

Existing Circus Legislation

Hollywood, Florida regulates the display of animals on both public and private property. This ordinance is excerpted below:

Section 6-64.

- (a) Licensee shall not display any animal on private property whose condition is contrary to public decency.
- (b) Animals exposed to the public view must be strong, healthy and in good flesh. No sick or crippled animals may be exhibited on private property.
- (c) No vertebrate animals shall be displayed for public entertainment or amusement on property owned by the City of Hollywood or on city-owned property under lease, including but not limited to the exhibition of such animals in zoos, on farms or during competitive races in arenas provided, however, that animals may be displayed on public property for educational purposes so long as the care of such animals during their display conforms to guidelines established by the City of Hollywood in conjunction with the Humane Society of Broward County.

Section 6-64. Display of Animals.

(c) No vertebrate animals shall be displayed for public entertainment or amusement on property owned by the city or on city-owned property under lease, including but not limited to the exhibition of such animals in zoos, on farms or during competitive races in arenas; however, animals may be displayed on public property for educational purposes so long as the care of such animals during their display conforms to guidelines established by the city in conjunction with the humane society of the county.

(d) Except as otherwise provided in this chapter 6 with respect to domestic pets, commercial kennels and pet shops, no vertebrate animals shall be displayed by any person or entity for entertainment or amusement purposes on private property unless the person or entity obtains a permit according to the requirements of this section. A permit for the display of animals on private property shall be obtained not later than five (5) days before the date of the planned animal display from the city manager, or his designee, upon the payment of a fee which amount shall be established by resolution of the City Commission. Each such permit shall be valid for only a specific 24-hour, one calendar day period covering the date of the permitted animals display unless the circumstances of the proposed exhibit otherwise dictate, in which case the permit shall be extended for a reasonable time to cover the event: provided, however, that no extended license shall be granted to other than a USDA Licensed Animal Exhibitor. The permit shall be displayed prominently at the site of display. No applicant may obtain more than six (6) permits with a one (1) year period. The applicant must provide the following information on the permit application:

1. The name and the address of the applicant.
2. The address of the property upon which the animal(s) will be displayed.
3. A description of the purpose for which the animal(s) will be displayed.
4. The type or species of each animal to be displayed.

Each permit application must also be accompanied by a certificate (on a form provided by the city) from a veterinarian licensed to practice in Florida, and such certificate shall state the following:

1. The veterinarian is in good standing with the State of Florida Department of Professional Regulation.
2. Each animal to be displayed has been examined and is in good health and fit and suitable for the purposes of its display.
3. Each animal to be displayed is not of an exotic, threatened or endangered species as defined by the United States Department of the Interior.

(e) The city's animal control officer, inspectors of the department of neighborhood improvement, and police officers, shall have the authority to enforce the provisions of this section.

(f) A violation of this section shall subject the offender to a civil infraction not to exceed five hundred dollars (\$500.00) for each violation of this section.

Revere, Massachusetts passed an ordinance in 1991 banning the display of wild animals on city property for the purpose of public entertainment or amusement and prohibiting such animals from being forced to live separate from their own species and publicly exploited.

Section 6.04.031 Non domesticated Animals Displayed for Public Entertainment or Amusement

No living animals shall be displayed for public entertainment or amusement on property owned by the City of Revere on city owned property under lease, or on private property, excluding competitive arena sports and exhibits deemed educational by the Massachusetts Society for the Prevention of Cruelty to Animals.

No captive animal shall be forced to live out of its natural environment, separated from its own species and displayed to the public in any exploitive manner.

Quincy, Massachusetts passed an ordinance in 1992 prohibiting the use of non-domesticated animals in circuses, carnivals, rides, and competitive races.

Section 6:04:10—No living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the City of Quincy. On city-owned property under lease, or on private property. As used in this paragraph, “displayed” shall include, but is not limited to, animal acts and performances, animal rides and competitive animal races.”

Section 6:04:40—This ordinance shall not apply to domestic animals including, but not limited to, dogs, cats, horses and farm animals except that no domestic animal shall be used in competitive animal races.

Section 6:04:50—This ordinance shall not apply to exhibits deemed educational by the Massachusetts Society for the Prevention of Cruelty to Animals.

Fairfax County, Virginia, a very large suburb of Washington, D.C., doesn’t ban the public display of wild animals, but it does closely regulate their care. The ordinance is excerpted below:

This article is enacted...to ensure that animals used or maintained by Traveling Animal Exhibitions performing in Fairfax County are provided adequate and humane care and treatment...to protect the health and safety of inhabitants of Fairfax County who may come into contact with animals used or maintained by Traveling Animal Exhibitions.

(1) “Animal” shall mean any live vertebrate or invertebrate creature, domestic, exotic or wild, including birds and reptiles....

(5) “Traveling Animal Exhibition” shall mean any spectacle, display, act or event, including circuses and carnivals, where animals are maintained, whether or not the animals actually perform, whose owners or operators do not have their principal place of business in Fairfax County, Virginia and which is required to obtain a temporary special permit pursuant to County Code.

Section 41.10-3 Permit to Operate Required

(a) It shall be unlawful for any Traveling Animal Exhibition to operate within Fairfax County without a valid permit issued by the Administrative Authority.

Section 41-10-4 Issuance of Permit

(a) The owner or operator of any Traveling Animal Exhibition desiring to operate in Fairfax County shall make written application for permit on forms provided by the Administrative Authority no later than twenty-one days prior to the first performance of any spectacle, display, Act or event. Such application shall include but not be limited to the name of the owner of the Traveling Animal Exhibition, all proposed locations in Fairfax County for the Traveling Animal Exhibition, the date the Traveling Animal Exhibition is to arrive in Fairfax County, the date of departure and all dates on which it is to perform at any location in Fairfax County, the owner’s principal address and telephone number, the total length of time during which the Traveling Animal Exhibition will operate in Fairfax County, a list of all locations at which the Traveling Animal Exhibition has performed during the twelve month period prior to making this application, whether or not the owners or operators of the Traveling Animal Exhibition have been charged and/or convicted of

any offense constituting cruelty to animals, a brief description of the acts or events to be performed and the signature of the owner or representative thereof. The applicant shall attach to the application a copy of a current and valid U.S. Exhibitors License.

(b) Prior to approval of an application for a permit, the Administrative Authority and a U.S.D.A. accredited veterinarian, licensed by the Commonwealth of Virginia, chosen by the Administrative Authority, shall inspect the animals and the proposed premises of the Traveling Animal Exhibition to determine compliance with the requirements of this Article.

(c) Upon inspection, the Administrative Authority and the veterinarian...shall determine whether all animals maintained by the Traveling Animal Exhibition have been given adequate feed, adequate water, adequate shelter, adequate space for the particular type of animal depending upon its age, size, and weight, adequate veterinarian care when needed, and humane care and treatment.

(e) The Administrative Authority may deny the application for a permit if the Traveling Animal Exhibition fails to comply with any of the requirements of this Article.

(f) Any costs or fees incurred by Fairfax County as a result of the inspection and permit process shall be charged to the Traveling Animal Exhibition. Payment of all such costs shall be in addition to the...permit fee required...and shall be considered a precondition of the issuance of the permit.

Enforcement

(a) Penalty. Any person convicted of violating this section shall be guilty of a Class 3 misdemeanor.

(b) Should any inspection conducted in accordance with Section 41-10-4 reveal any act or condition which could constitute cruelty to animals as that term is defined in...Fairfax County Code, the Administrative Authority shall take the necessary measures to enforce the provisions of that chapter as to prevent further cruelty or inhumane treatment of any animal...

(c) Nothing in this Article shall preclude or preempt compliance with any other Chapter of the Fairfax County Code.

(d) Nothing in this Article shall preclude or preempt any authority granted to a licensed State Humane Investigator pursuant to Code.

Other Legislative Strategies

Honolulu, Hawaii proposed an ordinance for adoption by the Honolulu city council that would have banned circuses from bringing wild animals into the city and county of Honolulu. Unfortunately, the ordinance did not pass. Excerpts from the ordinance follow:

Section 1. Findings and purposes.

The council finds that wild animals often pose serious threats to human health and safety and can cause severe environmental damage. These animals have very specific biological requirements best met in their natural habitats, and when it is necessary to confine them in captivity, they should be under the supervision of qualified zoological or otherwise competent professional caretakers. Further, it is unsuitable and cruel to involve wild animals in any display, act or exhibit which causes them to engage in unnatural behavior.

Therefore, the council finds it to be in the best interest of citizens and animals in the city to prohibit traveling exhibits and shows in the City and County of Honolulu which include wild animals for the entertainment and amusement of people whether or not the animals actually perform.

Traveling Exhibits and Shows—Wild Animals

Sec. 40-.1 Definitions

“Traveling” means to go from one place to another as by ship, boat, airplane or car, exclusive of wild animals in transit through the city for a period of not exceeding 48 hours.

“Wild animal” means any living member of the kingdom Animalia, including those born or raised in captivity, except the following: [domestic dogs, cats, horses, donkeys/asses, cattle, sheep, goats, swine, poultry, guinea pigs, rats or mice, rabbits, parrots, ducks, finches, doves or pigeons, and canaries].

Sec. 40-.2 Prohibitions

It shall be unlawful for any person to bring any traveling commercial show, circus, animal exhibition, carnival, advertising display or device into the city which includes wild animals. This prohibition applies to events or activities taking place in either public or private facilities or property, regardless of the purpose of the event or activity and whether or not a fee is charged to spectators.

Sec. 40-.3 Enforcement

(a) When a police officer, or any officer of the Hawaiian Humane Society who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of this article, determines that a violation of this article has occurred, the officer shall issue a citation to the person who has brought any traveling commercial show, circus, animal exhibition, carnival, advertising display or device into the city which includes wild animals. The officer may cite one or more of the violators.

(b) There shall be provided for use by any police officer, or any officer of the Hawaiian Humane Society who has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of this article, a form of summons or citation for use in citing violators of this article, which does not provide for the physical arrest of such violators. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district court, shall be printed on a form commensurate with the form of other summons or citation used in modern methods of arrest, and so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the City and County of Honolulu.

(c) In every case, when a citation is issued, the original shall be given to the violator.

(d) Enforcement of this article shall be under the jurisdiction of the Honolulu police department.

Sec. 40-.4

Any person found guilty of violating Section 40.2 shall be fined \$1,000 for each day, or any portion thereof, in which the violation occurs.

HSUS Model Bill or Ordinance Language

No person may sponsor, promote, or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator to any activity or event in which any wild animal either engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that that animal suffers abuse or mental or physical stress. This prohibition applies to events and activities taking place in either public or private facilities or properties and applies regardless of the purpose of the events or activities and irrespective of whether a fee has been charged to spectators.

“Unnatural behavior” means all behavior that is not part of a wild animal’s natural behavioral repertoire (defined as behavior in which that animal would engage when free and in its natural habitat). [For a definition of “wild animal,” see the Honolulu bill or contact HSUS Government Affairs staff.]

State Mandate/County Option

The HSUS suggests another approach to be used when addressing the matter using state legislation. If a community chooses to allow circuses to display wild animals within its environs, it should at least have taken steps to ensure that citizens are protected and that the animals are treated humanely. The state legislature should outlaw the display of wild animals in circuses in a community unless that community has enacted an ordinance to ensure humane treatment.

A state law could use the following the following language:

It shall be unlawful for any person to bring into a community any traveling commercial show, circus, animal exhibition, carnival, advertising display, or device that includes wild animals. This prohibition applies to events or activities taking place in either public or private facilities or property, regardless of both the purpose of the event or activity and whether a fee is charged to spectators.

This law shall not apply if the county and/or city in which the wild animal is to be displayed has adopted an ordinance to ensure the humane care, handling, and housing of these animals and to ensure that the animals do not endanger the health or safety of others in the community.

If your state or local community has a law that regulates or bans wild animal performances in circuses, please share a copy with us. For more information on captive wild animals and the law, contact HSUS Government Affairs staff at 2100 L Street, N.W., Washington, D. C. 20037 or 202-452-1100.

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