

ORDINANCE 2002-04  
 AN ORDINANCE OF THE CITY OF ENCINITAS  
 ADDING CHAPTER 9.22 TO THE MUNICIPAL CODE  
 PROHIBITING THE DISPLAY OF WILD AND EXOTIC ANIMALS  
 FOR PUBLIC ENTERTAINMENT OR AMUSEMENT

**SECTION ONE:**

A new Chapter 9.22 is hereby added to the Encinitas Municipal Code to read as follows:

**“Display of Wild or Exotic Animals for Public Entertainment or Amusement**

9.22.010	Purpose and Intent
9.22.020	Definitions
9.22.030	Display of Wild and Exotic Animals --- Prohibited
9.22.040	Enforcement
9.22.050	Penalties
9.22.060	Exemptions

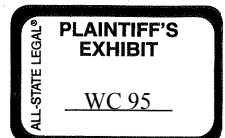
**9.22.010 Purpose and Intent** It is the purpose and intent of the Encinitas City Council to protect the public against hazards that wild and exotic animals used in entertainment pose to society and to protect wild and exotic animals from cruel and inhumane treatment.

**9.22.020 Definitions**

For the purposes of this Chapter only, the following words and terms shall be deemed to mean and be construed as follows:

A. ‘Display’ means to undertake any exhibition, act, circus, ride, trade show, carnival, parade, race, photographic opportunity, performance or similar undertaking in which animals are required to perform tricks, fight, or participate as accompaniments in performances for the entertainment, amusement or benefit of an audience. Display shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals.

B. ‘Domestic animal’ means any animal that is livestock, a companion animal, or both. Livestock includes but is not limited to: 1) poultry 2) cattle 3) swine 4) sheep 5) goats and 6) horses. Companion animal means any animal that is commonly kept by persons as a pet or for companionship and includes but is not limited to: 1) domesticated dogs 2) domesticated cats 3) ferrets 4) gerbils 5) guinea pigs 6) hamsters 7) horses 8) mice 9) rabbits and 10) rats.



C. 'Educational activities' means teaching and instructing with the intent and effect of imparting valuable knowledge to others through oral presentations and written materials.

D. 'Exhibition' means a public showing, presentation, display, exposition, fair or similar activity.

E. 'Person' means any individual, establishment, firm, association, organization, partnership, trust, corporation or company.

F. 'Wild and exotic animal' means non-domestic animal and includes any or all of the following orders and families, or similar orders and families whether bred in the wild or in captivity, and any hybrid with domestic animals. The animals listed in parentheses are intended as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals listed, unless otherwise specified:

1. Non-human primates and prosimians (chimpanzees, monkeys)
2. Felidae (except domesticated cats)
3. Canidae (except domesticated dogs)
4. Ursidae (bears)
5. Proboscidae (elephants)
6. Cetacea (whales, dolphins, porpoises)
7. Crocodylia (alligators, crocodiles)
8. Marsupialia (kangaroos, opossums)
9. Reptilia over 8 feet in length and snakes and reptiles of venomous variety.
10. Perissodactyla (rhinoceroses, tapirs, but not horses or donkeys or mules)
11. Artiodactyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep or goats)
12. Hyaenidae
13. Mustelidae (skunks, weasels, otters, badgers)
14. Procyonidae (raccoons, coatis)
15. Edentata (anteaters, sloths, armadillos)
16. Viverridae (mongooses, civets, and genets)
17. Pimipedia (seals, sea lions, walruses)
18. Struthioniformes (ostriches)
19. Casuariiformes (emus)

9.22.030 Display of Wild or Exotic Animals — Prohibited

It shall be unlawful for any person to display or sponsor a display of any wild and exotic animal for public entertainment, amusement or benefit on any public or private property within the City of Encinitas.

**9.22.040 Enforcement**

City officials shall have the power and authority to enforce the provisions of this Chapter and seek all available remedies including recourse in civil court.

**9.22.050 Penalty**

Any person who displays or sponsors a display of any wild and exotic animal for public entertainment, amusement or benefit shall be guilty of a misdemeanor.

**9.22.060 Exemptions**

The following are exempt from the provisions of this Chapter:

- A. Educational activities endorsed or accredited by the American Zoo and Aquarium Association.
- B. Veterinarians in the ordinary course of a veterinarian's practice of business.
- C. Educational activities endorsed or accredited by the Association of Sanctuaries and the American Sanctuary Association"

**SECTION TWO:**

This ordinance was introduced on February 27, 2002.


PASSED AND ADOPTED this 10th day of April 2002, by the following vote, to wit:

AYES:	Guerin, Holz, Houlihan.
NAYS:	Bond, Stocks.
ABSTAIN:	None.
ABSENT:	None.

  
 Christy Guerin, Mayor

**ATTESTATION AND CERTIFICATE:**

I hereby certify that this is a true and correct copy of Ordinance No. 2002-04, which has been published pursuant to law.

  
 Deborah Cervone  
 City Clerk

ORDINANCE NO. 682

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ROHNERT PARK CALIFORNIA  
ADDING MUNICIPAL CODE CHAPTER 6.40  
PROHIBITING THE DISPLAY OF WILD AND EXOTIC ANIMALS  
FOR PUBLIC ENTERTAINMENT OR AMUSEMENT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROHNERT PARK  
CALIFORNIA:

**SECTION 6.40.010. Summary**

It is the intent of the Rohnert Park City Council to protect the public against hazards that wild and exotic animals used in entertainment pose to society and to protect wild and exotic animals from cruel and inhumane treatment.

**SECTION 6.40.020. Definitions**

For the purpose of this chapter only, the following words and terms shall be deemed to mean and to be construed as follows:

- A. "Display" means to undertake any exhibition, act, circus, ride, trade show, carnival, parade, race, photographic opportunity, performance or similar undertaking in which animals are required to perform tricks, fight, or participate as accompaniments in performances for the amusement or benefit of an audience. "Display" shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals. "Displayed" means to be the subject thereof.
- B. "Domestic Animal" means any animal that is livestock, a companion animal, or both.
  - 1. "Livestock" means any animal commonly used by persons for use, draft, or pleasure purposes. The definition of "livestock" includes but is not limited to:
    - (a) Poultry
    - (b) Cattle
    - (c) Swine
    - (d) Sheep
    - (e) Goats
    - (f) Horses

2. "Companion animal" means any animal that is commonly kept by persons as a pet or for companionship. The definition of "companion animal" includes but is not limited to:

- |                       |              |
|-----------------------|--------------|
| (a) Domesticated dogs | (f) Hamsters |
| (b) Domesticated cats | (g) Horses   |
| (c) Ferrets           | (h) Mice     |
| (d) Gerbils           | (i) Rabbits  |
| (e) Guinea Pigs       | (j) Rats     |

- C. "Educational purposes" means teaching and instructing with the intent and effect of imparting knowledge to others through oral presentations and written handouts.
- D. "Exhibition" means a public showing, presenting to view, a public display, an exposition, or a large fair of extended duration.
- E. "Person" means any individual, establishment, firm, association, organization, partnership, trust, corporation, or company.
- F. "Wild or exotic animal" means any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
1. Non-human primates and prosimians (chimpanzees, monkeys)
  2. Felidae (except domesticated cats)
  3. Canidae (except domesticated dogs)
  4. Ursidae (bears)
  5. Proboscidae (elephants)
  6. Cetacea (whales, dolphins, porpoises)
  7. Crocodylia (alligators, crocodiles)
  8. Marsupialia (kangaroos, opossums)
  9. Reptilia over 8 ft. in length and snakes and reptiles of venomous variety
  10. Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
  11. Artiodactyla (hippopotamuses, giraffes, camels, not cattle or swine or sheep or goats)
  12. Hyaenidae
  13. Mustelidae (skunks, weasels, otters, badgers)
  14. Procyonidae (raccoons, coatis)
  15. Edentata (anteaters, sloths, armadillos)
  16. Viverridae (mongooses, civets, and genets)
  17. Pinnipedia (seals, sea lions, walruses)
  18. Struthioniformes (ostriches)
  19. Casuariiformes (emus)

**SECTION 6.40.030 Display of Wild or Exotic Animals Prohibited**

It shall be unlawful for any person to display or sponsor a display of wild or exotic animals on any public or private land within the City of Rohnert Park.

**SECTION 6.40.040 Enforcement**

Police officers and the City's Animal Control Officers shall have the power and authority to enforce the provisions of this chapter and perform all duties imposed by the provisions of this chapter.

**SECTION 6.40.050 Penalty**

Any person who displays or sponsors a display of wild or exotic animals shall be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars, or by imprisonment in the city or county jail for a period not exceeding six months, or by both such fine and imprisonment, such as is consistent with city law.

**SECTION 6.40.060 Exceptions**

The following are exempt from the provisions of this chapter:

- A. Institutions accredited by the American Zoo and Aquarium Association,
- B. Veterinarians, in the ordinary course of a veterinarian's practice of business,
- C. Institutions accredited by The Association of Sanctuaries and the American Sanctuary Association.
- D. Any person not otherwise included in these exceptions, may submit written evidence to the City Manager demonstrating that an additional exception should be granted because it is substantially similar to the purposes of the exceptions provided for in this section.

**SECTION 6.40.070 Effective Date**

This ordinance shall be in full force and effective 30 days after its adoption and publication or posting as required by law.

This Ordinance was introduced by the City Council of the City of Rohnert Park on the 9<sup>th</sup> day of July, 2002.

**DULY AND REGULARLY ADOPTED this 23<sup>rd</sup> day of July, 2002.**

CITY OF ROHNERT PARK

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk Judy Hauff

**APPROVED AS TO FORM:** \_\_\_\_\_  
City Attorney Betsy Strauss

ORDINANCE NO. NS-2669

AN ORDINANCE OF THE CITY OF SANTA ANA CHAPTER  
5 OF THE SANTA ANA MUNICIPAL CODE PROHIBITING  
THE DISPLAY OF WILD OR EXOTIC ANIMALS AT  
CIRCUSES OR CARNIVALS

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS  
FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines  
and declares as follows:

- A. It is the intent of the City of Santa Ana to protect the public against health  
and safety risks that the use and display of exotic animals in temporary  
outdoor facilities for entertainment poses to the community as well as to  
protect the welfare of the individual animals.
- B. All provisions of the Santa Ana Municipal Code which are repeated herein  
are repeated solely in order to comply with the provisions of section 418 of  
the Charter of the City of Santa Ana. Any such restatement of existing  
provisions of the Code is not intended, nor shall it be interpreted, as  
constituting a new action or decision of the City Council, but rather such  
provisions are repeated for tracking purposes only in conformance with  
the Charter.

Section 2: That section 5-1 of the Santa Ana Municipal Code is hereby amended to  
read as follows:

Sec. 5-1. Definitions.

Unless the particular provisions or the context otherwise requires, the definitions  
and provisions contained in this section shall govern the construction, meaning, and  
application of words and phrases used in this chapter.

- (a) *Animal* includes, but is not limited to, birds, cats, dogs, fishes, fowl,  
rabbits, reptiles and nonhuman mammals.
- (b) *Bird* includes, but is not limited to, budgies, canaries, cardinals, cockatiels,  
cockatoos, doves, finches, lorries, lorikeets, lovebirds, macaws, parakeets,  
parrots, pigeons, sparrows, toucans and weavers.
- (c) *Commercial kennels* means any lot, building, structure, or premises where  
more than two (2) dogs over the age of four (4) months are kept or  
maintained for any purpose, including, but not limited to boarding, training  
or breeding, exclusive of dental, medical, or surgical care, or for  
quarantine purposes.

- (d) *Domesticated animal* means any dog, housecat (*felis catus*), livestock, rabbit, poultry or bird.
- (e) *Dog* includes any male, female, or neuter domesticated member of the species *canis familiaris*, but excludes other members of the family *canidae*.
- (f) *Estray* means any animal found running at large upon any land within the city.
- (g) *Fowl* means any larger domestic bird generally used for food and includes, but is not limited to, the chicken, duck, goose and turkey.
- (h) *Livestock* means animals kept for use on a farm and includes, but is not limited to, any swine, sheep, goat, horse, cattle, equine or bovine animal.
- (i) *Owner* means any person having title to any animal, or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises for a period of thirty (30) consecutive days.
- (j) *Premises* means a parcel of land.
- (k) *Quarantine* means the isolation of any animal within a substantial enclosure to avoid its contact with other animals or unauthorized persons.
- (l) *Running at large* means free of restraint beyond the boundaries of the premises of the owner or custodian.
- (m) *Vaccination* means a protective inoculation against rabies with an anti-rabies vaccine recognized and approved by the Orange County Health Department.
- (n) *Vicious animal* means any animal which has bitten or broken the skin of, or in any manner attacked or attempted to attack any person or any animal within the City of Santa Ana.
- (o) *Wild animal* means any animal which is either:
  - (1) Not a domesticated animal, or
  - (2) A vicious animal over which the owner has evidenced a failure to maintain control.
- (p) *Exotic animal* means nonhuman primates and prosimians (such as chimpanzees, monkeys); felids, except domesticated cats; ursids (bears);



elephants; crocodilians (such as alligators and crocodiles); ungulates (such as hippopotamus, rhinoceros, giraffes, zebra); and camels. These terms shall apply whether the animal is bred in the wild or in captivity. It is not the intent of this definition to include domesticated species such as horses, cows, sheep, or llamas among the animals listed above.

Section 3: That section 5-8 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 5-8. Wild Animals--Permit--Exception.

It shall be unlawful for any person to keep or maintain, or cause to be kept or maintained, any wild animal without first, applying for and receiving a permit from the animal control officer, except that no permit is required to keep or maintain the following wild animals: chinchillas, chipmunks, guinea pigs, hamsters, turtles, tropical fish (except caribee), nonpoisonous snakes, where permitted by state and federal law, white mice and white rats. The provisions of this section shall not prohibit the keeping or maintaining of wild animals in bona fide, licensed veterinary hospitals for treatment.

Section 4: That section 5-8.5 is hereby added to the Santa Ana Municipal Code to read as follows:

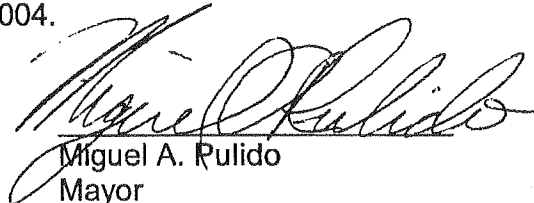
Sec. 5-8.5 Wild or Exotic Animals – Circus or Carnival – Exception

(a) It shall be unlawful for any person to keep or display a wild animal or exotic animal at a circus or carnival or similar use, including but not limited to temporary outdoor activities regulated by chapter 41 of this code.

(b) This section shall not apply to any wild animals or exotic animals which are kept or displayed at a zoo or museum, or similar use as determined by the animal control officer.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 4<sup>th</sup> day of October, 2004.

  
Miguel A. Rulido  
Mayor

APPROVED AS TO FORM:  
Joseph W. Fletcher, City Attorney

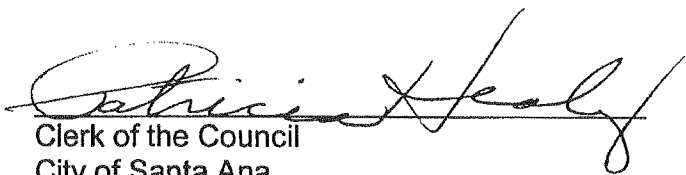
By:   
Benjamin Kaufman  
Chief Assistant City Attorney

AYES:	Councilmembers:	<u>Alvarez, Bist, Christy, Franklin, Garcia, Pulido,</u> <u>Solorio (7)</u>
NOES:	Councilmembers:	<u>None (0)</u>
ABSENT:	Councilmembers:	<u>None (0)</u>
ABSTAIN:	Councilmembers:	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2669 to be the original ordinance adopted by the City Council of the City of Santa Ana on October 18, 2004, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 11/12/04

  
Clerk of the Council  
City of Santa Ana

last action:  
died 7/23/04

## SENATE, NO. 184

By Mr. Hedlund, a petition (accompanied by bill, Senate, No.184) of Robert L. Hedlund for legislation to prohibit the use of exotic animals in traveling shows and circuses and establishing fines for violations. Criminal Justice

### The Commonwealth of Massachusetts



In the Year Two Thousand and Three.

#### PROHIBITING THE USE OF EXOTIC ANIMALS IN TRAVELING SHOWS AND CIRCUSES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 272 of the General Laws is hereby amended by inserting after section 79B, as appearing in the 1998 Official Edition, the following section: -

Section 79C. (a) As used in this section the following definitions apply: (1) "Circus" means any entity featuring exhibits for the purpose of entertainment and includes, but is not limited to, exhibitions and performances by clowns, acrobats and/or animals. (2) "Display" means an undertaking where animals are required to perform tricks, fight, or participate as accompaniments in performances for the purpose of entertainment. "Display" shall not include the use or exhibition of animals for educational purposes. "Displayed" means to be the subject thereof. (3) "Educational purpose" means teaching and instructing with the intent and effect of imparting knowledge to others through oral presentations and written handouts (whose sole purpose is to teach without entertainment). (4) "Entertainment" means that which does not constitute an educational purpose. (5) "Exotic animal" means any or all of the following orders and families, whether bred in the wild or in captivity, and whether or not native to Massachusetts, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified: a. Non-human primates and prosimians (all species) b. Felidae (all wild cats and hybrids thereof, except domesticated cats) c. Ursidae (all bears) d. Proboscidae (all elephants) (6) "Person" means an

individual, partnership, corporation, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative of these. (7) "Traveling show" means any exhibit, exhibition, act, circus, public show, trade show, photographic opportunity, carnival, fair, ride, parade, race performance, or similar undertaking in which animals, perform tricks, fight, or participate in performances, and that is temporarily located in a city or county of Massachusetts. (b) It shall be unlawful for any person to conduct or operate a display of exotic animals at or in a traveling show or circus. (c) Any person, firm, or corporation violating this section shall be fined not more than \$5000.00 dollars per animal per display or be imprisoned not more than one year, or both.

## **Local Restrictions Governing Traveling Shows and Circuses in the U.S. and Canada**

### **United States**

#### **California**

- Corona - Bans wild or exotic animal displays.
  - Encinitas - Bans wild or exotic animal displays.
  - Huntington Beach - Bans display of exotic animals.
  - Marin County - Regulates animal acts.
  - Newport Beach - Proclamation from Mayor that city will not display wild or exotic animals for entertainment.
  - Pasadena - Bans display of wild or exotic animals and rodeos on city property; restricts displays of domestic animals.
  - Rohnert Park - Bans wild or exotic animal displays.
  - Santa Ana - Bans wild or exotic animal displays.
- 

#### **Colorado**

- Boulder - Bans display of exotic animals.
  - Estes Park - Bans exhibition of wildlife.
- 

#### **Connecticut**

- Stamford - Bans carnivals, circuses, and wild west shows.
- 

#### **Florida**

- Hollywood - Bans animal displays.
  - Lauderdale Lakes - Bans exhibition of wild and exotic animals.
  - Pompano Beach - Bans animal displays on City property except for educational purposes; regulates display of animals on private property.
- 

#### **Hawaii**

- Maui County - Bans the display of cetaceans (whales and dolphins).
-

## Indiana

- St. John - Bans performing animal exhibitions.
- 

## Maryland

- Takoma Park - Bans animal displays.
- 

## Massachusetts

- Braintree - Town meeting members voted not to allow displays of non-domesticated animals for entertainment.
  - Provincetown - Bans the display of wild animals for entertainment.
  - Quincy - Bans the use of wild animals in circuses, carnivals, and competitive events.
  - Revere - Bans the display of wild animals for entertainment.
  - Weymouth - Bans circuses with animal acts.
- 

## Missouri

- Richmond - Bans wild or exotic animal displays.
- 

## New York

- Greenburgh - Bans wild or exotic animals from circuses; prohibits all rodeos on town property; bans exotic and wild animal species from "parades, carnivals, races, rides, public shows, trade shows, photo opportunities, or similar undertakings in which animals perform tricks, fight or participate in performances for amusement."
  - Southampton - Bans wild or exotic animal displays.
  - Wallkill - Bans public contact with exotic cats and bears.
- 

## North Carolina

- Chapel Hill - Prohibits the display of wild and exotic animals.
  - Orange County - Bans the display of wild or exotic animals.
- 

## Vermont

Rudington - Bans the display of wild or exotic animals

- Burlington - Bans the display of wild or exotic animals.
- 

## Virginia

- Fairfax - Regulates public display of animals.
  - Fairfax County - Bans physical contact between people and exhibited exotic animals. Elephants used for rides are exempted.
  - Spotsylvania County - Bans physical contact between people and exhibited exotic animals.
- 

## Washington

- Redmond - Bans wild or exotic animal displays.
  - Port Townsend – Bans the display of wild or exotic animals.
- 

## Wisconsin

- Madison - Bans public displays of cougars and bears.
- 

## Canada

### British Columbia

- Burnaby
- Chilliwack
- Coquitlam
- Delta
- Kamloops
- Kelowna
- Langley
- Nanaimo
- New Westminster
- North Vancouver
- Parksville
- Salmon Arm

- Sannich
  - Surrey
  - Vancouver
  - Victoria
- 

## **Newfoundland**

- Mount Pearl
  - St. John's
- 

## **Nova Scotia**

- Argyle
  - Digby
  - Shelburne
  - Yarmouth
- 

## **Ontario**

- East Gwillimbury
- Erin
- Guelph
- Manitouwadge
- Puslinch