides standards of care consistent with the provisions of this chapter.

"At large" means off the premises of the great ape guardian, and not under the control of the guardian.

“Great ape” means any and all individuals belonging to the chimpanzee, orangutan, gorilla and bonobo species.

“Great ape guardian” means a person who has control, custody, possession, title or other legal interest in a great ape.

"Person" means any individual, firm, partnership, corporation or association.



1.3 - Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected.

Article II. General Provisions

2.1 - Care and disposition of great apes.

- A. Any facility housing great apes shall be designed in a manner that addresses the great apes' (1) need for the expression of natural behaviors, (2) basic physical and psychological needs, and (3) need to enjoy regular, daily exercise.
- B. All great apes shall be provided with a healthy diet and regular veterinary care.
- C. No great ape shall be housed without the opportunity to freely socialize with at least one other great ape on a continual basis, unless a licensed veterinarian determines that it is in the best interests of a great ape to be housed separately, or that the interaction of that great ape with others poses a risk to the safety of the ape or other great apes.
- D. All great apes shall have regular access to both indoor and outdoor areas, and to an area that allows the great ape to be away from routine activities of the facility including maintenance, cleaning, and viewing, except when such restriction is in the best interests of the great ape.
- E. Great apes may not be bred or used for profit.
- F. Great apes may not be used for studies or research except for (a) noninvasive behavioral studies or (b) noninvasive studies based on information collected during the course of normal veterinary care that is provided for the benefit of the great ape. A study is invasive if it causes physical or mental harm, pain, distress, interruption of the daily routine, or disturbance to the great ape or the social group in which the great ape lives.
- G. No great ape may be sold. Voluntary transfer of guardianship is allowed pursuant to proceedings under MOGA § 2.2.
- H. Euthanasia of a great ape is permitted only upon recommendation by a licensed veterinarian that euthanasia is in the best interests of the great ape. Any authorized euthanasia shall only be performed by a licensed veterinarian.



2.2 - Proceedings to review or transfer guardianship of a great ape.

- A. Whenever a great ape guardian is found to have violated MOGA § 2.1, convicted of animal cruelty against a great ape, or in any situation where a great ape is found to be abandoned, the great ape shall be placed under the temporary guardianship of an approved sanctuary. The county shall then commence proceedings to review the guardianship of the great ape.
- B. Whenever a great ape guardian wants to transfer guardianship of a great ape, the guardian shall petition the court for approval.
- C. In proceedings pursuant to this section, the court shall determine whether the current great ape guardian should maintain guardianship of the great ape or whether guardianship should be transferred to another person. The matter shall be determined based upon the best interests of the great ape. The great ape guardian ad litem described in MOGA § 3.1 shall represent the interests of the great ape in all such proceedings under this section.

2.3 - Great apes at large.

If a great ape is found at large, the city will immediately notify the great ape guardian of the whereabouts of the great ape and assist with efforts to regain control of the great ape. Any great ape subsequently recovered shall be placed under the temporary guardianship of an approved sanctuary pending proceedings pursuant to MOGA § 2.2. A great ape at large may not be killed unless the great ape presents an imminent danger to the public and capture cannot be effected safely.

2.4 Penalty for violation.

Any person violating any provisions of MOGA §§ 2.1 or 2.3 is guilty of a misdemeanor and shall be punished upon conviction by a fine of up to \$1,000 and one year in jail.

Article III. Administration

3.1 - Guardian ad litem.

The mayor shall appoint a qualified third party guardian ad litem to represent the interest of great apes in all relevant legal proceedings under this ordinance. The guardian ad litem may bring suit on behalf of any great ape in this jurisdiction to enforce the civil provisions of this ordinance. No person shall attempt to interfere with or improperly influence the guardian ad litem in the performance of his or her designated duties. The guardian ad litem shall serve in two year increments and without



compensation.

3.2 - Qualifications.

The great ape guardian ad litem shall possess demonstrable sensitivity to animal welfare, relevant legal, scientific, and great ape experience, and all necessary qualifications to discharge the duties described in MOGA § 3.1. The mayor shall appoint a guardian ad litem solely with respect to his or her qualifications.