



AGENDA PACKET


CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS
MONDAY, MARCH 13, 2023 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

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on 3/9/2023 at 9:27 A
Attest:


ASSISTANT City Clerk



AGENDA

CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS
MONDAY, MARCH 13, 2023 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

1. **C0058-23** Ordinance/s/ Councilor Stephanie Martins
An Ordinance Amending Section 32 B 1 of the Zoning Ordinances: Inclusionary Zoning
2. **C0067-23** Ordinance/s/ Councilor Vivian Nguyen
An ordinance regulating animal breeding within the City of Everett

ADJOURNMENT

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(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

Michael J. Mangan

Legislative Aide
Everett City Council Office



C0058-23

To: Mayor and City Council
From: Councilor Stephanie Martins
Date: February 13, 2023

Agenda Item:

An Ordinance Amending Section 32 B 1 of the Zoning Ordinances: Inclusionary Zoning

Background and Explanation:

Attachments:

#2-C0058-23

Legislative Affairs & Election Committee
February 27, 2023

The Committee on Legislative Affairs & Elections met on Monday, February 27, 2023 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors John Hanlon, Darren Costa and Stephanie Smith.

The Committee considered an Ordinance offered by Councilor Stephanie Martins: Amending Section B 1 of the Zoning Ordinances: Inclusionary Zoning.

Councilor Stephanie Martins, the Sponsor was also present.

Councilor Martins explained that she was looking to amend the existing Ordinance from ten or more dwelling units to six or more dwelling units in the hope that this slight tweak would be a huge impact on providing additional affordable housing. Councilor Smith remarked that she felt that this was a band aid approach especially with all the work the Committee has been doing on establishing an overall review and research of all zoning related matters within the City. She noted that this can't be done overnight and would take a lot more analysis with the Planning Department on board in doing a revamp. Councilor Martins assured the Committee that she had talked to the Planning Department about starting with six and stated that if it was delayed the City would be missing out on providing the additional affordable housing. Councilor Costa asked the Sponsor why six units and Councilor Martins explained that she had observed the conversion and market trends within the City. Councilor Martins asked how many current developers would be impacted and Councilor Martins noted that it would only take effect upon passage. Councilor Costa acknowledged that the Committee was working on the bigger problem of overall zoning in the City that needs solving and expressed concern that this could hurt proposed smaller developments and questioned the TDM point system. Councilor Costa remarked that he doesn't believe the change creates a significant solution to the affordable housing problem. Councilor Smith referenced what other communities were using for numbers and was not sure if the number six was the right number for the City of Everett. Councilor Costa stated that he had no faith in the 10 units and believed 6 units but was concerned on the timeframe in which the overall zoning review and revamp could be completed. Chairman Marchese recommended further time and requested that the Planning Department and Planning Board be invited to the next meeting on the subject matter and that they be provided a copy of Councilor Martins proposal.

The Committee voted, to grant further time on a date to be determined and requested that the Planning Department and Planning Board be invited to the next meeting on the subject matter and that they be provided a copy of Councilor Martins proposal.

Respectfully Submitted,

John W. Burley
Clerk of Committees

ENROLLED ORDINANCE

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED:

DATE OF PROPOSED ORDAINMENT:



CITY COUNCIL C0058-23

IN THE YEAR TWO THOUSAND AND TWENTY THREE

AN ORDINANCE AMENDING SECTION 32 B (1) OF THE ZONING ORDINANCES: INCLUSIONARY ZONING

Councilor/s/ Stephanie Martins

Whereas: Changing demographics and development needs have increased the need for affordable housing production in the city; and

Whereas: The development of housing that is affordable to low and moderate income households should be encouraged; and

Whereas: The limited stock of affordable housing has accelerated displacement.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Zoning Ordinances of the City of Everett be amended as follows:

Section 32 B (1) of the Zoning Ordinances is hereby amended by striking the words “ten (10) or more dwelling units” and replacing with “six (06) or more dwelling units”. The revised subsection shall read as follows:

B. *Applicability.* In all zoning districts, the inclusionary zoning provisions of this Section shall apply to:

1. Any project or series of projects that results, in the aggregate, in a total of **six (06) or more dwelling units**, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or nonresidential space. (C0187-18)

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.



A true copy attest,

Sergio Cornelio

Sergio Cornelio, City Clerk



C0067-23

To: Mayor and City Council

From: Councilor Vivian Nguyen

Date: February 13, 2023

Agenda Item:

An ordinance regulating animal breeding within the City of Everett

Background and Explanation:

Attachments:

#3-C0067-23

Legislative Affairs & Election Committee
February 27, 2023

The Committee on Legislative Affairs & Elections met on Monday, February 27, 2023 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors John Hanlon, Darren Costa and Stephanie Smith.

The Committee considered an Ordinance offered by Councilor Vivian Nguyen: An Ordinance regulating animal breeding within the City of Everett

Councilor Vivian Nguyen, the Sponsor was also present.

Councilor Nguyen provided an overview of her proposal that was developed with the assistance of animal activist and was consistent with the current kennel requirements. Councilor Costa concurred that he also heard from some people on the importance of this proposal. Councilor Hanlon if a resident would be in violation of this Ordinance if they had a dog who had several puppies and wanted to sell or give away the puppies. Councilor Nguyen explained that the Ordinance was for those intentionally involved in breeding. Councilor Hanlon expressed concern on how the City would be able to identify the difference and Councilor Nguyen responded that it would be at the direction of the Animal Control Officer. Councilor Smith stated that she agrees with merit but is concerned on who enforces, inspects and wanted assurances that a residents dog having puppies wouldn't be in violation. Councilor Smith also requested that a fine be determined. Councilor Hanlon noted that the license should be issued by the City Clerk and not the Animal Control Officer. Councilor Hanlon asked if she was aware of any breeders and Councilor Nguyen responded no. The Committee recommended that the matter be granted further time to allow the Sponsor to fine tune the proposal.

The Committee voted, to grant further time on a date to be determined and requested that the Sponsor be invited to the next meeting on the subject matter.

Respectfully Submitted,

John W. Burley
Clerk of Committees

AN ORDINANCE REGULATING ANIMAL BREEDING WITHIN THE CITY OF EVERETT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERETT:

SECTION 1. PURPOSE

The purpose of this ordinance is to regulate animal breeding and to protect the welfare of animals. This ordinance aims to ensure that animal breeders are knowledgeable and comply with basic animal welfare standards.

SECTION 2. DEFINITIONS.

(A) "Animals" means any live, domesticated mammal, bird, reptile, or amphibian, including but not limited to dogs, cats, birds, and other small animals.

(B) "Animal Breeder" means any person, partnership, or corporation that breeds animals with the intention of selling or distributing them for profit.

(C) "Breeding Facility" means any premises, location, or establishment where animals are kept for breeding purposes.

SECTION 3. LICENSING REQUIREMENTS.

(A) No person or entity shall operate a breeding facility or engage in the business of breeding animals within the City of Everett without first obtaining a breeder's license from the Clerk's Office at City Hall and approval from the Everett Animal Control Officer.

(B) To obtain a breeder's license, an applicant must provide the following:

1. A \$100 fee
2. Proof of pet insurance
3. A detailed description of the breeding facility, including the location, size, and number of animals to be kept on the premises.
4. A plan for the care and maintenance of the animals, including provisions for veterinary care, feeding, housing, and sanitation.
5. Proof no record exists of past mistreatment or endangerment of animals on the premises.

(C) Breeder's licenses shall be valid for one year and must be renewed annually. The City of Everett may deny or revoke a license if the animal breeder fails to comply with any of the license requirements or animal welfare standards.

SECTION 4. INSPECTION AND ENFORCEMENT.

(A) The City of Everett shall have the authority to inspect breeding facilities at any reasonable time to ensure compliance with this ordinance and all applicable laws and regulations.

(B) Any person or entity found to be in violation of this ordinance shall be subject to fines, penalties, and/or the revocation of their breeder's license. Violations include but not limited to:

- Failure to provide proper veterinary care
- Failure to provide appropriate housing, food and sanitation
- Failure to provide appropriate socialization and exercise
- Failure to maintain accurate records
- Selling or transferring animals without proper documentation
- Operating without a license
- Failure to renew license
- Failure to comply with orders from the city's animal control department

(C) Any person or entity whose license has been revoked shall be prohibited from operating a breeding facility or engaging in the business of breeding animals within the City of Everett for a period of not less than one year.

SECTION 5. RECORD KEEPING.

(A) All animal breeders shall maintain accurate records of all animals bred, sold, or transferred, including veterinary records, for a period of not less than two years.

(B) These records shall be made available for inspection upon request by the City of Everett.

SECTION 6. EXEMPTIONS.

(A) This ordinance shall not apply to rescue organizations, shelters, and other non-profit entities engaged in the rescue or adoption of animals.

(B) This ordinance shall also not apply to individuals who are not intentionally breeding animals and have accidentally or unintentionally produced offspring from their pets. Such individuals who are not engaged in commercial breeding operations or the sale of animals are exempt from the requirements of this ordinance.

SECTION 7. PENALTIES.

(A) Any animal breeder who operates without a license or violates any animal welfare standard is guilty of a misdemeanor and may be fined up to \$1,000 or imprisoned for up to six months, or both.

(B) Each day of continued violation is a separate offense.

SECTION 8. SEVERABILITY.

(A) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. EFFECTIVE DATE.

(A) This ordinance shall become effective on the first day of the next year following its adoption and publication.

ADOPTED AND PASSED by the City Council of the City of Everett on _____.

This ordinance shall be published and posted in accordance with state law.

AN ORDINANCE REGULATING ANIMAL BREEDING WITHIN THE CITY OF EVERETT.

WHEREAS, "Animals" means any live, domesticated mammal, bird, reptile, or amphibian, including but not limited to dogs, cats, birds, and other small animals.

WHEREAS, "Animals Breeder" means any person or entity who breeds or sells more than two litters of animals per year, or who maintains more than ten animals over the age of four months for breeding purposes.

WHEREAS, "Breeding Facility" means any premises, location, or establishment where animals are kept for breeding purposes.

WHEREAS, the breeding of animals within the City of Everett involves the responsibility of ensuring the welfare and well-being of the animals; and

WHEREAS, it is in the best interest of the public and the animals of the City of Everett to regulate and monitor the breeding of animals within city limits,

BE IT RESOLVED, that all animal breeders within the City of Everett are required to obtain a license from the Everett Animal Control.

The license shall be issued upon successful completion of an application process that includes a background check, inspection of breeding facilities located within the City of Everett, and demonstration of compliance with all applicable laws and regulations regarding the care and welfare of animals.

The license shall be renewable on an annual basis and may be subject to revocation or suspension for noncompliance with laws and regulations or for any other cause deemed sufficient by the Everett Animal Control.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.