

## CHAPTER LXVII

### PROHIBITION OF WILD OR EXOTIC ANIMALS FOR ENTERTAINMENT BY-LAW

#### 67-1. PURPOSE

The purpose of this Bylaw is to prevent the cruel and inhumane treatment of certain wild and exotic animals displayed for public entertainment in the Town of Topsfield and to thereby preserve and protect the general safety, welfare, and health of the public.

#### 67-2. DEFINITIONS

“Displayed” – This term shall include, but is not limited to, animal acts or performances, animal rides, photographic opportunities, and parades.

“Domesticated Animal” - Any animal occurring naturally or historically in the United States, that through long association with humans, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to the extent that makes it unique and different from wild animals of its kind.

“Entertainment” - Any replication of the traditional wild animal circus or other carnival, traveling show, fair, or presentation of any kind in which wild or exotic animals are required to perform tricks or are used in performances for the amusement of an audience.

“Traveling Show” - Any mobile or stationary act, public show, trade show or similar undertaking incorporating wild or exotic animals as defined in this bylaw wherein the animals are taken from their permanent residence and required to walk or travel for any distance.

“Wild or Exotic Animal” - Any or all of the following, whether born in the wild or in captivity, and also any or all of their hybrids with domestic species:

- a. Elephants;
- b. Lions;
- c. Tigers;
- d. Ocelots;
- e. Cheetahs;
- f. Jaguars;
- g. Cougars;
- h. Lynx;
- i. Bears;
- j. Giraffes;
- k. Camels;
- l. Zebras;
- m. Kangaroos;
- n. All non-human primates.

#### 67-3. PROHIBITION OF WILD OR EXOTIC ANIMALS FOR ENTERTAINMENT

No living wild or exotic animal as defined in this bylaw shall be displayed or used for public entertainment on any property in the Town of Topsfield, including land owned by the Town, leased by the Town, or private property, and regardless of how such public entertainment is characterized, including, for example, a circus, carnival, fair, traveling show, exhibit, or similar event or undertaking.

#### 67-4. EXEMPTIONS

The provisions of 67-3 shall not apply to:

1. Domesticated animals, including, but not limited to, dogs, cats, horses, and farm animal
2. Any non-domesticated animal that is not included in this bylaw's definition of "Wild or Exotic Animal"
3. Exhibits that are part of a duly licensed zoo and accredited by American Zoo and Aquarium Association, and exhibits that are deemed educational by either Mass Audubon, Massachusetts Society for the Protection of Animals, or the New England Wildlife Center, provided that the required permitting from the MA Division of Fisheries and Wildlife, US Fish and Wildlife Service, and USDA has been obtained.

#### 67-5. ENFORCEMENT AND PENALTIES

This Bylaw shall be enforced by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Display of a wild or exotic animal in violation of this bylaw shall constitute a separate violation for each day such violation exists. When enforced through non-criminal disposition, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third violation and subsequent offenses:	\$300.00

The Board of Selectmen or its designee, the Board of Health or its agent, and any Police Officer of the Town of Topsfield shall be considered "enforcing persons" for purposes of this bylaw.

(Art. 33, 05/07/19)