

Order 30-17/18

Motion to postpone second reading to September 18, 2017: 8-0 (Ray absent) on 8/21/2017
Amended at the end of Section 5-506 to add the language, "This definition does not include or
apply to horses": 9-0 on 9/18/2017

Passage as amended: 9-0 on 9/18/2017

Effective 10/18/2017

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CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
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AMENDMENT TO PORTLAND CITY CODE CHAPTER 5
RE: WILD AND EXOTIC ANIMAL ORDINANCE

WHEREAS, elephants, tigers, lions and other wild animals who live out their lives in the wild suffer when caged and when hauled in trucks and trains around the country; and

WHEREAS, forcing these wild animals to perform for audiences requires draconian training that can be cruel and inhumane; and

WHEREAS, even the wealthiest businesses that train and exhibit wild animals, with seemingly the resources to do otherwise, have been cited for violations of the federal Animal Welfare Act; and

WHEREAS, elephants owned and trained by the Carson & Barnes Circus have repeatedly escaped after suffering from that circus' failure to be safely handled, for which the circus paid a \$16,000 fine; and

WHEREAS, Vincent Von Duke's big cat act has been cited by the United States Department of Agriculture for failure to provide minimum space and a proper diet to its lions and tigers; and

WHEREAS, both Carson & Barnes Circus and Vincent Von Duke's big cat act have been in charge of wild animals brought to the City of Portland, Maine, to perform; and

WHEREAS, wild and exotic animals have also escaped their trainers and cages and roamed in cities, threatening the safety of the residents and presenting a dangerous challenge to the police officers who must respond; and

WHEREAS, enforcement of national and state animal welfare laws are inadequate, and these animals routinely suffer from starvation and cruelty without finding any mercy under the law; and

WHEREAS, attitudes toward wild and exotic animals have changed since it was considered simple entertainment to watch them do tricks, and spectators are now more likely to find the tricks themselves a form of cruelty;

NOW, THEREFORE, BE IT ORDERED, that pursuant to the City of Portland's home rule authority articulated in 30-A M.R.S. section 3001 *et seq.*, the Portland City Code, Chapter 5, Animals and Fowl, is hereby amended by adding an Article VI, Sections 5-506 to 5-509, which said sections read as follows:

Article VI. Prohibition on Display of Wild and Exotic Animals.

Sec. 5-506. Definitions.

The following words and phrases have the following meanings:

Director means the City Manager or his/her designee, which is the party responsible for enforcement of this Article.

Display means any exhibition, fair, act, circus, ride, or similar undertaking in which wild and/or exotic animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

Mobile or traveling housing facility means a transporting vehicle such as a truck, trailer or railway car, used to transport or house wild and/or exotic animals while traveling for exhibition or other performance of those wild and exotic animals.

Traveling animal act means any display of wild and/or exotic animals where such animals are transported to, from, or between locations for the purpose of such display, in a mobile or traveling housing facility.

Wild and/or exotic animal means any live animal from any of the following scientific classifications:

- a) Artiodactyla (including hippopotamuses, giraffes, camels, and llamas, but excepting cattle, swine, sheep, and goats);
- b) Crocodylia (including alligators and crocodiles);
- c) Elephantidae (elephants);
- d) Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, or any hybrid thereof, but excluding domestic cats);
- e) Marsupialia (including kangaroos);
- f) Non-human primates (including apes, monkeys, and lemurs);
- g) Perissodactyla (including rhinoceroses, tapirs, and zebras);
- h) Pinnipedia (including seals, sea lions, and walruses);
- i) Ursidae (bears);or
- j) Elasmobranchii (including nurse sharks and lemon sharks).

This definition does not include or apply to horses.

Sec. 5-507. Prohibited Acts.

(a) It shall be a violation of this Article for any person, business, entity, corporation, limited liability company or other similar organization to allow for the participation of a wild and/or exotic animal in a traveling animal act in the City of Portland;

(b) The penalty for violations of this Article shall be \$500.00 per offense. Each and every wild and/or exotic animal

exhibited and each day exhibition occurs shall constitute a separate offense; and

(c) This Article may also be enforced pursuant to Chapter 1, section 1-15 of the Portland City Code.

Sec. 5-508. Administration and Enforcement.

The Director shall be responsible for the administration and enforcement of the provisions of this Article.

Sec. 5-509. Effective Date.

This Article shall be effective on October 18, 2017.