



## REGULATION OF EXOTIC CIRCUS ANIMALS OVERVIEW

**COUNCIL STRATEGY SESSION**  
SEPTEMBER 7, 2021

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### PURPOSE

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Provide an overview of the previous considerations and proposed ordinance revisions specific to Exotic Animal provisions within the City's Animal Ordinance.

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## BACKGROUND

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- November 12, 2019 Council Strategy Session, the City Manager committed to conducting a review of the current provisions to regulate exotic circus animals.
- A staff report including additional information and recommendations was distributed January 3, 2020.
- A presentation of the report findings was presented to Mayor and Council at the February 3, 2020 Strategy Session.

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## BACKGROUND contd.

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- At the February 24, 2020 Business Meeting, City Council heard public comment and considered proposed changes to the City's Animal Ordinance on strengthening protections for Exotic Animals.
- Based on discussions at the February 24 Council Business Meeting, a determination was made to further review options for proposed wording of the ordinance changes.
- Due to emergent priorities with the COVID 19 pandemic, consideration of changes to the Animal Ordinance were tabled to a later date.

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## EXOTIC AND WILD ANIMALS DEFINED

*Exotic or wild animal* means an animal that would ordinarily be **confined to a zoo; ....found in the wilderness; ....not indigenous** to the United States or to North America; or one that otherwise is likely to cause a reasonable person to be **fearful of significant destruction of property or of bodily harm, .....** Exotic or wild animals specifically **do not include** animals of a species customarily used in the state as **ordinary household pets**, animals of a species customarily used in the state as **domestic farm animals, fish confined in an aquarium** other than piranha, **birds, or insects.**

– *City of Charlotte, Code of Ordinances, Chapter 3 Animals, § 3-3*

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## CURRENT PROVISIONS - FEDERAL

- Federal regulations via the Animal Welfare Act provide minimum standards for the treatment of animals that are bred for commercial sale, exhibited to the public, used in research, or transported commercially.
  - *“(b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.”*
  - *“(2)(i) Physical abuse shall not be used to train, work, or otherwise handle animals.”*

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## CURRENT PROVISIONS - STATE

- The State of North Carolina defines and prohibits animal cruelty through state legislation (*G.S. 14-360 and 19A-1*).
- Cruelty: Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted (*G.S. 19A-1* )
- Cities are granted authority from the state to further regulate, define, and prohibit the abuse of animals. (*G.S. 160A-182*)
- The state gives cities the authority to regulate the possession or harboring of animals dangerous to persons or property (*G.S. 160A-187*).
- Pending: Legislation to ban the use of exotic and wild animals in traveling animal acts across North Carolina HB 594 was introduced in April 2021 and is in Committee.

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## CURRENT PROVISIONS - CITY

- The City of Charlotte's Animal Ordinance provides regulations for the well-being of animals.
- Specific to exotic or wild animals, the Ordinance contains provisions:
  - Identifying restraint requirements,
  - Defining and categorizing what constitutes a wild or exotic animal, and
  - Establishing who can keep, maintain, possess, or have under their control these types of animals.

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## CURRENT PROPOSED ORDINANCE AMENDMENT

- Update Section 3-3 - Add the definitions of bullhooks, electric prods, and whips.
  - *Bullhook* means a tool or device, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike, hook or combination thereof, attached to a shaft or handle.
  - *Electric prod* means any device that delivers an electric shock to control or affect animal behavior.
  - *Whip* means a strip of leather, length of cord, or other similar material used to control or affect animal behavior.

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## CURRENT PROPOSED ORDINANCE AMENDMENT

- Update Section 3-73 - Exotic or Wild Animals to add subsection (f):

*Handling.* The handling of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, no permanent or transient animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Further, the use of bullhooks, electric prods, **or whips** ~~or other devices~~ to handle, train, or otherwise interact with elephants, felines, and primates when they are on display, performing or being trained is prohibited. All equipment used on a performing animal shall fit properly and be in good working condition. **An animal control officer shall be authorized to inspect the premises at any time on demand.\***

(Inspections are covered under section 3-32 in the existing ordinance.)

Note: Highlighted sections represent change from version proposed for adoption at the February 24, 2020 Council Business Meeting.

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## PROPOSED NEXT STEPS

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- Discussion of additional considerations tonight
- Publish proposed ordinance language for public review
- September 13<sup>th</sup> or 27<sup>th</sup> Business Meeting:
  - Receive public comment on the proposed language
  - Vote on ordinance changes
- March 31, 2022 - new ordinance provisions to take effect
  - Allows notice to businesses that use exotic animals
  - Allows time for Animal Care and Control staff training on enforcement

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## QUESTIONS AND ADDITIONAL CONSIDERATIONS ?

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