

3.XX PROHIBITING THE USE OF WILD AND EXOTIC ANIMALS IN TRAVELING SHOWS AND CIRCUSES

PENALTIES FOR VIOLATION OF THE PROHIBITING THE USE OF WILD AND EXOTIC ANIMALS IN TRAVELING SHOWS AND CIRCUSES BYLAW

Criminal Enforcement for Violation: \$150 - \$300 fine per animal per day

Noncriminal Disposition: \$300 fine per animal per day (enforcement by: Police Department, Animal Welfare Officer)

A. Purpose

It is the intent of the Amherst Town Council to protect the public against hazards that Wild and Exotic Animals used in Traveling Shows and Circuses pose to society and to protect Wild and Exotic Animals from cruel and inhumane treatment.

B. Definitions

For the purpose of this Bylaw only, the following words and terms shall be deemed to mean and to be construed as follows:

1. "Circus" means a class C licensee that is licensed under the Animal Welfare Act (7 USC Section 2131 et seq.) and its subsequent amendments, regulations, and standards adopted pursuant to the Act, that offers performances by live animals, clowns and/or acrobats.
2. "Person" means an individual, partnership, corporation, joint venture, association, trust, estate, or any legal entity, and any officer, member, shareholder, director, employee, agent or representative of these.
3. "Traveling Show" means any mobile or stationary act or exhibition, Circus, public show, trade show, photographic opportunity, carnival, city or county fair, ride, parade, race, performance, or similar undertaking incorporating Wild or Exotic Animals wherein the animals are taken from their permanent residence and required to walk or travel for any distance.
4. "Wild or Exotic Animal" means 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, including 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:
 - a. Non-human primates and prosimians (such as chimpanzees, baboons, monkeys, etc.) – All species.
 - b. Felidae (such as lions, tigers, cougars, leopards, ocelots, servals, etc.) – All species except domestic cats.
 - c. Canidae (such as wolves, coyotes, etc.) – All species except domestic dogs.
 - d. Ursidae (such as bears) – All species.
 - e. Marsupialia (such as kangaroos, etc.) All species.
 - f. Proboscidae (such as elephants) – All species.

- g. Crocodilia (such as crocodiles, alligators, etc.) – All species.
 - h. Artiodactyla (such as hippopotamuses, giraffes, camels, etc.)- All species except domestic cattle, swine, sheep, goats, llamas, or alpacas.
 - i. Perissodactyla (such as zebras, rhinos, and tapirs) - All species except domestic horses, donkeys or mules.
 - j. Struthioniformes (such as ostriches) -All species.
 - k. Casuariiformes (such as emus) - All species.
 - l. Pinnipeds (such as sea lions) – All species.
5. “Wildlife Sanctuary” means a 501 (c)(3) organization described in Section 170 (b)(1)(A)(vi) Internal Revenue Code 1986, and its subsequent amendments where:
- a. No commercial trade in animals occurs (including, but not limited to, sale of animals, animal parts, by-products, offspring, photographic opportunities or public events for financial profit, or any other entertainment purposes);
 - b. No propagation of animals occurs in the facility; and
 - c. No unescorted public visitation is allowed; no direct contact between the public and wild animals is allowed; animals are not taken from the sanctuary or enclosures for exhibition.

C. Prohibition

It shall be unlawful for any Person to conduct, sponsor, walk, exhibit, or operate a Traveling Show or Circus that includes live Wild or Exotic Animals on any public or private land within the Town of Amherst, MA.

D. Exceptions

The provisions of this Bylaw shall not apply to:

- 1. Institutions accredited by the Association of Zoos and Aquariums;
- 2. Any Wildlife Sanctuary as defined under this Bylaw;
- 3. An exhibition that takes place at a non-mobile, permanent institution or other fixed facility, provided that the covered animal is not transported to such location for the purpose of such exhibition; or
- 4. Any demonstrations or exhibitions by a college or university for bona fide educational or research purposes, and not for amusement or entertainment purposes.