

ARTICLE 14 HUMANE PET SHOPS

Recommendation: NO ACTION by a vote of 1-2-1

Executive Summary:	This Article would make it illegal for any pet store located within the Town to sell any animals.
Voting Yes will...	Change the Town By-Laws to prohibit any pet stores from selling any animals within the Town.
Voting No will...	Leave the status quo intact. There are currently no pet stores in Brookline.
Financial impact [if any]	There are no pet stores in Town, and there is no fiscal impact.
Legal implications [if any]	The State Division of Animal Health regulates pet stores, but should one want to come to Brookline, it would have to comply with Brookline's By-Law.

Introduction:

The Public Safety Subcommittee of the Brookline Advisory Committee held a virtual public hearing on 2 Oct. 2023 on Warrant Article 14. Attending were Ezra Kleinbaum, Shira Fischer, Bryn Ambrose, Hanna Szelenyi, Cleo Blanding, Ari Lewis, Elizabeth Kane, Hoshiro Ito, Hadas Marshall, Diana McClure, Janice Kahn, Carlos Rios, Ariel Maddocks, and subcommittee members Christine Westfall, Donelle O'Neal, Paul Bernard, Neil Gordon, and David-Marc Goldstein (chair).

The video of the hearing may be found here-

https://brooklinema.zoomgov.com/rec/share/0XSX-OSEQhv_oGZZmrH6OezcRaynqLKTHf8497f-0p-R8xuY6xRqdvR-MxRbquKu.1K1-qLpGlue6fRv5

Background:

Article 14 is a proposed By-Law from Brookline High School students that would prohibit all sales of animals from pet stores located in Brookline. It would not apply to breeders or shelters. The petitioners' main goal is to work towards the passing of statewide legislation, which includes stopping large commercial breeders ("puppy mills") from selling animals through pet stores. Thirteen communities in Massachusetts have enacted similar legislation, and Article 14's language is based on what has already been approved by the Attorney General's Office.

Discussion:

An excellent presentation from the petitioners framed the issues well. Horrible conditions that occur in breeding facilities including so-called puppy mills are well known. Almost all of puppy mills' revenue comes from selling animals to pet stores and on the internet. Current laws regarding animal welfare are inadequate to deal with the scale and enforcement of this problem. All of the subcommittee members voiced strong support for the aims of the petitioners. The discussion revolved around two main themes- first, that the wording of the language would prohibit all sales of all animals, not just dogs, but also includes a ban on selling other mammals, reptiles and birds, and is therefore overly broad. Second, that since there are no pet stores currently operating in Brookline, this isn't an issue here, and that focusing directly on statewide legislation through a resolution might be a better approach.

On the first issue, the question was raised as to why the petitioners didn't regulate the sourcing of animals (specifically dogs and cats) instead of a complete ban. The petitioners used language that has passed in other communities and has passed muster with the Attorney General's Office.

The effectiveness of the proposed Article if passed by Town Meeting was also discussed. Members of the subcommittee doubted that it will even stop one sale from a puppy mill, which can still do business on the internet, and they will continue to freely sell animals directly to Brookline residents, and through pet stores nearby in Allston and Newton. The petitioners believe that as more communities ban pet stores sales from puppy mills, they will have fewer places to sell to.

A member of the public commented that the title of the Warrant Article is "Humane Pet Stores", but the language would also inadvertently ban any ethical sourcing pet store that would want to locate in Brookline.

Some members of the subcommittee were troubled by the overly broad ban as well as the effectiveness of this approach of achieving what the petitioners have stated they want to accomplish, namely state legislation being passed. A direct appeal aimed at encouraging lawmakers to pass state legislation was better than a By-Law that has no practical effect, inside or outside of Brookline. While the petitioners feel that it's important for Brookline to join other communities and state legislators in this effort, some subcommittee members felt it would be more efficient Town Meeting to directly ask the State House to pass legislation through a resolution, which would be a more effective course of action.

One subcommittee member, who was strongly in favor of Article 14 mentioned that there is also a consumer protection aspect to the proposed By-Law, and that by stopping pet stores from selling animals from large breeders, which are often sick or abused, the consumer benefits along with the animals.

There were some issues with the language of Article 14 including under 8.XX.2-Prohibitions, in that little (i) and (ii) are redundant, and under (iii) the term "any animal control officer" should be dropped as it is covered by definition under "duly appointed officer of representative of the Town". Under 8.XX.3- Penalty, the wording of (2) was confusing, and might be redundant due to the wording of (1).

Recommendation:

While the subcommittee strongly supports the goals of the petitioners, the Public Safety Subcommittee recommends NO ACTION by a vote of 1-2-1.

YES:

Neil Gordon

NO:

David-Marc Goldstein

Donelle O'Neal

ABSTAIN:

Christine Westfall

Brookline Advisory Committee
Public Safety Subcommittee Hearing
2 October 2023 via zoom

ARTICLE 15 TRAVELING ANIMAL ACTS

Recommendation: Favorable Action by a vote of 3-1-0

Executive Summary:	This Article would prohibit persons from allowing the participation of animals (as defined in the proposed By-Law) in a traveling animal act, such as a circus, within Brookline.
Voting Yes will...	Create a By-Law to prohibit the traveling acts that use animals as part of their act from operating within the Town.
Voting No will...	Leave the status quo intact.
Financial impact [if any]	None, as there are no traveling animal acts in Town, nor are there likely to be.
Legal implications [if any]	None, unless a traveling animal act wants to come to Brookline.

Introduction:

The Public Safety Subcommittee of the Brookline Advisory Committee held a virtual public hearing on 2 Oct. 2023 on Warrant Article 15. Attending the hearing were Ezra Kleinbaum, Hanna Szelenyi, Cleo Blanding, Elizabeth Kane, Hadas Marshall, Diana McClure, Janice Kahn, Carlos Rios, Ariel Maddocks, Kara Holmquist, Brian Kane, and subcommittee members Christine Westfall, Donelle O’Neal, Neil Gordon, and David-Marc Goldstein (chair).

The video of the hearing may be found here-

https://brooklinema.zoomgov.com/rec/share/0XSX-OSEQhv_oGZZmrH6OezcRaynqLKTHf8497f-0p-R8xuY6xRqdvR-MxRbquKu.1K1-qLpGlue6fRv5

Background:

The issue of circuses’ mistreatment of animals goes back decades. Animal rights activists have been trying for years to stop the mistreatment of animals forced to perform in acts. Small victories have occurred, such as when in 2017 Ringling Brothers stopped using animals in their act due to protests and declining ticket sales. While circuses have seen attendance drop substantially over the last few decades, it is estimated that there are still around 300 circuses traveling around the country. Five States have banned exotic animals from being forced to perform in circuses, and there is pending legislation in the Massachusetts statehouse to do the same.

In Massachusetts, fourteen other communities have enacted similar legislation to this proposed By-Law, and Article 15 is modeled after those laws.

The proposed By-Law would ban persons from using “covered animals” (as defined in the By-Law) in traveling animal acts. This ban would include circuses, races, and fairs. The list of animals banned in the By-Law would *not* apply to animals such as horses, domestic dogs or cats, snakes or reptiles, petting zoos with goats, sheep, etc.

Discussion:

The main petitioners, who are Brookline High School students, gave an informative presentation on the issue, discussing the mistreatment of animals both in the training of and use of animals in traveling acts, and said that this proposal is part of something bigger, in the hopes of being a step towards State legislation eventually getting passed. Current laws in Massachusetts are considered inadequate to protect these animals from exploitation and abuse.

All members of the subcommittee voiced support for the aims of the petitioners. Most of the discussion was focused on the fact that while this problem does exist in other municipalities in Massachusetts, this problem does not exist in Brookline. The issue the petitioners are trying to address through this proposed By-law will not have any effect on any traveling act outside of town. Some subcommittee members expressed support for this Article, and hoped that this would somehow spur the statehouse to pass statewide legislation. For the petitioners, they expressed a desire to make a statement and build consensus with other cities and towns to put pressure on State legislators.

One subcommittee member expressed the opinion that Article 15 misses the mark and fails to directly achieve what the petitioners want (State legislation) and suggested it would have been more effective to express support for statewide legislation directly through a resolution. Another subcommittee member noted that there are other instances in our By-Laws that address issues that we don't have a current problem with, and voiced support for this approach.

There were some technical issues with the language, such as whether the fine under 8.XX.4 would be used only once (the wording under 10.3 says “each violation”), whether a circus could locate “at a non-mobile, permanent institution” such as a Town park and be exempt from the By-Law if it stayed there more than 14 days (8.XX.3 a.) but no amendments were offered by subcommittee members. The petitioners pointed out that this language had passed muster with the Attorney General's Office.

Recommendation:

The Public Safety subcommittee recommends FAVORABLE ACTION by a vote of 3-1-0.

YES:

Neil Gordon
Donelle O'Neal
Christine Westfall

NO:

David-Marc Goldstein