

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1260

Amending MCC Chapter 13 – Animal Control to Ban the Use of Wild or Exotic Animals in Traveling Animal Displays and/or Acts.

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

1. Wild or exotic animals used in traveling animal displays suffer severe and extended confinement, are deprived of natural movements, free exercise, and natural behaviors, and are prone to chronic stress, behavioral, health, and psychological problems.
2. Constant travel, temporary and collapsible facilities, and prolonged confinement and physical coercion are inherently part of traveling animal displays, and these conditions subject wild or exotic animals to chronic stress that compromises their welfare while also creating risks for the public and workers.
3. Wild or exotic animals used in traveling performances bring people dangerously close to unpredictable wild or exotic animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals.
4. The itinerant nature of traveling animal displays using wild or exotic animals complicates oversight such that agencies and authorities cannot properly monitor, evaluate, or follow through regarding the condition of animals or facilities, or their history of injuries, incidents, illnesses, violations, or other issues, and so cannot properly protect animals, workers, or the public.
5. The use of wild or exotic animals for entertainment contributes to the trade of these animals by perpetuating their breeding and sale.
6. Five states and more than 135 other localities across 37 states have passed various restrictions governing the use of wild or exotic animals in circuses and traveling shows.
7. Multnomah County is the Local Public Animal Services Entity and deems it advisable for the welfare of the County and the prevention of animal cruelty to prohibit traveling animal displays that include wild or exotic animals for public entertainment or amusement within the County.

Multnomah County Ordains as Follows:

Section 1. MCC § 13.002 is amended as follows:

§ 13.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context requires a different meaning.

* * *

ANIMAL DISPLAY. Any exhibition, fair, act, circus, ride, trade show, carnival, race, parade, or similar undertaking in which a wild or exotic animal is required to perform tricks, give rides, or participate as accompaniments for the purpose of entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

* * *

DEPARTMENT DIVISION. Multnomah County Animal Services.

* * *

DIRECTOR. The Director of the Multnomah County Animal control division of the county, or the director's Sservices or designee.

* * *

MOBILE OR TRAVELING HOUSING FACILITY. Any transporting vehicle such as a truck, trailer or railway car, used to transport or house wild or exotic animals while traveling for an animal display.

* * *

TRAVELING ANIMAL DISPLAY. Any animal display in which wild or exotic animals are transported to, from or in between locations for the purpose of such animal display, in a mobile or traveling housing facility. This shall not include the transportation of a wild or exotic animal between United States Department of Agriculture licensed sanctuaries and zoos for the purpose of providing lifetime care.

* * *

WILD OR EXOTIC ANIMAL. Any live animal, excluding livestock, from any of the following scientific classifications:

(1) Artiodactyla (including hippopotamuses, giraffes, camels, but excepting alpaca, cattle, llama, swine, sheep, and goats);

(2) Crocodylia (including alligators and crocodiles);

(3) Elasmobranchii (including nurse sharks and lemon sharks);

(4) Elephantidae (elephants);

(5) Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, or any hybrid thereof, but excluding domestic cats);

(6) Hyaenidae (hyenas);

(7) Marsupialia (including kangaroos);

(8) Non-human primates (including apes, monkeys, and lemurs);

(9) Perissodactyla (including rhinoceroses, tapirs, and zebras, but excluding horses, donkeys, and mules);

(10) Pinnipedia (including seals, sea lions, and walruses);

(11) Struthio (ostriches); and

(12) Ursidae (bears).

Section 2. MCC § 13.154 is amended as follows:

(A) It is unlawful to harbor and/or own an exotic or dangerous animal.

(B) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with § 13.154(A):

(1) Any facility accredited by the Association of Zoos and Aquariums (AZA);

(2) Any licensed or accredited research or medical institution, including any such institution dedicated to the training of exotic primates for service animals;

(3) Licensed or accredited educational institutions;

(4) Veterinary clinics in possession of exotic animals for treatment or rehabilitation purposes;

~~(5) Traveling circuses or carnivals;~~

(65) Persons temporarily transporting exotic animals through the county provided that the transit time shall not be more than three days.

(76) Any person or facility licensed as an exhibitor or breeder by the United States Department of Agriculture (USDA) under the Animal Welfare Act.

(87) Persons owning or keeping a trained exotic primate as a service animal and who have submitted a sworn affidavit affirming the need for the service animal in their personal dwelling.

* * *

Section 3. MCC § 13.600 is added as follows:

§ 13.600 PROHIBITIONS.

It shall be unlawful for any person to allow for the participation of a wild or exotic animal in a traveling animal display.

Section 4. MCC § 13.610 is added as follows:

§ 13.610 EXEMPTIONS.

For the purposes of this chapter, the following exemption applies:

(1) The employee or contractor of a filmmaker (as defined in ORS Title 26A Chapter 284.368) for the purposes of producing a film (as defined in ORS Title 26A Chapter 284.368) is exempt from the provisions of the ordinance.

Section 5. MCC § 13.620 is added as follows:

§ 13.620 INSPECTIONS.

The Director shall have authority to inspect and investigate potential violations of this subchapter.

Section 6. MCC § 13.630 is added as follows:

§ 13.630 ENFORCEMENT.

(1) The Director shall monitor and enforce compliance with this subchapter.

(2) Enforcement may be initiated by compliant.

(3) The Director may issue civil penalties based upon a finding that a person is in violation of this subchapter.

Section 7. MCC § 13.640 is added as follows:

§ 13.640 PENALTIES.

Any persons, facilities, institutions, persons, entities, associations, or government agencies found to have violated any provision of this subchapter shall be subject to a fine for a Class A

infraction pursuant to Section 13.999B(1). Fines may accrue up to the maximum allowable under Oregon State law.

(1) Section 13.999B(1): A fine for Class A infraction shall be no less than \$100 nor more than \$500 for a first offense. The fine for a second Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$200, nor more than \$500. The fine for a third Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$500.

(2) Each individual use or display of a wild or exotic animal shall be considered a separate infraction.

(3) Any wild or exotic animal in a traveling animal display, along with their housing unit may be subject to impoundment if the wild or exotic animal is deemed to be in imminent harm or danger.

Section 8. MCC § 13.650 is added as follows:

§ 13.650 APPEALS.

Any person receiving a fine for violation of this subchapter may appeal the fine and request a hearing. Appeals must be sent to the Department and postmarked within thirty (30) calendar days of the notice of fine date.

FIRST READING: June 14, 2018

SECOND READING AND ADOPTION: July 12, 2018

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Lori Stegmann
Lori Stegmann, Vice-Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By David N. Blankfeld
David N. Blankfeld, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director.