

CITY OF VINELAND

ORDINANCE NO. 2017-19

ORDINANCE AMENDING CHAPTER 269 OF THE CODE OF THE CITY OF VINELAND ENTITLED CARNIVALS SO AS TO PROHIBIT EXHIBITIONS OF WILD AND EXOTIC ANIMALS ON CITY OWNED PROPERTY

WHEREAS, the City Council of the City of Vineland is desirous to implement measures to prevent the exhibition of wild and exotic animals who are often subjected to cruel or inhumane treatment as a result of traveling from place to place, being confined, and being exhibited on an itinerant basis; and

WHEREAS, traveling circuses and other types of exhibitions of wild and exotic animals may include such animals such as elephants, lions and tigers, among others, which are ill-suited to life in a circus or other similar businesses such as traveling carnivals; and

WHEREAS, on average, animals held in captivity in a circus or a traveling carnival spend less than 10% of their time performing and are otherwise confined in small cages or shackled otherwise, often in isolation or inappropriately confined with other species; and

WHEREAS, training and performance, as well as continued confinement can have extremely deleterious and adverse effects upon the health and welfare of wild and exotic animals in circuses and traveling carnivals which lead to obesity, other health problems, as well as the potential to subject wild and exotic animals to behavioral irregularities which may lead to abnormal behavior including attacks on trainers or the public; and

WHEREAS, many circus companies or traveling carnivals are moving away from the use of wild or exotic animals in their business and shows.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 269 entitled Carnivals shall be amended as follows:

Section 269-2 Definitions shall be deleted in its entirety and replaced as follows:

As used in this Chapter, the following terms shall have the meanings indicated:

CARNIVAL

includes the conduct, operation, exhibition or display, by any person or persons, corporation, firm, association or aggregation, of shows, fairs, craft shows, trade shows, benefits, church festivals, non wild or exotic animal shows of established reputation and similar activities which may include amusement rides and amusement activities, booths and/or other places for the sale of food, drink and/or refreshments in any lot, park or open place in specific locations within the City of Vineland as set forth in this Chapter, or some or any of the foregoing.

CIRCUS

including circus or traveling carnival shows shall mean a mobile or stationary act or public performance conducted, sponsored, or operated by a person holding or required to hold a class C license under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) together with its subsequent amendments and implementing regulations and standards adopted pursuant to the Act, by which performances are offered from live animals which may also include other participants including acrobats, clowns or other human performers.

PERSON

shall mean an individual, partnership, corporation, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative of those.

PERMANENT RESIDENCE

shall mean a fixed piece of real property, owned or leased by the person owning or caring for the wild or exotic animal, where the wild or exotic animal eats and sleeps for more than half the calendar year.

TRAVELLING SHOW

shall mean any mobile or stationary act, circus, public show, trade show, photographic opportunity, carnival, parade, race, performance, or similar undertaking (collectively "Performance or Exhibition") incorporating wild or exotic animals wherein the animals either have no permanent residence or are removed from their permanent residence for a period of more than 18 hours at a time for the purpose of performance or exhibition.

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WILD OR EXOTIC ANIMAL

shall mean any or all of the following orders and families, whether born 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. Nonhuman primates and prosimians (such as chimpanzees, baboons, monkeys, etc.) – all species.
2. Felidae (such as lions, tigers, cougars, leopards, ocelots, servals, etc.) all species except domestic cats.
3. Canidae (such as wolves, coyotes, etc.) all species except domestic dogs.
4. Ursidae (such as bears) all species
5. Marsupialia (such as kangaroos, etc.) all species
6. Proboscidae (such as elephants) all species
7. Crocodylia (such as crocodiles, alligators, etc.) all species
8. Squamata all species of snakes
9. Artiodactyla (such as hippopotamuses, giraffes, camels, etc.) all species except domesticated cattle, swine, sheep, goats, llamas, or alpacas.
10. Perissodactyla (such as zebras, rhinos, and tapirs) all species except domestic horses, donkeys or mules.
11. Struthioniformes (such as emus) all species

WILDLIFE SANCTUARY

shall mean an establishment that provides lifetime care for animals that have been abused, injured, abandon, or otherwise in need. The animals may come from sources including, but not limited to, private owners, research laboratories, government authorities, the entertainment industry, and zoos. An establishment shall not qualify as a wildlife sanctuary for purposes of this Ordinance unless

1. It is operated by a recognized 501 (C) 3 organization or a governmental unit.
2. No commercial trade in animals occur (including, but not limited to, sale of animals, animal parts, byproducts, offspring, photographic opportunities or public events for financial profit, or any other entertainment purposes).
3. No propagation (breeding) of animals occurs in the facility; and
4. No unescorted public visitation is allowed.

Section 269 – 4 PROHIBITION OF EXHIBITION OF WILD AND EXOTIC ANIMALS ON CITY-OWNED PROPERTY shall be added

No Person shall conduct, sponsor, operate, or otherwise permit a Traveling Show or Circus that includes wild or exotic animals as set forth in this Ordinance on property owned or controlled by the City of Vineland, including but not limited to park lands owned, controlled or operated by the City of Vineland.

The provisions of this Ordinance shall not apply to the following:

1. Institutions accredited by the Association of Zoos and Aquariums.
2. Any sanctuary, rescue center, or rehabilitation center accredited or verified by the Global Federation of Animal Sanctuaries or the American Sanctuary Association.
3. Any wildlife sanctuary as defined in this Ordinance, including a wildlife sanctuary accredited or verified by the Global Federation of Animal Sanctuaries or the American Sanctuary Association.
4. Outreach programs for educational and conservation purposes operated by a recognized 501 (c) 3 nonprofit organization or governmental entities where the wild or exotic animal is not removed from his permanent residence for more than 18 hours at any given time.

This Ordinance is not intended to preclude or prevent exhibitions or demonstrations including domestic animals such as horses, cattle, sheep, goats, llamas and similar animals nor is this Ordinance intended to prevent exhibitions of domesticated farm animals such as are frequently displayed or demonstrated by 4-H clubs or similar organizations.

Further, the City of Vineland shall not contract with, agree with, nor allow or suffer the use of City owned properties as set forth in this Ordinance from utilizing property owned by the City for the purposes prohibited under this Ordinance.

BE IT FURTHER ORDAINED that any Ordinance or portions thereof that are inconsistent herewith shall be deleted and void to the extent of such inconsistencies and the terms of this Ordinance shall supersede the same.

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This Ordinance shall take effect upon adoption and publication according to Law.

Passed First Reading:

Passed Final Reading:

President of Council

ATTEST:

City Clerk