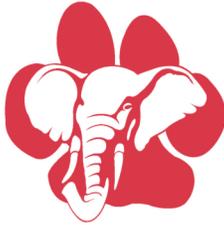


PERFORMING ANIMAL
WELFARE SOCIETY



pawsweb.org

PETA
FOUNDATION



**THE HUMANE SOCIETY
OF THE UNITED STATES**

September 30, 2019

Councilmember Paul Koretz
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: Comments on Council File 16-1357, An ordinance to limit the exhibition of wild or exotic animals in the city

Dear Councilmember Koretz:

On behalf of the Performing Animal Welfare Society, The Humane Society of the United States, the PETA Foundation, and our collective supporters, we express our strong support for an ordinance to effectively address the permitting of wild or exotic animals in exhibitions in Los Angeles. However, we have some concerns regarding the latest draft language of the ordinance, and we offer the following recommendations for your consideration.

SEC. 53.39.1. WILD OR EXOTIC ANIMAL - EXHIBITION.
Section 1.

(a) 1. Definition for conservation or educational presentations is overbroad.

The draft language fails to define what constitutes a legitimate “wildlife conservation center”, “professional animal handler”, “educator”, or “scientist.” (Only “zoo” is defined in this section.) It should not be enough to merely claim to “educate and teach respect and responsible behavior for the conservation and protection of wildlife and the environment, as well as the humane treatment of Wild or Exotic Animals and Dangerous Animals” in order to receive a permit.

The current language leaves an enormous loophole. For example, someone showcasing reptiles on Hollywood Boulevard can claim to be a “professional animal handler” who is “educating” people, or a tiger can be used as a prop for a special event by having a “scientist” speak about

the species. In fact, traveling shows with tigers and bears very often use an “educational” component as an attempt to legitimize a circus-style show.

The draft language also fails to define what constitutes a conservation or educational presentation, including acceptable situations in which these presentations may occur. For example, a presentation at a school or library is vastly different from a presentation made at a noisy children’s party.

We propose deleting “scientist”, as this is duplicative. An “educator” should be required to possess a degree in education and/or science or show evidence of other expertise in this area. This is necessary to protect both the public and the animals.

We also propose that the language include definitions for “professional animal handler”, “wildlife conservation center”, and “educator.” We would be happy to work with you to draft meaningful definitions of these terms.

(a) 2. Definition of ‘dangerous animal’ is overbroad.

It should be made clear in the ordinance which animals are considered to be potentially dangerous, rather than having the City make this determination on a case-by-case basis. The level of ambiguity in the definition also invites challenges from exhibitors who will argue that their individual animals are “tame” and not dangerous. We propose listing the following animals:

- Artiodactyla (including hippopotamuses, giraffes, and camels, but excepting llamas, cattle, swine, sheep, and goats)
- Canidae (including wolves, wolf hybrids, foxes, and jackals, but excluding domestic dogs);
- Cetacea (including whales and dolphins)
- Crocodylia (including alligators and crocodiles)
- Elasmobranchii (including nurse sharks and lemon sharks)
- Elephantidae (elephants)
- Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, or any hybrid thereof, but excluding domestic cats)
- Hyaenidae (hyenas)
- Marsupialia (including kangaroos and koalas)
- Mustelidae (including ferrets, weasels, otters, and badgers)
- Non-human primates (including apes, monkeys, and lemurs)
- Perissodactyla (including rhinoceroses, tapirs, and zebras)
- Pinnipedia (including seals, sea lions, and walruses)
- Ursidae (bears)
- Viverridae (civets and genets)

(c) Permit application should contain additional requirements to protect animals and the public.

Overall, the draft requirements for using wild or exotic and dangerous animals do not provide adequate standards to qualify or disqualify an applicant from obtaining a permit. We suggest additional requirements as follows, in order to protect the animals and the public:

- The applicant shall not have had a license or permit regarding the care, possession, exhibition, propagation, or sale of wild or exotic animals revoked or suspended by any state, local, or federal agency, and shall not have received any official notices of warnings, or entered into any stipulations, consent decrees, or settlements with the United States Department of Agriculture (USDA) within the last five years and must disclose any known pending investigations that are being conducted by the USDA.
- The applicant shall not have been cited by the USDA under the Animal Welfare Act for any noncompliant item within the past three years in which a wild or exotic animal's health and well-being was jeopardized by: inappropriate veterinary care; inappropriate handling of animals causing stress or trauma to the animal or a threat to public safety; inappropriate provisions of food, water, shelter, or space; or any infraction cited as a direct noncompliant item. The applicant shall not have been assessed a civil penalty or convicted of any criminal violation of any statute, regulation, or ordinance relating to the possession or care of animals. Nor shall the applicant be currently under charges for any violation of such laws.
- The applicant shall not allow members of the public to be in close proximity to wild or exotic and dangerous animals without sufficient distance and protective barriers. This includes, but is not limited to, photographic opportunities with wild or exotic animals.
- The applicant shall maintain liability insurance in an amount of not less than two hundred fifty thousand dollars for each occurrence of property damage, bodily injury, or death caused by any wild or exotic animal possessed by the person.
- The applicant shall utilize appropriate transport vehicles and transfer cages to contain animals when moving them to the permitted location.
- The applicant shall have a written plan, filed with the City, for the quick and safe recapture or destruction of wild or exotic animals in the event that a wild or exotic or dangerous animal escapes, including, but not limited to, written protocols for training staff on methods of safe recapture of the escaped animal.
- The applicant shall produce a written emergency contingency plan, filed with the City, to provide for the humane handling, treatment, transportation, housing, and care of wild or exotic animals in the event of a natural or man-made disaster. The plan should include, but is not limited to, identifying potential emergency situations and outlining specific tasks to be carried out in response to such situations, including detailed animal

evacuation or shelter-in-place instructions and provisions for providing backup sources of food and water as well as sanitation, ventilation, bedding, veterinary care.

(c) 6: Dangerous wild animals should not be permitted for conservation or educational presentations.

We are greatly concerned that dangerous animals can be used in conservation or educational presentations. In addition to the risk these animals pose to the public, dangerous animals such as tigers, bears, and elephants are typically used in traveling shows exclusively for entertainment. No legitimate traveling educational program uses these animals because of safety and welfare concerns.

We propose that conservation or educational presentations using dangerous animals should not be eligible for a permit.

(c) 6: The Department should be given more time to process permit applications.

The draft ordinance states that applicants must submit a completed application at least 10 days prior to the conservation or educational presentation. We argue that this is far too little time for processing and may put pressure on the City to approve such applications.

We propose that applications be submitted at least 14 working days prior to the conservation or educational presentation.

(d) Permit duration – One-year permits should require documentation.

According to the draft ordinance, the City would issue an annual permit for off-site conservation or educational presentations if they do not include dangerous animals. There is no mechanism for ensuring the permit holder is acting in accordance with the requirements of the ordinance.

We propose that the facility be required to provide the City with itineraries for all upcoming exhibitions covered under the permit.

Section 2

(e) Prohibition – Circus or Performing Animal show

There is no definition of “circus” or “performing animal show.” This also applies to item 2 (a)(e). We propose the following definitions:

The term “circus” means a performance before a live audience in which entertainment consisting of a variety of acts, such as acrobats, aerialists, clowns, jugglers, or stunts, is the primary attraction or principal business.

The term “performing animal show” means any traveling exhibition, fair, act, ride, or similar undertaking in which 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. (“Traveling” is defined as any display of animals where such animals are transported to, from, or between locations for the purpose of such display.)

(f) Permit fees language is unclear.

This section still includes “Animal Acts and Exhibitions” even though animal acts are not allowable under this ordinance. It does not clearly show fees for facilities engaged in conservation or educational presentations.

The draft ordinance should provide penalties for violation.

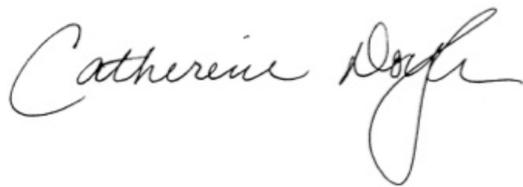
The draft language does not specify any penalty for violation of the ordinance.

We propose that the ordinance should explicitly provide for revocation of permits if any condition of such permit is violated, and that violators shall be precluded from obtaining another permit for a period of one year. We also strongly recommend including the following penalty provision, which is standard throughout the Municipal Code:

“Any person violating this section shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period not more than six months, or by both a fine and imprisonment. Each day a violation continues to exist shall constitute a separate offense, as shall each dangerous animal or wild or exotic animal exhibited.”

We look forward to working with you further on this important animal protection measure.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Doyle". The signature is written in black ink and is positioned above the typed name and contact information.

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cc: Councilmember John Lee
Councilmember Curren Price
Councilmember David Ryu