



## **Legislative & Rules Committee – Board of Representatives**

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

# **Committee Report**

**Date:** Monday, September 19, 2016

**Time:** 7:00 p.m.

**Place:** Democratic Caucus Room, 4<sup>th</sup> Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Heaphy and Committee Member Reps. Day, Nabel, Okun, Ryan, Silver and Zelinsky. Absent or excused were Committee Member Reps. Coleman and Mitchell. Also present were Rep. McMullen; Michael Toma, Law Department; Tilford Cobb, Animal Control Officer; Ted Jankowski, Director of Public Safety, Health & Welfare; and Jennifer Calder, Director of Health.

Chair Heaphy called the meeting to order at 7:07 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LR29.052</a>	<p>ORDINANCE, for final adoption; Amending <a href="#">Chapter 111. Public Safety and Animal Welfare</a>. 06/02/15 – Submitted by Mayor Martin and Rep. Heaphy 06/15/15 – Held in Committee 07/21/15 – Held in Committee 08/31/15 – Held in Committee 09/21/15 – Held in Committee 10/29/15 – Held in Committee 11/16/15 – Approved by Committee for publication 12/14/15 – Held at Steering 01/19/16 – Public Hearing Held &amp; Held in Committee 03/21/16 – Held in Committee 04/18/16 – Approved by Committee, as amended, for public hearing 05/02/16 – Approved for republication and public hearing 06/20/16 – Public Hearing Held 06/20/16 – No Quorum; No Action taken 07/26/16 – Approved by Committee, as amended, 4-2-0 08/01/16 – Held by Board of Representatives</p> <p><i>Secondary Committee: Public Safety &amp; Health</i></p>	<b>Approved, as amended, 8-0-0</b>

Mr. Jankowski introduced Dr. Calder. Dr. Calder stated that this is an important and difficult issue. She believes that she has 2 recommendations to amend the ordinance, which she has reviewed with the Animal Control Task Force:

- Amend § 111-3.A to exclude roosters, so that they can be excluded if they are more than 50 feet from any dwelling.
  - Committee members felt that this was already accomplished by § 111-2.B and that adding this language would add to the confusion.
  - Mike Toma stated that an attorney could make the argument that it is unclear what “vicinity” in §111-2.B means
- Amend § 111-3.B to remove the word “reasonably”. She does not see a distinction between “reasonably clean” and “clean”.

A motion to amend § 111-3.B to remove the word “reasonably” was made, seconded and approved by a vote of 7-0-0. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

In response to questions from the Committee, Dr. Calder and Mr. Cobb noted that

- From a public health perspective, controlling population is an essential part of controlling rabies
- This ordinance is a tool to ensure that dogs are licensed

Chair Heaphy noted that under §111-6.C(1) fighting dogs are already illegal under State law.

A motion to amend § 111-6.C(1) to remove the word “fighting” was made, seconded and approved by a vote of 7-0-0. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

Chair Heaphy stated that under §111-7.A, “neuter” and “spay” should each stop after the word “animal” on the recommendation of Dr. Calder, because there are other techniques involved.

A motion to amend § 111-7.A to stop each definition after the word “animal” was made, seconded and approved by a vote of 7-0-0. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

Committee members discussed whether the definition of “stray cat” should include “free roaming.”

A motion to amend § 111-7.A to delete the phrase “free roaming” from the definition of stray cat was made, seconded and approved by a vote of 6-0-1. (Reps. Heaphy, Nabel, Okun, Ryan, Silver and Zelinsky in favor; Rep. Day abstaining).

Chair Heaphy stated that Dr. Calder had recommended including amphibians in §111-8.A.

A motion to amend § 111-8.A to add the word “amphibian” after the word “reptile”, was made seconded and approved by a vote of 7-0-0. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to amend § 111-8.E to delete the phrase “and amphibians”, was made, seconded and approved by a vote of 7-0-0. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

Chair Heaphy noted that Dr. Calder recommended changing §111-12.A(3) to say “before the breeding occurs” rather than “before the gestation period...” Committee members expressed concern that this would be more restrictive than the current version.

A motion to amend § 111-12.A(3) to delete all words after “\$50.00 per year” was made, seconded and approved by a vote of 6-0-1. (Reps. Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor; Rep. Heaphy abstaining).

A motion to amend § 111-12.A(1) to change the word “wishes” to “intends” was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to amend § 111-12.A(6) to add the word “Connecticut” before the word “kennel” was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to amend § 111-13 to add the phrase “or his/her designee after the phrase “Director of Public Safety, Health and Welfare” was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to amend §111-4.C(4) to move it to a new Subsection D, reading “Penalty. Any person who violates this section shall be subject to a fine of \$100.00.” was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to amend §111-7.A to add the phrase “For the purposes of this section, the following definitions shall apply:” after the word “Definitions” was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to change the title of §111-7.F to “Violation and Penalty” was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

A motion to approve the ordinance, as amended, for final adoption, was made, seconded and approved by unanimous voice vote. (Reps. Heaphy, Day, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

Committee members and Mr. Cobb discussed what constitutes a nuisance. Often it consists of more than one complaint. Nuisance is up to the discretion of the animal control officers. There is no definition in state law. Nothing in this ordinance would prevent an individual from seeking a remedy in civil court.

Chair Heaphy adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Eileen Heaphy, Chair

This meeting is on [video](#).