

**WHITEMARSH TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF WHITEMARSH, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WHITEMARSH TOWNSHIP TO ADD PROVISIONS TO PROTECT THE PUBLIC FROM HAZARDS ASSOCIATED WITH TRAVELING WILD OR EXOTIC ANIMAL DISPLAYS AND TO PROTECT WILD AND EXOTIC ANIMALS FROM CRUEL AND INHUMANE TREATMENT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Whitemarsh Township seeks to protect the public against hazards that traveling wild or exotic animal displays pose to society; and

**WHEREAS**, Whitemarsh Township recognizes that the purpose and intent of Chapter 39 of the Code of Ordinances of Whitemarsh Township is to protect public health and safety and promote the general welfare of citizens and animals within the Township; and

**WHEREAS**, Whitemarsh Township has determined to protect the public against hazards associated with traveling wild or exotic animal displays, and to protect wild and exotic animals from cruel and inhumane treatment;

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Whitemarsh Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. The Code of Ordinances of Whitemarsh Township is amended to add a new Article III to Chapter 39 as follows:

**Article III. DISPLAY OF WILD OR EXOTIC ANIMALS PROHIBITED.**

**§39-17. Definitions.**

For purposes of this Article, the following words and terms shall be deemed to mean and be construed as follows:

**Animal** means any and all types of animals, both domesticated and wild, male and female, singular and plural, provided that nothing herein shall apply to dogs, cats, fish, or other animals commonly considered domestic pets if they are principally sheltered and kept inside a human dwelling unit.

**Companion Animal** means any animal that is commonly kept as a pet or for companionship, and includes, but is not limited to: domestic dogs, service dogs, domestic cats, or other animals commonly considered domestic pets if they are principally sheltered and kept inside a human dwelling unit.

**Display** means to undertake any exhibition, act, circus, ride, trade show, carnival, parade, race, photographic opportunity, performance, or similar undertaking in which animals are required to

perform tricks, fight, or participate as accompaniments in performances for the entertainment, amusement or benefit of an audience.

**Educational activities** means teaching and instructing, for educational or conservation purposes, about that animal's natural behavior, habitat, life cycle, or similar pedagogical information, conducted by an individual qualified to impart such information, which does not include any performance of behavior that does not naturally occur for that animal in the wild state.

**Livestock** means fowl, bovine, swine, goats, sheep, mules, horses, ponies, donkeys.

**Person** means any individual, firm, corporation or other business entity.

**Wild or exotic animal** means any or all of the following orders and families, or similar orders and families, whether bred in the wild or in captivity, and any hybrid. The term does not include Companion Animals or Livestock. The animals listed in parentheses are intended as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals listed, unless otherwise specified:

1. *Artiodactyla* (includes hippopotamuses, giraffes, camels, but excluding cattle, swine, sheep or goats);
2. *Canidae* (excluding domestic dogs);
3. *Cetecea* (whales, dolphins, porpoises);
4. *Crocodylia* (alligators, crocodiles);
5. *Edentata* (anteaters, sloths, armadillos);
6. *Felidae* (excluding domestic cats);
7. *Hyaenidae*;
8. *Marsupialia* (kangaroos, opossums);
9. *Mustelidae* (skunks, weasels, otters, badgers);
10. Non-human primates (chimpanzees, monkeys);
11. *Perissodactyla* (rhinoceroses, tapirs, zebras, but excluding horses or donkeys or mules);
12. *Pinnipedia* (seals, sea lions, walruses);
13. *Proboscidae* (elephants);
14. *Procyonidae* (raccoons, coatis);
15. *Reptilia* over eight feet in length and snakes and reptiles of venomous variety;
16. *Spheniscidae* (penguins);
17. *Ursidae* (bears);
18. *Viverridae* (mongooses, civets, and genets);

**Wildlife Sanctuary** means an organization described in sections 170(b)(1)(A)(vi) and 501(c)(3) of the Internal Revenue Code 1986 that does not:

1. Engage in commercial trade in any exotic or wild animal, including the sale of any animal, animal part or derivative, offspring, photographic opportunities, or public events for financial profit or any other entertainment purpose;
2. Breed any exotic or wild animal;
3. Permit unescorted public visitation;
4. Permit direct contact between the public and any exotic or wild animal; or

5. Remove any exotic or wild animal from a sanctuary or enclosure for exhibition or performance.

**§39-18. Display of wild or exotic animals prohibited.**

It shall be unlawful for any person to cause or permit the display of any wild or exotic animal on any public or private property within the corporate boundaries of Whitemarsh Township.

**§39-19. Exemptions.**

The following are exempt from the provisions of this ordinance:

1. The display of animals at a nonmobile, permanent accredited institution, facility, zoo, or aquarium, and educational activities conducted by such facilities;
2. Accredited wildlife sanctuaries;
3. Veterinarians in the ordinary course of a veterinarian's practice of business.
4. University, college, laboratory, or research facilities registered by the United States Secretary of Agriculture.

**§39-20. Enforcement.**

The provisions of this Article shall be enforced by the Police Department and the Code Enforcement Officer of Whitemarsh Township in the exercise of their ordinary law enforcement duties, with the support of other agencies as appropriate.

**§39-21. Violations and penalties.**

Any person or other entity whatsoever violating any of the provisions of this Article shall, upon conviction by a Magisterial District Judge, be sentenced to pay a fine not to exceed One Thousand Dollars (\$1,000.00), plus court costs and the Township's actual attorneys' fees, and, in default of payment of such fine, costs, and fees, imprisonment for a term not exceeding 30 days. Each day that a violation of this Article continues shall constitute a separate offense.

II. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the Code of Ordinances of Whitemarsh Township.

IV. This Ordinance shall become effective at the earliest date permitted by the Whitemarsh Township Charter.

**ENACTED and ORDAINED** this 12<sup>th</sup> day of September, 2019.

**ATTEST:**

**BOARD OF SUPERVISORS OF WHITEMARSH TOWNSHIP**

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Richard L. Mellor, Jr., Manager

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Melissa S. Sterling, Chair