

ORDINANCE NO. 688

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES, CALIFORNIA, ADDING CHAPTER 6.06 TO TITLE 6 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE REGARDING PERFORMANCE OF WILD AND EXOTIC ANIMALS FOR PUBLIC ENTERTAINMENT OR AMUSEMENT.

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ORDAINS AS FOLLOWS:

SECTION 1. Findings. The City Council finds as follows:

A. In recent years, increased questions surrounding the safety of wild and exotic animals interacting directly with humans have emerged across the country. In addition, animal rights groups have raised issues regarding inhumane treatment of wild and exotic animals, such as elephants. For example, in 2011 the Association of Zoos and Aquariums adopted new industry standards for elephant management and care, which aimed at increasing workplace safety for elephant care providers. These industry standards ultimately raise safety and liability questions related to wild and exotic animal entertainment within the City.

B. As a result of research focused on wild and exotic animal care practices, the City has encountered numerous examples in other jurisdictions where entertainment involving wild and exotic animals is regulated or prohibited.

C. Neither the City's nor the Los Angeles County's animal control ordinances contain an ordinance directly on point to regulate or prohibit wild and exotic animal entertainment, such as elephant performances or rides.

D. Establishing a prohibition on the performance of wild and exotic animals for public entertainment within the City will further the City's efforts to ensure that wild and exotic animals are presented to the public in a manner that protects the health, safety, and welfare of the general public, as well as the well-being and safety of wild and exotic animals.

**ADDING CHAPTER 6.06 TO TITLE 6
OF THE ROLLING HILLS ESTATES
MUNICIPAL CODE REGARDING
PERFORMANCE OF WILD AND
EXOTIC ANIMALS FOR PUBLIC
ENTERTAINMENT OR AMUSEMENT**

E. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

SECTION 2. Addition of Chapter 6.06 to Title 6 of the Municipal Code. Chapter 6.086 is hereby added to Title 6 (Animals) of the Rolling Hills Estates Municipal Code to read as follows:

“Chapter 6.06. Performance of Wild and Exotic Animals for Public Entertainment or Amusement

Sections:

6.06.010 Purpose.

6.06.020 Performance of wild and exotic animals - prohibited.

6.06.030 Definitions.

6.06.040 Enforcement.

6.06.050 Exemptions.

6.06.010 Purpose.

The purpose of this chapter is to protect the public against hazards that wild and exotic animals used in performances for entertainment pose to society and to protect wild and exotic animals from cruel and inhumane treatment.

6.06.020 Performance of wild and exotic animals - prohibited.

It is unlawful for any person to permit the performance of any wild and exotic animal for public entertainment, amusement or benefit on any public or private property within the city.

6.06.030 Definitions.

For the purposes of this chapter, the following definitions apply:

“Director” means the Director of Community Services of the City of Rolling Hills Estates, or the director’s designee.

“Display” means the use or exhibition of animals for educational purposes or to groups of 20 or fewer persons.

“Domestic animal” means any animal that is livestock, a companion animal, or both. Livestock includes but is not limited to: (1) poultry; (2) cattle; (3) swine; (4) sheep; (5) goats; and (6) horses. Companion animal means any animal that is commonly kept by a person as a pet or for companionship and includes but is not limited to: (1) domesticated dogs; (2) domesticated cats; (3) ferrets; (4) gerbils; (5) guinea pigs; (6) hamsters; (7) horses; (8) mice; (9) rabbits; and (10) rats.

“Performance” means any act, circus, ride, trade show, carnival, parade, race, or similar undertaking where wild and exotic animals are required to perform tricks, fight, or participate as accomplishments in performances for the entertainment, amusement or benefit of an audience. Performance does not include the display of wild and exotic animals.

“Person” means any individual, establishment, firm, association, organization, partnership, trust, corporation or company.

“Wild and exotic animal” means any non-domestic animal and includes any of the following orders and families, or similar orders and families whether bred in the wild or in captivity, and any hybrid with domestic animals. The animals listed in parentheses are intended as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals listed, unless otherwise specified:

Atriodyctyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep or goats)

Canidae (except domesticated dogs)

Casuariiformes (emus)

Crocodylia (alligators, crocodiles)

Edentata (anteaters, sloths, armadillos)

Felidae (except domesticated cats)

Hyaenidae (hyenas)

Marsupialia (kangaroos, opossums)

Mustelidae (skunks, weasels, otters, badgers)

Non-human primates and prosimians (chimpanzees, monkeys)

Perissodactyla (rhinoceroses, tapirs, but not horses, donkeys, or mules)

Proboscidae (elephants)

Procynonidae (raccoons, coatis)

Reptilia over eight feet in length and snakes and reptiles of venomous variety

Struthioniformes (ostriches)

Ursidae (bears)

Viverridae (mongooses, civets, and genets)

6.06.040 Enforcement.

The director has the power and authority to enforce the provisions of this chapter.

6.06.050 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Education activities endorsed or accredited by the American Zoo and Aquarium Association.
- B. Veterinarians in the ordinary course of a veterinarian's practice of business.
- C. Educational activities endorsed or accredited by the Association of Sanctuaries and the American Sanctuary Association."

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Publication. The City Clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

FRANK V. ZERUNYAN, MAYOR

ATTEST:

DOUGLAS R. PRICHARD, CITY CLERK

APPROVED AS TO FORM:

DONALD M. DAVIS, CITY ATTORNEY

I HEREBY CERTIFY that the above Ordinance No. 688 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 13th day of August, 2013, and was duly adopted and passed at a regular meeting of the City Council on the _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ADDING CHAPTER 6.06 TO TITLE 6 5
OF THE ROLLING HILLS ESTATES
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I FURTHER CERTIFY that said Ordinance was thereon signed by the Mayor of the City of Rolling Hills Estates.

DOUGLAS R. PRICHARD, CITY CLERK