



AGENDA PACKET

**CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS
MONDAY, JUNE 12, 2023 6:30 PM**

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



AGENDA

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MONDAY, JUNE 12, 2023 6:30 PM**

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

ROLL CALL

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS

1. 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



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.

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.

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

#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

#2 - C0067-23

Legislative Affairs Committee
April 24, 2023

The Committee on Legislative Affairs met on Monday, April 24, 2023 at 6:00pm in the City Council Chambers at City Hall.

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

Members present were Councilor Michael Marchese, presiding; Councilors Darren Costa, Stephanie Smith, & John Hanlon

The Committee met on an Ordinance offered by Councilor Vivian Nguyen regulating animal breeding in the City of Everett

City Councilor Research Specialist David Flood was present also

Mr. Flood explained that he has worked with Councilor Nguyen on this ordinance, and that the City Solicitor was fine with the language of this ordinance also. Councilor Costa inquired about making sure that we had enough personnel to manage this new ordinance, and Mr. Flood said that the city did. Councilor Smith inquired about the penalties for this item, and Mr. Flood provided the members with a handout that explains the penalties, which is from Section 1-8 of the revised ordinances. Councilor Marchese asked about the housing of the animals, and if there was a required amount of square footage needed in order to operate an animal breeding facility. Councilor Smith made the recommendation, and was seconded by councilor Costa to keep this item in committee.

The Committee voted: To report back to the City Council with a recommendation for more time in committee, with all members voting in the affirmative.

Respectfully Submitted,

Michael J. Mangan
Legislative Aide

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.

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.

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

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;
 - d. A certificate of good standing; and
 - e. A Revenue Enforcement and Protection (REAP) Attestation.
- (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

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

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DIVISION 1. ANIMAL BREEDING LICENSE

(C0067-23)

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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;
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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.

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- (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;
 - d. A certificate of good standing; and
 - e. A Revenue Enforcement and Protection (REAP) Attestation.
- (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:

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- (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.
- (3) The city clerk shall notify the city council of the location where any new animal breeding license issued shall be exercised.

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.

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- (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

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

Sergio Cornelio, City Clerk