



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: December 12th, 2007
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VanRIMS No.: 08-4000-12
Meeting Date: February 14, 2008

TO: Standing Committee on City Services and Budgets
FROM: Chief License Inspector
SUBJECT: Prohibition of Exotic Animals in Performances

RECOMMENDATION

- A. THAT Council approve amendments to the Business Prohibition By-Law No. 5156 to prohibit businesses to use exotic animals in performances within the City, as generally set out in Appendix B.
- B. THAT Council instruct the Director of Legal Services to prepare the necessary amendments to the Business Prohibition By-Law No.5156 as generally set out in Appendix B.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the above recommendations noting that on February 1st, 2007, Council approved, in principle, the prohibition of exotic animals in performances.

COUNCIL POLICY

The Animal Control By-law No.9150 establishes a pound, and licenses and regulates dogs and other animals. This by-law also prohibits the keeping of certain exotic animals. The Business Prohibition By-Law No.5156 prohibits the carrying on of sundry businesses, trades,

professions, and other occupations. Last amended on February 27th 2007, this by-law prohibits businesses from selling certain exotic animals.

The Wild Animal Prohibition By-law No.6949 prohibits performances involving certain wild animals in circuses.

The License By-law No.4450 (S.14.2) prohibits the use of animals, reptiles or birds in any aspect of the performance of an exotic dancer or stripper.

SUMMARY & PURPOSE

Other local municipalities prohibit the use of exotics in performances and each define a performance similarly, such as an exhibit, show, or display. Earlier this year, Council approved a prohibition on the keeping and the sale of exotic animals as defined by a prescribed list. This report is intended to further strengthen the City's position on exotic animals and is keeping in line with existing policies. This report defines the terms of performances, identifies those stakeholders who will be affected and allows for exemptions for certain organizations. It also explains the rationale supporting a prohibition of exotics in performances and addresses animals in films.

Further to Council's approval, in principle, to prohibit the use of exotic animals in performances and other forms of entertainment in the City, staff was instructed to report back concerning appropriate amendments to City by-laws. The purpose of this report is to respond to Council's instruction by identifying the Business Prohibition By-Law as the mechanism by which to prohibit the use of exotic animals in performances.

BACKGROUND

On February 1st, 2007 Council passed the following recommendation:

THAT Council approve in principle the prohibition of the use of exotic/wild animals in performances and other forms of entertainment as discussed in the report [*Exotic Animals in Captivity (RTS# 06377)*] and instruct staff to report back concerning appropriate amendments to by-laws.

At this Planning and Environment Committee meeting, Council also approved amendments to the Animal Control By-law to prohibit the keeping of certain exotic animals in the City; further, Council also approved amendments to the Business Prohibition By-law to prohibit businesses from selling certain exotic animals. Both City by-laws were amended as of February 27th, 2007.

There is currently no by-law, regulation or policy in the City which specifically prohibits the use of such animals in performances and other forms of entertainment (with the exception of circuses, and exotic dancers/strippers). A ban on performances would be complimentary to Council approved regulation on exotic animals, which consists of the prohibition of keeping and selling particular exotics for reasons of public safety, health and animal welfare.

Local municipalities that have bans on using animals for performances include Delta, City and District of North Vancouver, New Westminister, Maple Ridge, Coquitlam, Chilliwack, Abbotsford, Langley, Surrey, and Victoria.

DISCUSSION

Defining a "Performance"

Cities that established by-laws prohibiting the use of animals in performances have defined performances in a similar manner. Performance is often described as a circus, exhibition, public show, display, or carnival. In some cases, a performance is explained as an event in which the animals are required to perform tricks, fight or participate for the amusement or entertainment of an audience. Interestingly, every by-law specifies only wild or exotic animals and includes a prescribed list.

For consistency, those animals recommended to be prohibited from being sold (see Appendix A) are identical to those proposed to being banned in performances. Staff has researched and rationalized this list thoroughly as part of the report dated January 15th, 2007, entitled *Exotic Animals in Captivity (RTS# 06377)*.

Rationale for Prohibition

Although the Animal Control By-Law bans the keeping of certain exotic animals within the City of Vancouver, legally, the term "keeping" is moot. As such, staff believe the City needs to explicitly prohibit the use of animals in performances in a format that is irrefutable. As a result staff propose an amendment to the Business Prohibition By-Law as a mechanism to prohibit exotic animals in performances.

Key concerns associated with using exotic animals in performances include:

- the lack of recognized and enforced standard of care for the animal,
- the management, treatment, and use of the animal,
- the for-profit nature of the business and the consequences on animal welfare,
- the expertise and knowledge of the handler, and
- the transient nature of the business that does not lend itself to regular monitoring.

Stakeholders Affected

There are many stakeholders that would be affected by a blanket ban on all performances that use exotic animals. The gamut spans from those artists in the entertainment industry such as magicians, to those that are an educational institution such as Science World.

Vancouver Aquarium, Science World, and Children's Farmyard (Stanley Park) all carry some exotic animals for the purpose of performances, displays or exhibitions. Staff recommend that these three facilities be granted an exemption from this prohibition. These institutions have been operating for a number of years as a place to educate the public on exotic animals vis-à-vis their origin and history. Furthermore, staff believe that these institutions mitigate the key concerns mentioned earlier.

First, the Vancouver Aquarium qualifies to be exempt from this proposed prohibition because the facility is certified by Canadian Aquarium and Zoological Association (CAZA). CAZA accredited institutions must meet rigorous and extensive criteria that protect the well being of the animals. There are five institutions accredited by CAZA in British Columbia, the Vancouver Aquarium is the only one in Vancouver. Section 13 of the Business Prohibition By-Law, which speaks to the prohibition of businesses to offer for sale exotic animals includes an exemption for CAZA accredited institutions.

Secondly, Science World is a member of Canadian Association of Science Centres (CASC). As such, its operations lend itself in a manner that is considered to be acceptable and credible. There are seven members of CASC in British Columbia; two of these, Science World and HR MacMillan Space Centre, are in Vancouver (see Appendix C for a list of all 43 members). Science World is a non-profit organization that keeps its animals in a fixed location therefore making it easy and available for inspection. The handlers are trained staff with experience in wildlife history and handling. The mandate of Science World is to promote education and scientific research.

Finally, staff is aware of a number of exotics that were orphaned from the old Vancouver Zoo currently housed at the Children's Farmyard at Stanley Park. This facility is under the jurisdiction of and fully owned and operated by the Parks Board. There are only three species of animals - green iguanas, red eared slider turtles, and a rose-haired tarantula - that would be considered in contravention. The Children's Farmyard does not breed the animals and on occasion receive orphaned animals from the public or veterinarians.

Parks Board and the City of Vancouver recognize that some of these animals will be temporarily housed at the Vancouver Shelter as individuals often abandon their pets at night assuming they will be cared for. This practice will continue as the City's program to gradually facilitate the removal of these animals from individuals' homes.

Displays, demonstrations, and performances constitute a major component of these institutions' operations. Science World and Vancouver Aquarium are both non-profit organizations that pride themselves on educating and informing the public about animal welfare and husbandry. The facilities are permanent structures and the animals are permanently kept thereby making it easy for inspection and monitoring. Handlers are trained staff that always have the skills and expertise to ensure the animals are well cared for.

It is prudent to grandfather Science World, Vancouver Aquarium, and Children's Farmyard (Stanley Park) and staff are satisfied that these facilities merit an exemption from this prohibition because key concerns can be mitigated. Should other similar cases arise they will be evaluated on a case by case basis by staff and reported back to Council for direction.

Animals in Film

In the US, animals in film are monitored by the American Humane Association's (AHA) *Guidelines for the Safe Use of Animals in Filmed Media*. The AHA is sanctioned by the Screen Actor's Guild to oversee the safe and humane treatment of animals during production, film and television. This means that any film that uses any production using members from SAG is contractually obligated to attain an AHA accreditation when using animals. A film that has implemented the AHA's Guidelines is able to display the now commonly known phrase "No animals were harmed" during the final credits; only the AHA may issue this disclaimer. During

production the AHA has Certified Animal Safety Representatives to monitor the implementation of the guidelines. In Vancouver, the AHA sends its representatives when needed and is currently looking to hire more Canadian AHA accredited representatives.

Within the *Guidelines for the Safe Use of Animals in Filmed Media* there is a chapter dedicated to exotic animals on set. In particular, the guidelines outline the specific treatment of animals during filming and while on set (not filming). Further, the guidelines claim that upon reviewing the script the AHA will strongly recommend computer generated imagery (CGI), animatronics or fake animal doubles if the AHA believe there to be any intense animal action. Staff is satisfied with the rigour of these guidelines and confident in the AHA's ability to successfully and soundly implement them. See Appendix D.

Staff recommend that Council proceed with a prohibition on using exotic animals in performances, such as magic shows and other theatre acts. Notably, there are not a significant number of these types of shows held in Vancouver however, there is a need to send a consistent message to businesses in the entertainment industry that use exotic animals that they must comply with the City's approved exotic animal ban. It is important to note that this prohibition would not apply to societies that visit schools or other institutions to exhibit their pets on a not-for-profit basis.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Council supported, in principle, to implement a ban on using exotic animals in performances at the Planning & Environment Meeting on February 1st 2007. A prohibition is necessary to compliment the ban on the keeping and sale of exotic animals, as specified in the Animal Control By-Law and Business Prohibition By-law, respectively. Staff recommend that the Business Prohibition By-law include the necessary amendment, as illustrated in Appendix B, to implement this prohibition.

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Proposed List of Animals Prohibited to be Used in a Performance

Canids (eg. Wolves, coyotes) except the domestic dog
Cetaceans (eg. Whales, porpoises, dolphins)
Chiroptera (eg. Bats)
Crocodilians (eg. Alligators, crocodiles)
Edentates (eg. Anteaters, sloths, armadillos)
Elephants
Felids (eg. lions, tigers) except the domestic cat
Green Iguanas
Hyaenas
Insectivore, except African Pygmy Hedgehogs
Lagomorphs, except the domestic rabbit
Marsupials, except sugar gliders
Mustelids (eg. Skunks, weasels, otters), except domesticated ferrets
Non-human primates (eg. Apes, monkeys)
Pinnipeds (eg. Seals, walruses)
Procyonids (eg. Raccoons, coatis)
Birds of Prey (eg. Hawks, accipiters, falcons, eagles and owls)
Ratite Birds (eg. Cassowaries, ostrich, rhea)
Rodentia, except domestic hamsters, guinea pigs, chinchillas, rats and mice
Snake species: Amythest Python, Burmese Python, Reticulated Python, Rock Pythons, Indian Python, and all Anacondas
Turtles and turtle eggs
Ungulates except domestic goats, sheep, pigs, cattle, horses, mules, donkeys, asses, llamas and alpacas
Ursids (eg. Bears)
Venomous arachnids (including but not limited to spiders and regardless of whether the venom glands have been removed)
Venomous insects (regardless of whether the venom glands have been removed)
Venomous reptiles (regardless of whether the venom glands have been removed)
Venomous snakes (regardless of whether the venom glands have been removed)
Viverrids (eg. Mongooses, civits, genets)

PROPOSED BY-LAW AMENDMENT

Business Prohibition By-Law No.5156 (S.13, p.6)

13. A business that offers for sale or sells, at retail or wholesale, or that uses in a competition, exhibition, performance, event, or other situation, any exotic animal listed in the adjacent column of this section 13, except for an aquarium or zoological park operated by an organization accredited by the Canadian Association of Zoos and Aquariums or by a full member of the Canadian Association of Science Centres

Canids including wolves and coyotes but excluding domestic dogs; cetaceans including whales, porpoises, and dolphins; chiroptera including bats; crocodylians including alligators and crocodiles; edentates including anteaters, sloths, and armadillos; elephants; felids including lions and tigers but excluding domestic cats; green iguanas; hyenas; insectivores excluding african pygmy hedgehogs; lagomorphs excluding domestic rabbits; marsupials excluding sugar gliders; mustelids including skunks, weasels, and otters but excluding domesticated ferrets; non-human primates including apes and monkeys; pinnipeds including seals and walruses; procyonids including raccoons and coatis; birds of prey including hawks, accipiters, falcons, eagles, and owls; ratite birds including cassowaries, ostriches, and rheas; rodentia excluding domestic hamsters, guinea pigs, chinchillas, rats, mice, degus, and gerbils; amythest pythons, burmese pythons, reticulated pythons, rock pythons, indian pythons, and anacondas; turtles and turtle eggs; ungulates excluding domestic goats, sheep, pigs, cattle, horses, mules, donkeys, asses, llamas, and alpacas; ursids including bears; venomous arachnids including spiders, venomous reptiles, venomous insects and venomous snakes, whether or not they have venom glands; viverrids including mongooses, civits, and genets

Members of CASC

- ASTROLab du MONT-MEGANTIC - Notre-Dame des Bois, QC
- BIG Little Science Centre Society - Kamloops, BC
- Boite a science - Quebec, QC
- Bow Habitat Station - Calgary, AB
- Camp Spatial Canaca - Laval, QC
- Canada Science and Technology Museum Corporation - Ottawa, ON
- Canada South Science City - Windsor, ON
- Canadian Museum of Nature - Ottawa, ON
- Canadian Petroleum Interpretive Centre - Devon, AB
- Canadian Space Resource Centre - Toronto, ON
- Centre of the Universe - Victoria, BC
- Discovery Centre - Halifax, NS
- Doran Planetarium, Laurentian University - Sudbury, ON
- HR MacMillan Space Centre - Vancouver, BC
- Johnson GEO CENTRE - St. John's, NL
- La Biosphere, Environment Canada - Montreal, QC
- London Regional Children's Museum - London, ON
- Manitoba Children's Museum - Winnipeg, MB
- Manitoba Museum - Winnipeg, MB
- Markham Museum & Historic Village - Markham, ON
- Montreal Science Centre, Old Port of Montreal - Montreal, QC
- Musee Armand-Frappier, Centre d'interpretation des biosciences - Laval, QC
- Musee de la nature et des sciences - Sherbrooke, QC
- Musee du Fjord - La Baie, QC
- Newfoundland and Labrador Science Centre, The Murray Premises - St. John's, NL
- Northern Lights Centre - Watson Lake, YK
- Oak Hammock Marsh Interpretive Centre - Stonewall, MB
- Oil Sands Discovery Centre - Fort McMurray, AB
- Okanagan Science Centre - Vernon, BC
- Ontario Science Centre - Toronto, ON
- Planetarium de Montreal - Montreal, QC
- Pork Interpretive Gallery - Saskatoon, SK
- Royal Tyrrell Museum of Palaeontology - Drumheller, AB
- Saskatchewan Science Centre - Regina, SK
- Science Alberta Foundation - Calgary, AB
- Science East - Fredericton, NB
- Science North - Sudbury, ON
- Science West Inc. - Saskatoon, SK
- Science World at Telus World of Science - Vancouver, BC
- Telephone Historical Centre - Edmonton, AB
- TELUS World of Science - Calgary, AB
- TELUS World of Science - Edmonton, AB
- The Exploration Place - Prince George, BC
- Waterloo Regional Children's Museum - Kitchener, ON

Developing Members

- Science Timmins - Timmins, ON
- The Burgess Shale Geoscience Foundation - Field, BC

Affiliates

- AldrichPears Associates - Vancouver, BC
- Beauchesne Design & Exhibit Co. - Regina, SK
- Canada Foundation for Innovation - Ottawa, ON
- Canadian Geographic Enterprises - Ottawa, ON
- Design + Communication Inc. - Montreal, QC
- Evans + Sutherland - Salt Lake City, UT
- Heinz Reese & Associates - Fernie, BC
- Ian McLennan Consulting - Vancouver, BC
- Idees au cube - Montreal, QC
- Mice | Kadoke - Mississauga, ON
- Multiversions Inc. - Montreal, QC
- Natural Resources Canada, c/o Geological Survey of Canada - Sidney, BC
- Peter Anderson - Laxfield, Suffolk
- Reich + Petch - Toronto, ON
- SimEx! Iwerks - Toronto, ON
- SurveyWorks - Uxbridge, ON
- Systeme Huntingdon Inc. (SHI) - Huntingdon, QC
- Vantix Systems, Inc. - Edmonton, AB
- Science Alive! The New Zealand Science Centre - Christchurch, New Zealand

AHA EXOTIC ANIMAL GUIDELINES

(big cats, bears, elephants, camels, marsupials)

Upon review of the script, if American Humane believes there to be any intense animal action, we will strongly encourage the use of computer generated imagery (CGI), animatronics or fake animal doubles to minimize the risk of injury to the animal.

8-203When potentially dangerous exotic animals are on set, there should be at least two animal handlers present. The animal handler(s) must provide production with instructions for cast and crew on how to behave in the presence of such animals. The information shall be attached to the call sheet and must be conveyed to all persons working with or near the animals. (Also see Safety Bulletin Recommended by Industry-wide-Labor-Management Safety Committee #6 Animal Handling.)

8-204Whenever exotic animals are utilized, there shall be a safety meeting prior to filming that includes all relevant cast and crew. American Humane shall be invited to participate in all safety meetings.

8-205Whenever exotic animals are utilized, the production and/or the animal handler must have an emergency safety plan in place to prevent the escape of any wild or exotic animals and to safely recapture them, without harm to the animal, should they escape. This plan should be discussed before filming with the American Humane Certified Animal Safety Representative. In the event an animal becomes aggressive or runs off the set, follow the explicit instructions of the animal handlers.

8-206Animals should be kept in a quiet, secluded holding area when not working on set. It should be clearly communicated to production members, cast and crew that animals are off-limits when not working. Smaller exotic animals should have a separate room that is temperature controlled when necessary. Larger exotic animals should have a separate sheltered area that cast and crew are prohibited from visiting.

8-207Exotic animals should only be called to set when needed for rehearsal or filming. They should not be used as stand-ins or for lighting adjustments. American Humane Association

8-208Ample rehearsal time should be permitted to ensure the animal is comfortable with its new surroundings and the action it is required to perform.

8-209No food or beverages should be on or near the set when exotic animals are being used. Strong scents, such as perfume, should also be avoided.

8-210Exotic animals have keen eyesight and are easily distracted. Once the animal is on set, no extraneous work, movements of people, equipment or props should occur without the verbal consent of the animal handler in advance.

8-211Well in advance of filming, animals must be habituated to noises, smells, lights, unusual objects and movements, and special effects (e.g. smoke, explosions, fires) to be used on set.

8-212When the animal is on set during filming, once the director yells "cut", cast and crew should not resume any activities until the animal is secured and under complete control of the animal handlers and the animal handler verbally releases the set. Cast and crew should remain motionless and quiet until given the "go ahead".

8-213The set must be closed. The number of people on the set should be kept to an absolute minimum when animals are present.

8-214Conversations and noise must be kept to a minimum when the animal is on set. This includes two-way radio communication.

8-215Children should only be on or near the set if they are working in the scene with the animal(s) and it has been cleared with the animal handler. Children may only be near potentially dangerous exotic animals while rehearsing or filming in a controlled environment that is monitored by an animal handler.

8-216Absolutely no dogs (or other personal pets) on or near the set except for working dogs with the permission of the animal handler.

8-217Whenever possible, tail-slating of the scene should occur once the animal is secured.

Source: October 2005 - Guidelines for the Safe Use of Animals in Filmed Media
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* Notes a federal, state, or local animal welfare statute, code, or permit consideration