

BOROUGH OF BELLEVUE
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 19 - 06

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE
MUNICIPALITY IN THE COUNTY OF ALLEGHENY, PROHIBITING THE
PERFORMANCE OF WILD OR EXOTIC ANIMALS FOR PUBLIC
ENTERTAINMENT OR AMUSEMENT AND ESTABLISHING GUIDELINES FOR
THE POSSESSION OF WILD ANIMALS.**

WHEREAS, the tricks that exotic and non-domesticated animals are forced to display in public showings such as circuses, photographic opportunities and other performances require extreme physical coercion techniques, including the restriction of food, the use of elephant hooks (objects used to control and punish elephants), electric shocks, metal bars, whips, and other forms of physical abuse; and

WHEREAS, public performances involving substantial travel, such as circuses and film shoots, are detrimental to animal welfare due to the adverse effects of captivity and transport; and

WHEREAS, due to severe confinement, lack of free exercise, and the restriction of natural behaviors, wild and exotic animals used in public performances suffer and are prone to health, behavioral and psychological problems; and

WHEREAS, the welfare of animals subject to the conditions involved with public performances, such as constant travel, limited facilities, long periods of restriction of movement, stress, and physical coercion, will inevitably be compromised, which can lead to increased risks to public safety; and

WHEREAS, animals displayed in public performances pose an additional risk to public safety because such animals have wild instincts and needs and have demonstrated unpredictability; and

WHEREAS, the collapsible, temporary facilities often used in public performances increase the risk of escaping exotic and non-domesticated animals seriously harming workers and the public; and

WHEREAS, public performances bring people dangerously close to exotic and non-domesticated animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals; and

WHEREAS, due to the mobile and transitory nature of several forms of public performances, such as travelling circuses and film shoots, law enforcement authorities cannot properly monitor the conditions of the animals or follow up on previous infractions; and

WHEREAS, restricting the use of exotic and non-domesticated animals in public performances is the most cost-effective and efficient way to safeguard both animal welfare and public safety; and

WHEREAS, animal-free circuses like Cirque du Soleil are growing in number, economic impact and popularity, a testament to an educated public's desire to see humane entertainment; and

WHEREAS, the Council of the Borough of Bellevue is authorized to make regulations necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough, and to regulate the keeping or running at large of animals, including exotic animals; and

WHEREAS, the Council of the Borough of Bellevue deems it advisable for the welfare of the Borough and the prevention of animal cruelty to prohibit the performance of wild or exotic animals for public entertainment or amusement within the Borough.

Now, therefore, the Council of the Borough of Bellevue enacts as follows:

1. DEFINITIONS

CAUSE A PERFORMANCE – to be responsible for the management of a Performance, to financially benefit as an owner or operator from a Performance, or to sponsor a Performance.

COMPANION ANIMAL – any type of animal that is commonly kept by persons as a pet or for companionship and includes, but is not limited to, domesticated dogs, domesticated cats, ferrets, gerbils, guinea pigs, hamsters, horses, mice, rabbits, and rats.

DOMESTIC ANIMAL – any animal that is Livestock, a Companion Animal, or both.

LIVESTOCK – poultry, swine, cattle, sheep, goats, horses, donkeys, and mules.

PERFORMANCE – any public showing, presentation, display, exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, photographic opportunity, exhibition, or similar undertaking in which animals are required to perform tricks, fight, or participate as accompaniments for the entertainment, amusement, or benefit of an audience.

PERSON – any individual, establishment, firm, association, organization, partnership, trust, corporation, or company.

WILD OR EXOTIC ANIMAL – includes but not limited to the following orders or families, or similar orders or families, whether bred in the wild or in captivity, and any hybrid thereof, including with Domestic Animals. These examples identified in parentheses are not intended to be an exhaustive list and do not limit the generality of each group of animals, unless otherwise specified.

- (a) Non-human primates (chimpanzees, lemurs and monkeys)
- (b) Felidae (except domesticated cats)
- (c) Canidae (except domesticated dogs)
- (d) Ursidae (bears)
- (e) Proboscidea (elephants)
- (f) Cetacea (whales, dolphins, porpoises)
- (g) Crocodylia (alligators, crocodiles)
- (h) Marsupialia (kangaroos, opossums)
- (i) Perissodactyla (rhinoceroses, tapirs, zebras, but not horses, donkeys, or mules)
- (j) Artiodactyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep or goats)
- (k) Hyaenidae (hyena, aardwolf)
- (l) Mustelidae (skunks, weasels, otters, badgers)
- (m) Procyonidae (raccoons, coatis)
- (n) Edentata (mongooses, civets, genets)
- (o) Pinnipedia (seals, sea lions, walruses)
- (p) Struthioniformes (ostriches)
- (q) Casuariiformes (emus)

2. PERFORMANCE OF WILD OR EXOTIC ANIMALS PROHIBITED

It shall be unlawful for any Person to Cause a Performance of any Wild or Exotic Animal on any public or private property within the Borough of Bellevue

3. EXEMPTIONS

The following are exempt from the provisions of Section 2, entitled "Performance of Wild or Exotic Animals Prohibited":

- (a) The involvement of animals in activities or enterprises endorsed or accredited by any of the following: the Association of Zoos and Aquariums, the Global Federation of Animal Sanctuaries, and the American Alliance of Museums
- (b) Licensed veterinary hospitals or state-licensed veterinarians for the purpose of providing treatment to a wild or exotic animal
- (c) The rehabilitation of wild animals by a person holding a wildlife rehabilitation license(s) and/or permit(s) as required by federal, state and local laws and regulations.
- (d) In its discretion, the Council of the Borough of Bellevue may on a case-by-case basis grant an exemption following a written application for an exemption, where the proposed activity or enterprise is substantially similar in nature or purpose to an exemption otherwise provided in this Section.

4. PROHIBITING THE CAPTURE AND HARM OF ANY WILD BIRDS

- (a) No person shall harm any wild bird.

(b) No person shall capture or trap any wild bird unless doing so for the purpose of rescuing an injured bird and after obtaining any required federal, state and/or local permits and/or licenses.

5. IMPLEMENTATION AND ENFORCEMENT

This Ordinance shall be implemented and enforced by the Borough of Bellevue Police Department in the exercise of its ordinary law enforcement duties, with the support of other Borough departments or employees as appropriate.

6. PENALTIES

- (a) Every separate act committed in violation of this Ordinance shall constitute a separate and distinct criminal offense punishable by a fine not exceeding \$1,000 and/or imprisonment for a period not to exceed 90 days. Each Wild or Exotic Animal used in each Performance shall constitute a separate and distinct violation. Each day that a violation of this Ordinance continues shall constitute a separate and distinct violation.
- (b) The Borough of Bellevue may maintain an action for injunction to enforce this Ordinance, to cause the correction of any such violation, and for assessment and recovery of a civil penalty for such violation pursuant to subsection (c).
- (c) Any Person who violates this Ordinance may be liable for a civil penalty not to exceed \$600 for each separate act in violation. Each Wild or Exotic Animal in each Performance shall constitute a separate and distinct violation. Each day that a violation of this Ordinance continues shall constitute a separate and distinct violation. Such penalty shall be assessed and recovered in a civil action brought in the name of the Borough of Bellevue in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case including, but not limited to the following: the nature and seriousness of the violations, the number of violations, the persistence of the violations, the length of time over which the violations occurred, the willfulness of the Person charged with the violations, and the assets, liabilities, and net worth of the Person charged with the violations.

7. SEVERABILITY

It is hereby declared that it was the intention of council of Borough of Bellevue that the provisions of this Ordinance shall be severable and that if any Court of proper jurisdiction holds any provisions of this Ordinance, or the application of any provisions of this Ordinance to any circumstances, to be illegal or unconstitutional, then the other provisions of this Ordinance or the applications of such other provisions to other circumstances, shall remain in full force and effect.

8. REPEALER

All ordinances and code sections and parts of ordinances and code sections in conflict herewith are repealed to the extent of any such conflict.

9. EFFECTIVE IMMEDIATELY

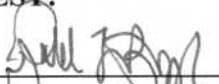
This Ordinance shall be effective immediately upon adoption by Council.

ORDAINED AND ENACTED this 26th day of March, 2019

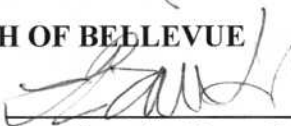
ORDAINED AND ENACTED THIS 26th DAY OF March, 2019

ATTEST:

BOROUGH OF BELLEVUE



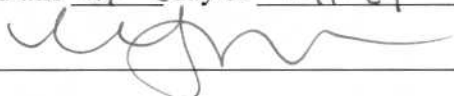
Ronald Borczyk, DAS

By: 

Thomas Hrynda, Council President



Examined and approved this 26th day of March, 2019.



Hon. Emily Marburger, Mayor