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DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: May 27, 2008

PREPARED BY: Linda Barth

REPORT DATE: May 22, 2008

TITLE: Assistant General
Manager

SUBJECT: Revised Requirements for Application and Permit for Circuses and Animal Acts and Exhibitions, which Include Elephant Walks

BOARD ACTION RECOMMENDED:

That the Board approve revised requirements that apply to circuses, exhibitions, acts, displays, or any other lawful exhibits involving animals, which include but are not limited to elephants, any other animals requiring restricted species permits pursuant to California law, camels, zebras, ostriches, emus, llamas, or alpacas, as detailed in the body of this report and the attached draft requirements sheet, and direct staff to implement the requirements immediately.

SUMMARY:

At the meeting of January 14, 2008, the Board considered and approved with minor modifications a set of requirements to be met by persons applying for a permit, under Los Angeles Municipal Code 53.50(c), for exhibitions involving inherently dangerous wild animals. Development of the requirements was originally motivated by discussion of the Board about setting policy for Elephant Walks or similar animal parades by a circus or exhibition. The requirements approved in January reflected staff experience and input from others in the humane community that often deal with wild animals. As approved, the requirements applies to exhibitions or any other permits applied for which involve elephants or any other inherently dangerous wild animals, as defined in California Code of Regulations, Title 14 (Manual 671), §2157: wild cats, elephants, nonhuman primates, bears, and wolves.

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The first permit situation under which the new requirements were activated was with Circus Vasquez, which operated for several weeks in the San Fernando Valley. Circus Vasquez had an elephant show (three elephants) which was operated by a sub-contractor; they also had tigers and zebras, handled by Circus employees. Based on the original Requirements, specifically in connection with United States Department of Agriculture (USDA) citations and related actions, the Circus was directed to have the elephants removed from the City. Later, questions also arose relative to the handling, treatment, and past USDA compliance for the tigers and the zebras, however permission for those animals was not revoked. From these incidents, it became clear that expansion and refinements of the initial Requirements would assist in our goal to insure with a high degree of confidence that animals are and have been treated safely and humanely, and that handlers and spectators will be safe.

For assistance in developing modifications to the Requirements, Staff has consulted extensively with staff from both the USDA and from California Fish and Game to understand their practices, permitting, regulations, and standards. We continued to consider and integrate input from members of the public, including both permittees and members of the humane community with subject-matter expertise in wild animals. Several branches of the City Attorney's office participated in meeting and discussions as well, and provided input in the draft presented today, which is attached.

A major change proposed in the Requirements is to focus on the type of permit being issued, rather than attempting to limit coverage to a select list of species. Therefore, we more expansively review the safety and humane record of applicants, and can require applicable high standards for elephants, zebras, raptors, dogs, horses, lions, tigers, bears, and any other animals that might be used in an act or display. Other revisions expand, add, or more accurately describe:

- Liability insurance requirements for permits on public and private property.
- Testing requirements for Tuberculosis in elephants, requiring a negative test within the last twelve months. All animals' health records must be provided.
- Need for a description of the animal activity or exhibition to demonstrate that the animal(s) will be healthy and safe.
- Written plan for both public safety and for the quick and safe recapture or destruction of an animal in the event of an escape.
- Language regarding USDA citations so that appropriate USDA terminology is used in context. A requirement was added that applicants disclose any official notices of alleged violations; or any stipulations, consent decrees or settlements with the USDA within the past ten years.
- Informed Consent requirements.
- California Fish and Game permit pre-requisites.
- Compliance for both primary applicant and any sub-contractors used.

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In some cases, such as with voluminous health and inspection records, we have modified the requirement to provide or make available for inspection, to avoid becoming a repository for exhibitors' records. In all cases where we have made this efficiency allowance, documents must be presented and inspected two weeks in advance of the event, just as in the case of provided records.

Filming is expressly exempted and as previously reported, will be the subject of tailored requirements that recognize the short application periods typical in filming, as well as the fact that there are a number of local handlers who do most of the work, and other factors.

FISCAL IMPACT:

In general, establishing and enforcing these Requirements have no significant revenue or expense implications, since permit applications include fees to offset processing and inspection costs. The fees charged for permits in all categories, including Circuses and Animal Acts and Exhibitions, are currently set in the Los Angeles Municipal Code, but the Department has submitted a request to the Mayor and City Council to change the fees based on a cost recovery formula. That formula may be modified from time to time as staff documents increases or decreases in the cost of processing these applications.

Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed Disapproved _____
_____ Passed with noted modifications Continued _____
_____ Tabled New Date _____