

City of Northampton
MASSACHUSETTS

In City Council

October 20, 2022

Upon the recommendation of Councilor Jim Nash and Councilor Karen Foster

22.192 AN ORDINANCE PROHIBITING THE USE OF WILD AND EXOTIC ANIMALS FOR PERFORMANCES OR EXHIBITIONS FOR THE PURPOSES OF ENTERTAINMENT

An ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding Article IV Wild and Exotic Animals Section ~~XXX128-XX21 An Ordinance to Protect Using~~ Wild and Exotic Animals for Entertainment Prohibited.

Be it Ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

The Code of Ordinances shall be and hereby is amended as follows:

Add Article IV §~~XXX-XX~~128-21 as set forth in the attached document.

A. Purpose

This ordinance is to protect Wild and Exotic Animals from cruel and inhumane treatment for entertainment purposes.

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. "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.
2. "Traveling Show" means any mobile or stationary act or exhibition, circus (a class C licensee, licensed pursuant to the Animal Welfare Act (7 USC Section 2131 et seq.), 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 travel for any distance.
3. "Wild or Exotic Animal" means any or all of the following species, 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. Hippopotamuses, giraffes, and camels.
- i. Zebras, rhinos, and tapirs
- j. Struthioniformes (such as ostriches) - All species.
- k. Casuariiformes (such as emus) - All species.
- l. Pinnipeds (such as sea lions) – All species.
- M. Squatiniformes (such as sharks) - 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 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, exhibit, or provide entertainment that includes live Wild or Exotic Animals on any public or private land within the City of Northampton, MA.

D. Exceptions

The provisions of this Bylaw shall not apply to:

1. Any Wildlife Sanctuary as defined under this ordinance;

2. An exhibition that takes place at a non-mobile, permanent institution or other fixed facility, provided that the Wild or Exotic Animal is not transported to such location for the purpose of such exhibition; or
3. Any demonstrations or exhibitions by a college or university for bona fide educational or research purposes, and not for amusement or entertainment purposes.

E. Enforcement

The provisions of this Bylaw shall be enforced by the Mayor's designee.