



AGENDA PACKET

COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS

MONDAY, APRIL 24, 2023 6:00 PM

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



AGENDA

COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS MONDAY, APRIL 24, 2023 6:00 PM

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

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

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

ADJOURNMENT

www.cityofeverett.com

(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:

#1-C0058-23

Legislative Affairs & Election Committee
March 13, 2023

The Committee on Legislative Affairs & Elections met on Monday, March 13, 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.

Director of Planning Matt Lattanzi and Councilor Stephanie Martins, the Sponsor were also present.

Councilor Martins explained that the only change to her proposal was lowering the number 10 dwelling units to 6 dwelling units in the Inclusionary zoning Ordinance in attempt to increase affordable housing units. Councilor Smith referenced the different number of units in other communities and expressed her concern on what would work right for the City of Everett taking into consideration that a Zoning recodification is about to take place. Mr. Lattanzi concurred that other communities were using number of dwellings from 6 to 15 but didn't feel that 6 was too low especially where some developers were lowering the number of units to be developed to 9 to avoid the current inclusionary zoning number of 10 dwelling units. Councilor Smith referenced potential costs to advertise the change noting the possibility it could be changed again when the zoning recodification is finalized. Mr. Lattanzi informed the Committee that he felt 6 was a good and reasonable number explaining that 6 units would require one affordable unit whereas 8 units would necessitate two affordable units. Councilor Smith asked if this is something that needed to be done now or should it wait until the zoning recodification is done. Mr. Lattanzi explained that the zoning revamp would take at least 8 to 12 months before a final product is submitted and indicated that some projects could slip through until that occurs. Councilor Costa expressed concern for multigenerational families living in a home being impacted by this proposal. He remarked that it appeared that members of the City Council were all running in their own lanes with regards to zoning initiatives. Councilor Costa asked if the proposed TDM changes would include projects of 6 units and Mr. Lattanzi responded that not all projects do. Councilor Costa asked Councilor Martins if she obtained feedback from Mass Housing on her proposal and Councilor Martins noted that she was addressing a need and would be contacting Mass Housing. She suggested that the Committee refer out with no recommendation. Chairman Marchese asked if a Developer was adding 2 units on an existing building of 12 units would it fall under this proposals and Mr. Lattanzi explained that all the units in the building would now fall under the 15% requirement. Chairman Marchese inquired that if the original ordinance had stated 6 units instead of 10 units how many additional affordable units would have been provided and Mr. Lattanzi indicated that 11 additional affordable units would have been added.

The Committee voted, to grant further time for one month.

Respectfully Submitted,

John W. Burley
Clerk of Committees

#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,

A handwritten signature in black ink that reads "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:

The last version of the ordinance in this section of the packet is the one that is currently being considered for approval.

#2-C0067-23

Legislative Affairs & Election Committee
March 13, 2023

The Committee on Legislative Affairs & Elections met on Monday, March 13, 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.

City Clerk Sergio Cornelio, Animal Control Officer Stacia Gorgone and Councilor Vivian Nguyen, the Sponsor were also present.

Councilor Nguyen provided the Committee with a revised ordinance from the previous committee meeting in an attempt to address all the questions and concerns referenced at that meeting. Mr. Gorgone explained that this was something that they already do but was extending it to breeding. She noted that she had talked to some breeders and they are fine with the proposed ordinance with the understanding that it's to protect animals. Councilor Smith asked how many breeders Ms. Gorgone was aware of and Ms. Gorgone responded approximately five. Councilor Smith expressed concern over the discretionary penalty provisions and felt it important that the penalty provision be ironclad. Upon questioning from Councilor Costa, Councilor Nguyen reviewed the key facts of her proposal in addition to the changes to the proposal from the previous one. Councilor Hanlon inquired if current dog owners whose dogs had puppies would fall under this new proposed ordinance and Councilor Nguyen noted the exemption section of the proposal that would not apply in these situations. Chairman Marchese inquired to the number of dogs allowed for breeding and Ms. Gorgone referenced the current kennel license requirements. The Committee noted that it supported the proposed Ordinance but felt the penalty provision should be in a tiered schedule. Mr. Cornelio suggested that the penalty provision be amended to reference Ordinance 1-8 and that phased approach. Councilor Smith suggested that the matter be granted further time until a schedule of fines could be finalized.

The Committee voted, to grant further time.

Respectfully Submitted,

John W. Burley
Clerk of Committees

Summary of Proposal

Goal: To ensure that animal breeders are knowledgeable and comply with basic animal welfare standards, and to bring unregistered breeders within the City's radar.

Key Facts:

- Only 3 people in Everett currently have a kennel license (meaning they have 4+ dogs)
- While the animal breeding regulation proposal is applicable to all animals, the licensing requirements are based on required paperwork for the existing Dog Kennel Licensing Application available at the City Clerk's Office (attached)
 - Licenses valid for one year and must be renewed annually
 - \$200 fee to reflect business kennel license fee (11+ dogs)
 - Paperwork (up-to-date vaccination and medical records) to show that animals are healthy and getting vet care—the kennel application asks for vet information, breed, age, sex, date of last rabies shot and expiration date, and requires a valid anti-rabies vaccination certificate
- The city clerk would provide licenses and ACO signs off on them after inspection, verifying vet care etc.

Changes to the proposal in front of you (versus the one in the agenda):

- License Fee updated from \$100 to \$200 to reflect business kennel license fee (11+ dogs)
- Added to Penalties section: "In addition, any animal found to be in violation may be taken away by the animal control officer."
- Added to Inspections and Enforcement section: "Additionally, any animal found to be in violation may be taken away by the animal control officer."

Information about Existing Dog License and Kennel License Application

Fees:

Dog License Application:

- Unspayed / Unneutered Dogs: \$15
 - Proof of current rabies vaccination
- Spayed / Neutered Dogs: \$10
 - Proof of current rabies vaccination
 - Proof of spay/neuter
- Late Fee: A \$5.00 late fee will be assessed if licensed after March 1 of any given year.

Kennel License Application:

- (4) Dogs \$50
- (5-10) Dogs \$100
- (11-25) Dogs \$200
- (26+) \$300

Application asks for vet information, breed, age, sex, date of last rabies shot and expiration date, requires valid anti-rabies vaccination certificate (see attached applications)

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 \$200 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. Additionally, any animal found to be in violation may be taken away by the animal control officer. 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. In addition, any animal found to be in violation may be taken away by the animal control officer.

(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.



Everett, Massachusetts

Dog Kennel License Application

Sergio Cornelio

City Clerk

EVERETT RESIDENTS are REQUIRED to license their dog(s) annually in accordance with MGL.

KENNEL OWNER INFO:

Name: _____
 First Last

Address: _____
 Number Street Name Apt. # Zip

Home Phone: _____ Work Phone: _____

EMAIL: _____;

Dog Info info not needed, Please state the name of the Kennel. If a Home Kennel of 4 dogs please use a second page to list all dogs.

A Valid anti rabies vaccination certificate must accompany this application.

Vet Name: _____ Phone#: _____

Date of Rabies Shot: _____ Expiration Date: _____

Name: _____

Sex: _____ (Male? Female? Neutered Male? Spayed Female?)
Please include original certificate of spaying or neutering from vet.

Colors: _____
 Predominant Secondary Other

Breeds: _____
 Predominant Secondary Other

Age of Dog: _____

A Valid anti rabies vaccination certificate must accompany this application.

Vet Name - _____ Phone#: _____

Date of Rabies Shot: _____ Expiration Date: _____

Name: _____

Sex: _____ (Male? Female? Neutered Male? Spayed Female?)
Please include original certificate of spaying or neutering from vet.

Colors: _____
Predominant Secondary Other

Breeds: _____
Predominant Secondary Other

Age of Dog: _____

A Valid anti rabies vaccination certificate must accompany this application.

Vet Name _____ Phone#: _____

Date of Rabies Shot: _____ Expiration Date: _____

Name: _____

Sex: _____ (Male? Female? Neutered Male? Spayed Female?)
Please include original certificate of spaying or neutering from vet.

Colors: _____
Predominant Secondary Other

Breeds: _____
Predominant Secondary Other

Age of Dog: _____

A Valid anti rabies vaccination certificate must accompany this application.

Vet Name _____ Phone#: _____

Date of Rabies Shot: _____ Expiration Date: _____

Name: _____

Sex: _____ (Male? Female? Neutered Male? Spayed Female?)
Please include original certificate of spaying or neutering from vet.

Colors: _____
Predominant Secondary Other

Breeds: _____
Predominant Secondary Other

Age of Dog: _____

Annual License Fee: Kennel (4) Dogs \$50 Kennel (5-10) Dogs \$100
Kennel (11-25) Dogs \$200 Kennel (26+) \$300

Payments: Cash or Checks, payable to the City of Everett, Credit Cards now accepted

Mail to: Everett City Clerk
Room 10, City Hall
484 Broadway, Everett MA 02149

Telephone 617-394-2225

#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.

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: MM/DD/YYYY

DATE OF PROPOSED ORDAINMENT: MM/DD/YYYY



CITY COUNCIL..... No. C0067-23

IN THE YEAR TWO THOUSAND AND TWENTY-THREE

AN ORDINANCE REGULATING ANIMAL BREEDING WITHIN THE CITY OF EVERETT

Councilor /s/ Sponsor(s) Vivian Nguyen

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, and

Whereas: All animal breeders within the City of Everett should be required to obtain a license for such from the city.

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

Be it Ordained by the City Council of the City of Everett, Massachusetts that Chapter 3 – Animals of the Revised Ordinances of the City of Everett is hereby amended by adding Article III – Animal Licenses as follows:

ARTICLE III. ANIMAL LICENSES

DIVISION 1. ANIMAL BREEDING LICENSE

(C0067-23)

Section 3-100. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (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.

← C0067-23 An ordinance regulating animal breeding within the City...

Section 3-101. Requirements

- (a) *License Required.* All animal breeders within the city shall be required to obtain a license from the city. Such license shall be issued upon successful completion of an application process that includes a background check, inspection of breeding facilities located within the city and demonstration of compliance with all applicable laws and regulations regarding the care and welfare of animals. Such 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.
- (b) *Exemptions.*
- (1) This ordinance shall not apply to rescue organizations, shelters, and other non-profit entities engaged in the rescue or adoption of animals.
- (2) 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 3-103. Qualifications

- (a) *Requirements.* Every applicant for such license shall file, with the City Clerk of the City of Everett, the following additional information:
- (1) A detailed description of the breeding facility, including the location, size, and number of animals to be kept on the premises.
- A plan for the care and maintenance of the animals, including provisions for veterinary care, feeding, housing, and sanitation.
- Proof no record exists of past mistreatment or endangerment of animals on the premises.
- (2) Dog Breeders. In addition to the requirements of subsection (a)(1), dog breeders shall also obtain a kennel license from the city in accordance with Section 14 of this Chapter.

Section 3-102. License

- (a) *Application requirements.*
- (1) Application for license shall be filed with the City Clerk of the City of Everett and be made in such form as shall be approved by the Animal Control Officer of Everett.
- (2) Every applicant for such license shall file, with the City Clerk of the City of Everett, the following additional information:
- a. A detailed description of the breeding facility, including the location, size, and number of animals to be kept on the premises.
- b. A plan for the care and maintenance of the animals, including provisions for veterinary care, feeding, housing, and sanitation.
- c. Proof no record exists of past mistreatment or endangerment of animals on the premises.
- (c) *License fee, expiration.* The annual license fee to be paid for such license shall be the annual fee specified for such license in Section 103 of this Chapter. Any change of ownership shall require a new

← C0067-23 An ordinance regulating animal breeding within the City...

(1) 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.

(2) Licenses required by 3-1, unless sooner revoked by the Animal Control Officer, shall date from and expire on the first day of January of each year.

(3) Inspections. Animal breeding license applicants shall permit, if requested, a reasonable inspection of the premises by the Animal Control Officer or designee to determine compliance with this section.

(e) *Suspensions and Revocations.*

(1) The City Clerk may revoke any animal breeding permit for noncompliance with the criteria set forth in this section. If the permit is revoked, such permit use shall be terminated.

(f) *Penalties.* Any person who violates the provisions of this chapter by any act of commission or omission shall be punished by a fine pursuant to Section 3-7 of the Revised Ordinances of the City of Everett, unless otherwise stated. Each day such violation continues shall be considered a separate offense.

Section 3-103. License Fee Schedule

The fees for animal breeding licenses issued by the City Clerk of the City of Everett are listed below.

Animal Breeding License	
1-10 Animals (excluding dogs)	\$200.00
11+ Animals (excluding dogs)	\$300.00
1-10 Dogs	\$100.00 + Other Necessary Permits and Applicable Fees
11+ Dogs	\$150.00 + Other Necessary Permits and Applicable Fees
Change in Ownership	\$50.00

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



A true copy attest

A handwritten signature in black ink that reads "Sergio Cornelio". The signature is written in a cursive style.

Sergio Cornelio, City Clerk

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: MM/DD/YYYY
DATE OF PROPOSED ORDAINMENT: MM/DD/YYYY



CITY COUNCIL..... No. C0067-23

IN THE YEAR TWO THOUSAND AND TWENTY-THREE

AN ORDINANCE REGULATING ANIMAL BREEDING WITHIN THE CITY OF EVERETT

Councilor /s/ Sponsor(s) Vivian Nguyen

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, and

Whereas: All animal breeders within the City of Everett should be required to obtain a license for such from the city.

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

Be it Ordained by the City Council of the City of Everett, Massachusetts that Chapter 3 – Animals of the Revised Ordinances of the City of Everett is hereby amended by adding Article III – Animal Licenses as follows:

ARTICLE III. ANIMAL LICENSES

DIVISION 1. ANIMAL BREEDING LICENSE

(C0067-23)

Section 3-100. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (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 3-101. Requirements.

(a) *License Required.*

- (1) All animal breeders within the city shall be required to obtain a license from the city.
- (2) Such license shall be renewable on an annual basis.
- (3) Such license may be subject to revocation or suspension for noncompliance with laws and regulations or for any other cause deemed sufficient.

(b) *Exemptions.*

This division shall not apply to:

- (1) Rescue organizations, shelters and other non-profit entities engaged in the rescue or adoption of animals;
- (2) Individuals who are not intentionally breeding animals and have accidentally or unintentionally produced offspring from their pets; and/or
- (3) Individuals who are not engaged in commercial breeding operations or the sale of animals.

Section 3-102. Qualifications.

- (a) If an applicant for an animal breeding license operates or intends to operate their business under any name other than the name of an individual or a corporate name registered with state, such applicant shall be required to obtain a business certificate from the city clerk before they can apply for a license.
- (b) Every applicant for an animal breeding license shall demonstrate that the best interests of the city shall be served by the issuance of such license to said applicant. Such demonstration, at a minimum, shall involve consideration of the following items:
 - (1) When applicable, the applicant shall disclose all ownership interests in the business requiring such license in order to allow the city to:
 - a. Determine the suitability of the owner(s) of the business to be granted such license; and
 - b. Properly regulate licensed and permitted activities within the city.
 - (2) The applicant must have no outstanding fees, taxes, fines, etc. owed to the city and/or the state; and
 - (3) The applicant shall demonstrate knowledge of applicable state statutes and city ordinances pertaining to the exercising of such license.
- (c) Any applicant using an animal breeding license for the breeding of dogs shall also need to obtain a kennel license from the city clerk in accordance with Sections 3-14 and 3-15 of this Chapter.

Section 3-103. License.

(a) *Application requirements*

- (1) Every applicant for an animal breeding license shall request the appropriate application for such license from the city clerk.
- (2) In addition to the standard license and/or permit application information, each application for such license shall also include:
 - a. An application for a CORI report;
 - b. An inspection sign-off from the animal control officer;
 - c. An inspection sign-off from the animal inspector;
- (3) Additional information required
 - a. A detailed description of the breeding facility, including the location, size, and number of animals to be kept on the premises.
 - b. A plan for the care and maintenance of the animals, including provisions for veterinary care, feeding, housing and sanitation.
 - c. Proof no record exists of past mistreatment or endangerment of animals on the premises, commencing from the date of enactment of this ordinance.

(b) *License fee, expiration.*

- (1) The annual license fees to be paid for an animal breeding license shall be as follows:

Animal Breeding License	
1-10 animals (excluding dogs)	\$200.00
11+ animals (excluding dogs)	\$300.00
1-10 dogs	\$100.00 + Other necessary license fees
11+ dogs	\$150.00 + Other necessary license fees

- (2) Animal breeding licenses shall be valid thru December 31st of the year of issuance, unless sooner revoked.
- (3) Animal breeding licenses must be renewed annually and must be obtained by March 15th of each year.
- (4) Annual fees for animal breeding licenses shall not be prorated for the number of months of available use.
- (5) No portion of the annual fee for an animal breeding license shall be refunded if such license is suspended, revoked or surrendered.

- (6) Animal breeding licenses are not transferable. Any change of ownership shall require a new application and license with corresponding payment of fees.
- (c) *Issuance*
 - (1) Animal breeding licenses shall be issued upon successful completion of the application process.
 - (2) The city may deny such license if the applicant fails to comply with any of the license requirements or animal welfare standards.

Section 3-104. Conditions

- (a) The license holder and their employees shall comply with all applicable federal, state and local laws, regulations and city ordinances, including ordinances regarding minimizing noise and nuisance.
- (b) The license holder and their employees shall be required to obtain and maintain any other licenses, permits, registrations and certifications necessary to run their business as required by the city; the state and/or the federal government.
- (c) The license holder and their employees shall permit, if requested, a reasonable inspection of the premises on which the license is exercised by the city's animal officer, animal control officer or their designee. Said inspection shall be used to determine compliance with all applicable laws and regulations regarding the care and welfare of animals.
- (d) The license holder shall maintain accurate records of all animals bred, sold or transferred, including veterinary records for a period of not less than two (2) years. Such records shall be available for inspection upon request.

Section 3-105. Suspensions and revocations

- (a) The city clerk may suspend or revoke any animal breeding license for noncompliance with any of the criteria set forth in this division.
- (b) If the permit is revoked, such permit use shall be terminated.

Section 3-106. Penalties

- (a) Any person who violates the provisions of this division by any act of commission or omission shall be punished by a fine pursuant to Section 1-8 of these Revised Ordinances.
- (b) Each day such violation continues shall be considered a separate offense.

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



A true copy attest

Sergio Cornelio

Sergio Cornelio, City Clerk