



**OFFICE OF INSPECTOR GENERAL**  
*City of Chicago*



***REPORT OF THE INSPECTOR GENERAL'S OFFICE:***

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***A REVIEW OF THE CITY'S ANIMAL EXHIBITION LICENSE  
AND PERMIT PROCEDURES***

**OCTOBER 2012**

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October 26, 2012

To the Mayor, Members of the City Council, the City Clerk, the City Treasurer, and the residents of the City of Chicago:

In recent years, the IGO has received complaints from various sources about the welfare of circus animals and the adequacy of the City's licensing and enforcement efforts for animal exhibitors. In response, the IGO has conducted a review of the City's regulation of animal exhibitors, such as circuses, petting zoos, and other animal attractions, with the aim of identifying ways to improve both compliance with and enforcement of the City's animal welfare laws.

The IGO's review found that traveling animal exhibitors present a special enforcement challenge for the City given the fact that exhibitors often apply for an exhibitor's license at the last minute and arrive just a few days before performing, providing little time for inspection or review of application materials. The City has no deadline by which exhibitors must apply for the license and requires significantly less information from exhibitors than other major cities.

Notably, the IGO found that recent amendments to the licensing provisions of the Municipal Code, which become effective January 1, 2013 and will create a new temporary animal exhibition permit administered by Animal Care and Control (ACC), addressed a number of concerns and further provides new opportunities for ACC to more closely engage with the animal exhibitors that routinely perform in Chicago and more effectively enforce the City's animal welfare laws.

Based on these findings, the IGO made several recommendations.

- To mitigate the short period of time available to inspect and address concerns with temporary animal exhibitors, the IGO recommends that ACC, through rules and regulations or the executive director's authority to establish procedures for the new temporary animal exhibition permit, establish firm deadlines for license and permit application materials well in advance of the proposed event and require significantly more information with the application than is presently required. Such information would include veterinary records, proof of the exhibitor's USDA license, as well as the most recent inspection reports from the USDA or other jurisdictions.
- That the Commission on Animal Care and Control exercise its authority to promulgate rules and regulations regarding the specific requirements necessary to approve or deny a

license or permit application in order to provide greater transparency and consistency in enforcement of the City's animal welfare requirements.

- That ACC provide additional training for its inspectors or work with outside specialists to ensure that all ACC inspections are conducted by individuals who are trained in identifying issues specific to the animals included in the exhibit.

In response, ACC thanked the IGO for its recommendations and reported that it is currently reviewing best practices to develop the most appropriate permitting, inspection and enforcement process for animal exhibitions in Chicago. ACC explained that it is researching best practices used in other local jurisdictions as well as other major metropolitan areas and will work with the Law Department to draft rules and regulations for animal exhibitions. ACC reported that future permitting and licensing will include stringent application deadlines in advance of the event as well as additional compliance requirements. Finally, ACC pledged to seek additional training for inspectors and veterinarians to identify issues specific to exotic animals included in Chicago exhibits.

The IGO thanks ACC for its cooperation and receptive response to this review.

Respectfully,



Joseph M. Ferguson  
Inspector General  
City of Chicago

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## **I. EXECUTIVE SUMMARY**

In late 2011 and 2012, the IGO reviewed the City's regulation of animal exhibitors, such as circuses, petting zoos, and other animal attractions, with the aim of identifying ways to improve both compliance with and enforcement of the City's animal welfare laws for these unique businesses. Circuses are the City's largest, most familiar animal exhibitors, and in recent years the IGO has received complaints, from a variety of sources, about the welfare of circus animals and the adequacy of the City's licensing and animal welfare enforcement efforts. Our review found that traveling animal exhibitors present a special enforcement challenge given the fact that exhibitors often apply for an exhibitor's license at the last minute and arrive just a few days before performing, providing little time for inspection or review of application materials. The City has no deadline by which exhibitors must apply for the license and requires significantly less information from exhibitors than other major cities. Based on these findings, the IGO makes several recommendations to improve the City's efforts to consistently enforce its existing animal welfare and public safety laws.

Under the City's Municipal Code, all animal exhibitors performing within the City must first obtain a license. The City's Municipal Code further requires animal exhibitors to comply with all local, state, and federal laws relating to animal health and sanitation. During the course of this review, City Council amended the licensing provisions of the Municipal Code, effective January 1, 2013, creating a new temporary animal exhibition permit, administered by the City's Commission on Animal Care and Control (ACC). This new permit provides new opportunities for ACC to more closely engage with the animal exhibitors that routinely perform in Chicago and more effectively enforce the City's animal welfare laws.

In early 2012, the IGO interviewed senior officials from the three departments responsible for administering the City's animal exhibitor licensing and inspection program.<sup>1</sup> Each of the employees interviewed identified areas of concern with the animal exhibitor licensing program. The IGO also interviewed representatives of a number of overlapping and similar jurisdictions to determine best practices in this area. The IGO found the following:

- The City lacks the detailed rules and regulations as well as deadlines for animal exhibitor license or permit applications necessary for consistent and meaningful enforcement of the City's animal welfare and public safety laws.
- Unlike comparable jurisdictions, the City does not require proof of any other licenses or certifications, such as the exhibitor's USDA license.
- ACC inspectors may lack the necessary training to identify issues specific to large or exotic animals.
- Recent amendments to the City's business licensing ordinance, including the animal exhibitor license, addressed a number of outstanding concerns and weaknesses by creating a more limited, temporary animal exhibition permit administered directly by

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<sup>1</sup> The IGO interviewed a senior ACC official in January 2012.

Animal Care and Control. The amendments provide ACC significant discretion to further improve the process.

Based on these findings, the IGO makes the following recommendations.

- To mitigate the short period of time available to inspect and address concerns with temporary animal exhibitors, the IGO recommends that ACC, through rules and regulations or the executive director's authority to establish procedures for the new temporary animal exhibition permit, establish firm deadlines for license and permit application materials well in advance of the proposed event and require significantly more information with the application than is presently required. Such information would include veterinary records, proof of the exhibitor's USDA license, as well as the most recent inspection reports from the USDA or other jurisdictions.
- That the Commission on Animal Care and Control exercise its authority to promulgate rules and regulations regarding the specific requirements necessary to approve or deny a license or permit application in order to provide greater transparency and consistency in enforcement of the City's animal welfare requirements.
- That ACC provide additional training for its inspectors or work with outside specialists to ensure that all ACC inspections are conducted by individuals who are trained in identifying issues specific to the animals included in the exhibit.

## **II. PURPOSE AND METHODOLOGY**

In late 2011, the IGO initiated a review of the City's animal exhibitor licensing program in response to complaints from a variety of sources regarding the welfare of circus animals brought into the City and the adequacy of the City's animal exhibitor licensing program and enforcement efforts, particularly with respect to traveling animal exhibitors. The purpose of the review was to identify ways to enhance compliance with and enforcement of the City's animal welfare laws for these unique businesses.

In the course of the review, the IGO interviewed senior-level employees with ACC, the Department of Business Affairs and Consumer Protection (BACP), and the Law Department, all responsible for administering the City's animal exhibitor licensing and inspection program. The IGO also interviewed representatives of the Cook County Department of Animal & Rabies Control and the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) Animal Care program, to identify areas of overlapping jurisdiction or opportunities for collaboration, if any. Additionally, the IGO interviewed individuals responsible for animal exhibitor licensing or permitting in the four cities closest in population to Chicago: New York, Los Angeles, Houston, and Philadelphia. The regulatory procedures used by these cities provide useful comparisons and benchmarks for Chicago's own licensing and permitting program.

## **III. BACKGROUND**

The circus comes to Chicago every summer and fall. In fact, at least three major circuses with animal acts and a variety of smaller animal exhibitors, such as petting zoos and pony rides,

regularly perform in Chicago. As of September 2012, BACP's records of all business licenses show 13 active animal exhibition licenses for businesses exhibiting animals.<sup>2</sup> Under current 2012 licensing provisions, the animal exhibitor license is a two-year license with a \$275 fee. BACP acts largely as a gatekeeper for businesses seeking licenses, collecting necessary paperwork and fees and ensuring the necessary inspections are performed. BACP relies on ACC, however, to provide the specialized subject-matter knowledge and inspections necessary to ensure the business is in compliance with the licensing requirements and other provisions of the Municipal Code.

#### **A. City of Chicago Animal Exhibitor Licensing and Permitting**

The City's Animal Care Ordinance, part of the Municipal Code's business licensing provisions, seeks to ensure that animal-related businesses keep animals in clean and safe enclosures, provide adequate veterinary care, and treat animals in a humane manner.<sup>3</sup> As of 2012, the City's Animal Care Ordinance requires any "animal exhibition," including zoos, circuses, rodeos, dog and cat shows, livestock exhibitions, horse shows or any other exhibitions using or displaying animals, to "first obtain a license to do so."<sup>4</sup> The license, good for two years, is issued by BACP.<sup>5</sup>

Animal exhibitors seeking a license, however, must first submit to an inspection by ACC, "for the purpose of determining whether the sanitary conditions and the other requirements of this Code are fully complied with."<sup>6</sup> Under the ordinance, the licensed premises must be maintained under sanitary conditions and cages must be of adequate size and materials and cleaned daily.<sup>7</sup> More broadly, all licensees are required to "comply with all local, state and federal laws relating to animal health, sanitation and disease prevention."<sup>8</sup> Accordingly, when ACC receives notice of an animal exhibitor license application, ACC is to send an inspector to the exhibition location to inspect animal health, enclosures, transportation routes through the City, and the anticipated public interaction with the animals. If the ACC inspector finds the exhibitor to be in compliance with the license requirements, BACP will then issue the license.

Responsibility for enforcement of the Animal Care Ordinance and its licensing provisions is divided between the executive director of ACC and the commissioner of BACP. ACC, BACP, and the police department are each authorized to enforce the animal care provisions through "necessary action," including the issuance of citations.<sup>9</sup> The BACP commissioner is authorized to promulgate rules and regulations necessary for the effective implementation and enforcement of the animal care licensing provisions.<sup>10</sup> ACC's executive director (or her authorized representative) may also conduct additional inspections of any licensee to ensure compliance with all applicable laws and may immediately suspend a license and impound any animal in the

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<sup>2</sup> Records of all current and active business licenses issued by BACP are available on the City's Data Portal, <https://data.cityofchicago.org/Community-Economic-Development/Business-Licenses-Current-Active/uupf-x98q>.

<sup>3</sup> Title 4 "Businesses, Licenses and Consumer Protection," Chapter 384 "Animal Care."

<sup>4</sup> M.C.C. § 4-384-010.

<sup>5</sup> M.C.C. § 4-384-010, -020, -030.

<sup>6</sup> M.C.C. § 4-384-030.

<sup>7</sup> M.C.C. § 4-384-050; -100.

<sup>8</sup> M.C.C. § 4-384-050. See e.g., the Illinois Animal Welfare Act, 225 ILCS 605/2, and the Humane Care for Animals Act, 510 ILCS 70/1.

<sup>9</sup> M.C.C. § 4-348-135.

<sup>10</sup> M.C.C. § 4-383-140.

licensee's care if an inspection reveals that "the condition of a licensee's premises creates an imminent hazard to the public health or to the health of any animal in the licensee's care."<sup>11</sup> Attorneys from the City's Law Department then prosecute the licensee in an administrative hearing conducted by independent hearing officers employed by BACP. Penalties for violations of the Animal Care Ordinance include license suspension and fines of not less than \$100 and not more than \$1,000 for each offense, daily, while a second or subsequent violation may be punishable as a misdemeanor.<sup>12</sup> Following suspension of a license, an animal exhibitor may correct the deficiencies and apply for re-inspection.<sup>13</sup>

The ACC executive director is also authorized to enforce the City's prohibition against animal abuse detailed in the Animal Care and Control Ordinance, M.C.C. §7-12, which prohibits beating any animal, "cruelly forc[ing any animal] into undue physical exertion," and keeping any animal that is afflicted with any painful disease or injury, unless under the care of a veterinarian.<sup>14</sup> The Commission on Animal Care and Control, a nine-member advisory body, has authority to promulgate and enforce rules and regulations relating the administration of the animal care and control provisions, M.C.C. §7-12, and may also order inspections to ensure compliance with all applicable animal care and control laws.<sup>15</sup>

#### 1. May 2012 Business Licensing Amendments

In May 2012, City Council amended the business licensing code as part of a comprehensive business licensing reform, which, effective January 1, 2013, will reduce the total number of required business licenses by 60%, from 117 to 49. The reform ordinance amends the licensing for animal-related business by consolidating seven different licensed animal activities into one "animal care license." The amendment further limits the license requirement to "permanent" animal exhibitions only and, for "temporary" animal exhibitions, created a new "animal exhibition permit" to be administered by ACC. Thus, any "permanent animal exhibition," defined as an exhibition with a duration exceeding 30 consecutive days, must obtain an animal care license from BACP. The terms and conditions of the animal care license for permanent exhibitors remain otherwise unaffected. A "temporary animal exhibition," however, defined as an exhibition with a duration of 30 consecutive days or less, must obtain an animal exhibition permit from ACC.

Unlike the animal care license, the temporary animal exhibition permit application process will be managed by the ACC executive director. The new ordinance, M.C.C. § 7-12-185, details the minimum requirements for the permit application but provides the executive director significant discretion to require additional information and take necessary action to ensure the proposed exhibition will not endanger the public or create an imminent hazard to the health of the animals:

(c) An application for an animal exhibition permit shall be made on a form prescribed by the [ACC] executive director, and shall be accompanied by a non-

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<sup>11</sup> M.C.C. § 4-384-150.

<sup>12</sup> M.C.C. § 4-384-160.

<sup>13</sup> *Id.*

<sup>14</sup> M.C.C. § 7-12-290.

<sup>15</sup> M.C.C. § 7-12-400.

refundable application fee as set forth in Section 4-5-010. The application shall contain:

- (1) The name and business address of the applicant and any other associated information that the executive director may require, including any disclosures pertaining to ownership or control of the applicant;
- (2) A description of the proposed exhibition, including location, dates of operation, the species and numbers of animals included, and any animal tricks, behaviors or other activities intended as part of the exhibition;
- (3) Proof of insurance with amounts and coverages set by the executive director, following consultation with the City's risk manager; and
- (4) Such other information as the executive director may reasonably require.

(d) Upon being satisfied that a permit application is complete and meets the requirements of this section, and that the proposed exhibition will not endanger the public or create an imminent hazard to the health of the animals included in such exhibition, the executive director shall issue the permit. The permit shall be valid only for the exhibition as described on the application. If the executive director denies the permit, he shall inform the applicant in writing, stating the reasons for the denial.

Although the permit does not explicitly require an inspection as required for an animal exhibitor license, the ordinance provides that a permit shall only be granted once the ACC executive director is satisfied not only that the permit application is complete but also that the proposed exhibition will not endanger the public or create an imminent hazard to the health of the animals included in the exhibition. And as detailed above, ACC is authorized to take necessary action for the effective enforcement of the animal welfare provisions in M.C.C. §7-12.<sup>16</sup>

Enforcement of the permit provisions is detailed in M.C.C. § 7-12-185(e) and further contemplates inspections by ACC:

(e) (1) Any person found to be operating a temporary animal exhibition without the permit required by this section, or in violation of the terms of a permit issued pursuant to this section, shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 for each offense, or summary closure of the exhibition, or both a fine and summary closure. A separate violation shall be deemed to have occurred for each day of noncompliance.

(2) If the executive director determines that any violations are limited in scope or egregiousness such that they can be corrected by the permittee, the executive director may mandate that the permittee complete corrective action by a date certain, or, if summary closure is imposed, as a precondition to re-opening the exhibition. Provided, however, that summary closure of a temporary animal exhibition shall only be authorized if an inspection by the department results in a

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<sup>16</sup> M.C.C. § 7-12-395.

finding of an imminent hazard to the health of animals included in such exhibition. Corrective action may be imposed in conjunction with a fine.

The executive director is therefore provided additional discretion to work with a permittee to correct any violations or to issue fines or impose summary closure upon a finding of imminent hazard to the health of the animals.

### **B. Cook County Department of Animal and Rabies Control**

Cook County, through its Department of Animal and Rabies Control (ARC), also regulates animals within its borders. Cook County inspectors employed by ARC enforce county and state law, such as the Illinois Animal Care Act. As provided by the Cook County Code of Ordinances, the department's primary functions are preventing and controlling rabies, protecting animals from inhumane treatment and health hazards, providing security to residents from annoyance, intimidation, and injury from animals; and encouraging responsible pet ownership.<sup>17</sup> Municipalities, however, are free to further regulate animals within their borders.<sup>18</sup> According to Cook County ARC management, because the City also has jurisdiction to enforce county and state law, in addition to its own license and permit requirements, the County traditionally defers to the City for enforcement within Chicago.

With respect to suburban exhibitors, however, ARC conducts inspections in response to complaints it receives. The ARC Administrator has full police power to enforce the Code's animal provisions and may issue tickets, prohibit an animal from performing, and in severe cases, may impound an animal or ask the Illinois Department of Agriculture to prohibit an exhibitor from bringing the animals within the state.

ARC routinely conducts circus inspections in response to complaints, and is fortunate to have an employee with previous experience working with elephants. As a matter of practice, ARC gathers contact information for the responsible parties; checks the exhibitor's USDA license, records of the animals' last veterinary exam, and any medications or treatment plans; and observes the unloading of animals to ensure none are lame or sickly. If an animal has a medical issue, ARC confirms that the animal is under the care of a veterinarian and, in the absence of an obvious or egregious concern, will defer to the treating veterinarian.

### **C. United States Animal Welfare Act and USDA Enforcement**

Animal exhibitors are also regulated and licensed by the USDA. The Animal Welfare Act (AWA), 7 U.S.C. § 2131 et seq., regulates the treatment of animals in research, exhibition, transport, and commerce. The AWA requires all animal exhibitors, including circuses, to register and obtain an annual license from the Secretary of Agriculture. To obtain a USDA animal exhibition license, animal exhibitors must demonstrate that their facilities meet the minimum standards set out in the AWA and the standards promulgated by the Secretary through federal regulations.<sup>19</sup> The Animal and Plant Health Inspection Service (APHIS), an agency of the USDA, administers and enforces the AWA. Within APHIS, the Animal Care program unit is

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<sup>17</sup> Cook County Code § 10-1.

<sup>18</sup> § 10-7.

<sup>19</sup> *Id.* § 2132(h), § 2133.

tasked with conducting routine, unannounced inspections of AWA-regulated facilities throughout the United States.<sup>20</sup>

Federally licensed animal exhibitors are inspected by APHIS at least once a year. APHIS may also schedule additional inspections in response to complaints or other risk factors such as the number of animals or the presence of particularly dangerous animals. While an APHIS inspection is generally for all animals owned by the exhibitor, elephants, in particular, are inspected by a specialized team within APHIS. In 2010, in response to a high number of complaints about the handling of elephants, APHIS formed a team of approximately seven veterinary medical officers to inspect all USDA-licensed, traveling elephant exhibitors throughout the United States.<sup>21</sup> As part of its goal in creating the special unit, APHIS reported that the team would identify problems earlier and respond more quickly to complaints. Using the same team to inspect all traveling elephants in the country increases consistency between inspections and findings, a benefit to regulators and exhibitors alike.

The APHIS elephant unit has conducted a joint inspection of a circus in Chicago with ACC in the past, but APHIS inspections focus solely on whether an exhibitor is in compliance with the AWA and relevant federal regulations designed to protect animal welfare. While APHIS inspectors occasionally work in conjunction with local animal welfare regulators, they work nationwide and are not trained to know all applicable local regulations, nor are they equipped to routinely notify local regulators of possible violations of local law. APHIS does however serve as a resource for local regulators, and at times may provide copies of inspection reports (many of which are online), and in the case of elephants, tuberculosis testing records.

In describing best practices for animal welfare regulation, an APHIS representative explained that it is critical to let an animal exhibitor know in advance the relevant regulations and what is expected upon inspection. Beyond notice, regulators should strive for consistency in the application of the regulations. The representative further noted that some jurisdictions provide exhibitors with copies of local regulations, require exhibitors to provide copies of medical testing records, and, at times, contact APHIS to inquire whether a USDA licensee is under investigation, all well in advance of the exhibitor's arrival.

#### **D. Regulation of Animal Exhibitors in Other Jurisdictions**

A survey of the municipal codes of the four U.S. cities closest in population to Chicago revealed that each of the cities requires a permit for animal exhibitors. New York City requires a permit for the exhibition, use, or display of animals, but exempts circuses licensed by federal or state agencies.<sup>22</sup> Los Angeles requires a permit to keep or maintain any wild or exotic animal, including the temporary exhibition of such animals in connection with "a circus, amusement enterprise or animal exhibition."<sup>23</sup> Philadelphia similarly requires a "special animal permit" for any "traveling animal show, petting or children's zoo, circus, animal act or miscellaneous animal

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<sup>20</sup> See 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(a) (requiring exhibitors to allow APHIS inspectors access to facilities and records).

<sup>21</sup> [http://www.aphis.usda.gov/animal\\_welfare/downloads/stakeholder/stakeholder\\_09\\_01\\_2010.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/stakeholder/stakeholder_09_01_2010.pdf).

<sup>22</sup> Rules of the City of New York, §161.01.

<sup>23</sup> L.A. Municipal Code § 53.38.

or reptile exhibit.”<sup>24</sup> And Houston requires a temporary permit for the exhibition or use of a wild animal in any production, but for all exhibitors with valid federal or state exhibitor licenses, requires an extensive registration process instead of a permit, effectively waiving the fee only.<sup>25</sup>

The types of records applicants must submit varies, but in all cases applicants are required to describe the event and each animal, provide copies of any state or federal licenses, and provide local contact information. In addition to these basic requirements, both New York and Philadelphia require a description of arrangements for housing the animals, methods of sanitary control and waste removal, and ask for veterinary records, such as a completed health certificate from a veterinarian issued within the last 30 days or other breed-specific information. New York further requires a description of planned safety measures and proof of liability insurance. As detailed in Houston's municipal code, permit applicants are also required to provide a letter showing permission to use the designated property for the exhibition and requires proof of public liability insurance for those without state or federal licenses. Finally, permit applicants in Los Angeles are required to affirm that they have read and understand the relevant municipal code provisions and rules and regulations, and disclose whether they have ever been convicted for cruelty to animals.

Reliance on the USDA animal exhibitor license varies from New York, which waives the permit requirements altogether, and Houston, which waives the permit fee but still requires the same documentation and inspection, to Los Angeles and Philadelphia, which both require proof of a valid USDA license simply as a matter of practice.

The deadlines for application materials also vary, with some codified in the municipal codes and others requested as a matter of policy. New York's Rules state that the information is due 5 days before the exhibition, while the Houston Code requires an application be submitted no less than 20 days before the exhibit, and applicants in Los Angeles are asked to submit applications two to three weeks in advance.

Houston, Los Angeles, and Philadelphia each inspect all exhibitors, with Philadelphia conducting its inspection only after the permit is issued to verify the information. In contrast, New York conducts inspections only in response to complaints. And while city inspectors are generally capable of identifying any obvious problems and some may have past experience with exotic animals, several of the cities noted that they may contract with outside specialists or collaborate with local zoo staff for additional expertise.

#### **IV. FINDINGS**

The City has a strong interest in regulating the treatment and care of animals used in public exhibitions, to protect both the animals' welfare as well as the safety of the public coming in proximity or contact with those animals. However, City employees responsible for administering the City's animal exhibition licensing all identified several challenges and weaknesses of the current licensing and enforcement process. While some of these weaknesses

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<sup>24</sup> Philadelphia Code §10-106.

<sup>25</sup> Houston Code of Ordinances § 6-55.

were addressed by recent amendments to the Municipal code, significant opportunities for improvement remain.

**A. The City lacks detailed rules and regulations as well as deadlines for animal exhibitor license or permit applications.**

Multiple City employees reported that traveling animal exhibitors present a special enforcement challenge given the fact that exhibitors often submit applications at the last minute and arrive just 36 hours before performing, providing little time for review of application materials or inspection. BACP employees reported that there is no deadline by which exhibitors must apply for a license. They further reported that, in the case of neighborhood circuses or small petting zoos, it is common for the City to conduct the inspection on the same date as the exhibition, because that is when the animals arrive. Indeed, city employees noted that at times, licenses are not issued until after the exhibition has already occurred.

In addition, employees with ACC, BACP, and the Law Department noted that neither ACC nor BACP have issued rules and regulations describing the specific findings that would justify the denial of a license or permit application. And, as reported by a senior ACC official, the Municipal Code does not give ACC clear direction regarding what specific findings would be required to deny a license application. Accordingly, the City's regulatory standards for animal health and welfare are unclear and open to differences of interpretation, making enforcement of the City's animal welfare and public safety laws more difficult.

**B. Unlike other jurisdictions, the City does not require proof of any other licenses, such as the exhibitor's USDA license.**

The City's animal exhibitor regulations, including the new temporary animal exhibition permit provisions, do not require proof of any other applicable licenses. All four major cities surveyed, however, routinely require proof of the exhibitor's USDA license, with two jurisdictions either waiving the permit fee or the permit altogether based on a valid license. Proof of a valid USDA license would provide the City with assurance that the exhibitor is, at a minimum, in compliance with federal licensing requirements and is inspected each year. The City would further benefit from a review of the exhibitor's latest USDA inspection reports to learn if the USDA has identified any animal welfare issues or ordered any corrections.

**C. City inspectors may lack the necessary training to identify issues specific to large or exotic animals.**

Knowledgeable animal inspectors are key to ensuring consistent and transparent enforcement of the City's animal welfare regulations, particularly with respect to large and exotic animals. Additionally, exhibitors may take greater care with their animals if they know inspectors are trained to know what to look for and are able to identify more than just the glaring or obvious issues. For these reasons, the USDA created its specialized elephant inspection team as a way to improve the consistent enforcement of federal regulations.

A senior-level employee with ACC, however, explained that ACC staff do not have the necessary training to meaningfully inspect the health and handling of exotic animals, and therefore has needed to hire consultants to assist with its inspections. This is consistent with

other jurisdictions, which do not necessarily have the expertise in-house, but may contract with outside veterinarians to perform inspections.

**D. Recent amendments to the City's animal exhibitor requirements addressed a number of weaknesses and provide ACC significant discretion to further improve the process.**

The recent amendments to the Animal Care and Control Ordinance, creating a more limited, temporary animal exhibition permit administered directly by Animal Care and Control, directly addressed several weaknesses identified by ACC, BACP, and Law Department employees. For those issues not explicitly addressed, the amendments provide ACC additional discretion to craft procedures to ensure more effective enforcement of the City's animal welfare and public safety interests.

Most significantly, the new permit requirements add an explicit reference to public safety and require that the executive director be satisfied that the exhibit will not endanger the public. The prior ordinance (effective until January 2013) does not address public safety concerns and does not require ACC to inspect the manner in which the animals are being exhibited for potential risks to the public. By creating a temporary permit, the new ordinance addresses the concern raised by multiple City employees that temporary exhibits, which often leave the City for nearly a year between performances, should not be permitted a two-year license. And the new permit requirements further protect the City by requiring proof of insurance with amounts and coverages set by the ACC executive director in consultation with the City's risk manager.

Finally, the recent amendments provide the ACC executive director with a great deal of discretion to set clear and specific requirements for the temporary animal exhibition permit. The ordinance enumerates four requirements for the permit, with the fourth being "other information as the executive director may reasonably require." City Council accordingly acknowledged ACC's subject-matter expertise in this area and gave the executive director important discretion to determine the most effective means for ensuring compliance with the City's animal welfare and public safety laws.

**V. RECOMMENDATIONS**

The IGO makes the following recommendations to address the findings described above.

**A. ACC should establish a firm deadline for the filing of temporary animal exhibitor license and permit application materials well in advance of the proposed event and require significantly more information with the application.**

ACC could mitigate the short period of time available to inspect and address concerns with temporary animal exhibitors by establishing a firm deadline for license and permit application materials and by requiring significantly more information with the application. The four other major cities surveyed by the IGO, routinely request significantly more information from exhibitors, including medical records, proof of other licenses, descriptions of health and safety precautions, and attestations that the exhibitor has read and understands the city's relevant regulations. ACC has a great deal of discretion to increase communication with animal

exhibitors prior to their arrival. As of early 2012, the City had just 11 licensed exhibitors, many of which perform in the City on an annual basis.

The IGO recommends that ACC require exhibitors to provide, in advance of the ACC inspection, copies of veterinary records to show adequate medical care, copies of the exhibitor's USDA license, as well as the most recent inspection reports from the USDA or other local jurisdictions. Such records may help ACC inspectors identify areas of concern in advance and allow ACC to follow up with the exhibitor to discuss potential violations of Chicago's ordinance and necessary corrective actions before the animals arrive in Chicago. Such requirements would be fully supported by the language of the City's municipal code. As noted above, the animal care ordinance requires animal exhibitors to "comply with all local, state and federal laws relating to animal health, sanitation and disease prevention," and under the new animal exhibition permit, the executive director has significant discretion to require additional information.<sup>26</sup> Thus, medical records as well as any inspection reports from other jurisdictions noting violations of relevant laws would be directly relevant to the City's license and permit requirements and ACC could reasonably require them as part of the inspection process. More robust information and records requirements from exhibitors will greatly enhance the City's ability to ensure that animals entering the City for public exhibition are healthy, humanely treated, and pose no public health or safety risk to the public. Relatedly, City collection and maintenance of such information and records would make a critical contribution to the efficacy of the broader oversight and enforcement network operating at the state and federal levels.

**B. ACC should exercise its authority to promulgate rules and regulations regarding the specific requirements necessary to approve or deny a license or permit application in order to provide greater transparency and consistency in enforcement of the City's animal welfare requirements.**

Best practices in the regulation of animal exhibitors include clear, prior communication of the City's regulations and specific expectations, prior communication about the animals' health and veterinary care, combined with consistent application of the City's regulations. Rules and regulations regarding the specific requirements necessary to approve or deny a license or permit application would provide greater transparency and consistency in enforcement of the City's animal welfare requirements. The Commission on Animal Care and Control has express authority to promulgate rules and regulations "relating to any matter pertaining to the administration, implementation and enforcement of the provisions of [the Animal Care and Control Ordinance]," including the new animal exhibition permit. Such regulations would provide clear guidance to ACC inspectors and animal exhibitors alike as to what constitutes a violation of the license or permit requirements sufficient to deny or suspend a license, or a violation that may otherwise warrant a citation or notice to correct a condition by a date certain.

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<sup>26</sup> M.C.C. § 4-384-050; §7-12-185(c)(4).

- C. ACC should seek additional training for its inspectors or work with outside specialists to ensure that all ACC inspections are conducted by individuals who are trained in identifying issues specific to the animals included in the exhibit.**

It is important that any ACC inspections be conducted by individuals who are trained in identifying issues specific to the animals included in the exhibit. Additional prior communication with an exhibitor and knowledge of the animals coming to the City would be a helpful first step, but ACC should consider providing additional training for ACC inspectors or consistently contracting with outside specialists to conduct inspections of exotic animals to ensure that all ACC inspections are conducted by individuals who are trained in identifying issues specific to the animals included in the exhibit.

**CITY OF CHICAGO OFFICE OF THE INSPECTOR GENERAL**

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<b>To Suggest Ways to Improve City Government</b>	Visit our website: <a href="https://chicagoinspectorgeneral.org/get-involved/help-improve-city-government/">https://chicagoinspectorgeneral.org/get-involved/help-improve-city-government/</a>
<b>To Report Fraud, Waste, and Abuse in City Programs</b>	Call the IGO's toll-free hotline 866-IG-TIPLINE (866-448-4754). Talk to an investigator from 8:30 a.m. to 5:00 p.m. Monday-Friday. Or visit our website: <a href="http://chicagoinspectorgeneral.org/get-involved/fight-waste-fraud-and-abuse/">http://chicagoinspectorgeneral.org/get-involved/fight-waste-fraud-and-abuse/</a>

**MISSION**

The Chicago Inspector General's Office (IGO) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, and integrity in the administration of programs and operations of City government. The IGO achieves this mission through:

- Administrative and Criminal Investigations
- Audits of City programs and operations
- Reviews of City programs, operations and policies

From these activities, the IGO issues reports of findings, and disciplinary and policy recommendations to assure that City officials, employees and vendors are held accountable for the provision of efficient, cost-effective government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

**AUTHORITY**

The authority to produce reports and recommendations on ways to improve City operations is established in the City of Chicago Municipal Code § 2-56-030(c), which confers upon the Inspector General the following power and duty:

*To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct.*