



City of Milford, Connecticut

Founded 1639

TO: Ordinance Committee Members

FROM: Frank Smith, Chairman

DATE: February 26, 2014

**SUBJECT: ORDINANCE COMMITTEE MEETING AND PUBLIC HEARING
Monday, March 3, 2014 – CITY HALL AUDITORIUM**

There will be a meeting of the Ordinance Committee of the Board of Aldermen on **Monday, March 3, 2014, at 7:00 pm.** in the City Hall auditorium regarding the following Ordinance:

AGENDA

1. An Ordinance Creating Chapter 3, Amusements, Article IV, Exhibition of Wild and Exotic Animals.
2. An Ordinance Amending Chapter 6 Building and Building Regulations, Article 1, In General; Demolition, Sections 6-5, 6-7 and 6-10.

Copies of said proposed Ordinance(s) are on file open to public inspection at the office of the City Clerk. Any individual with a disability who needs special assistance to participate in the meeting should contact the Director of Community Development (783-3230) five (5) days prior to the meeting, if possible.

Distribution:

Mayor Benjamin G. Blake
Philip Vetro, Chairman, Board of Aldermen
Linda Stock, City Clerk
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Tania Barnes, Personnel Director
Christine Angeli, Library Director
Chief Douglas Edo, Fire Department
Chief Keith Mello, Police Department
Kim Kell, Risk Manager
Kathy Huber, Recording Secretary

**AN ORDINANCE CREATING CHAPTER 3, AMUSEMENTS, ARTICLE IV,
EXHIBITION OF WILD AND EXOTIC ANIMALS.**

WHEREAS, the use of wild and exotic animals as a form of amusement, entertainment or display is detrimental to the safety of the public, including children and trainers; and

WHEREAS, wild and exotic animals pose a significant danger to audience members, trainers and the public at large; and

WHEREAS, travel or confinement impairs an animal's physical, psychological and social needs, while close confinement, lack of exercise, pressure to perform, and other physical requirements or performing render the animals unable to express natural behaviors and socialize appropriately; and

WHEREAS, the training techniques, devices or agents used to make the animals perform are many times abusive, cruel and/or stressful causing the animals to suffer and creating a greater threat to the public.

NOW THEREFORE, it is the intent of the Board of Aldermen of the City of Milford to protect the public against hazards that wild and exotic animals used as a form of amusement, entertainment or display pose to the general population and to protect wild and exotic animals from cruel and inhumane treatment.

Sec. 3-44 Definitions. For the purpose of this Article only, the following words and terms shall be deemed to mean and to be construed as follows:

CIRCUS – shall mean a class C licensee that is licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments, regulations and standards adopted pursuant to the Act, that offers performances by live animals, clowns, and/or acrobats.

PERSON – shall mean an individual, partnership, corporation, joint venture, association, trust, estate, or any legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof.

TRAVELING SHOW – shall mean any mobile or stationary act, circus, public show, trade show, photographic opportunity, carnival, city or country fair, agricultural fair, ride, parade, race, performance or similar undertaking incorporating wild or exotic animals wherein the animals are taken from their permanent residence and required to travel for any distance.

WILD OR EXOTIC ANIMAL – shall mean all species of any or all of the following orders and families, whether born in the wild or in captivity, as well as any or all of their hybrids and domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Non-human primates and prosimians (chimpanzees, baboons, and monkeys).
2. Felidae (lions, tigers, cougars, leopards, ocelots and servals), except domestic cats.
3. Canidae (wolves and coyotes), except domestic dogs.
4. Ursidae (bears).
5. Marsupialia (kangaroos).
6. Proboscidae (elephants).
7. Crocodylia (crocodiles and alligators).
8. Squamata (snakes).
9. Artiodactyla (hippopotamuses, giraffes and camels), except domestic cattle, swine, sheep or goats.
10. Perissodactyla (zebras, rhinos and tapirs), except domestic horses, donkeys or mules.
11. Struthioniformes (ostriches).
12. Casuariiformes (emus).

WILDLIFE SANCTUARY – shall mean a 501(c) (3) organization described in Section 170(b)(1)(A)(vi), Internal Revenue Code 1986 and its subsequent amendments where:

1. No commercial trade in animals occurs including ,but not limited to, sale of animals, animal parts by-products, offspring, photographic opportunities or public events for financial profit, or any other entertainment purposes;
2. No propagation of animals occurs in the facility; and
3. No unescorted public visitation is allowed; no direct contact between the public and wild animals is allowed; animals are not taken from the sanctuary or enclosures for exhibition.

Sec. 3-45 Prohibition

It shall be unlawful for any person to conduct, sponsor, or operate a traveling show or circus that includes wild or exotic animals on any public or private land within the City of Milford.

Sec. 3-46 Enforcement

The Milford Animal Control shall have the power and authority to enforce the provisions of this Article IV and perform all duties imposed by the provisions of this ordinance.

Sec. 3-47 Penalty

Any person, firm or corporation violating this Article shall be fined not more than \$5000.00 dollars per animal per day or be imprisoned not more than one year, or both.

AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, ARTICLE 1, IN GENERAL; DEMOLITION §§6-5, 6-7 and 6-10

Sec. 6-5. Permit required, generally.

No person shall demolish any building, structure, or part thereof without first obtaining a permit from the Building Department. Permits under this section shall be valid for six (6) months from the date of issuance or any extension thereof. No such permit shall be issued until the applicant:

- (a) Complies with the provisions of Connecticut General Statutes §29-406(a); and
- (b) Complies with the provisions of §§6-7 and 6-9 of this ordinance if the building, structure or part thereof is a designated structure as defined herein.

Sec. 6-7. Requirements and procedure for demolition of particular structures.

(a) Any person applying for a permit to demolish a building, structure or part thereof shall file a permit application with the Building Department. Such permit application shall contain, in addition to other information as may be required, the name and address of the owner of the building, structure or part thereof to be demolished and the address, age and square footage of the building or structure to be demolished. Verification of both size and age shall be provided by the applicant. If the age of the building or structure is unknown, not indicated or in dispute, it shall be assumed to be at least 75 years old or more for the purpose of this ordinance.

(b) If the building, structure or part thereof to be demolished is a designated structure, within seven (7) days following the filing of the application the applicant shall:

(1) Mail a notice of intent to the owners of all property abutting and across the street from the property on which the building(s) or structure(s) to be demolished is located. Notice to a condominium association alone shall be deemed notice to all owners therein. The applicant shall provide certificates of mailing as evidence of compliance with this provision;

(2) Mail a notice of intent to any organization concerned with the preservation of buildings or structures within the City and the City Historian. To be entitled to notification under this provision, any such organization and the City Historian shall register with the Building Department, indicating a desire to be notified of such applications. Registrations must be renewed annually each

January 1 following the initial registration. The applicant shall provide certificates of mailing as evidence of compliance with this provision; and

(3) Post in a conspicuous location on the property on which the building or structure is situated a sign at least 24 inches by 36 inches in size, visible from the nearest public or private street. Such sign shall include a copy of the notice of intent and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. Signs required hereunder shall remain posted on the property for fourteen (14) days.

Sec. 6-10. Waiting period.

A waiting period of ninety (90) days following the date upon which the Building Department receives a permit application shall be imposed on the demolition of a designated structure which is subject to the provisions of this ordinance. Any objections to the issuance of the permit shall be in writing and received by the Building Department not later than thirty (30) days following the date of mailing of the required notice of intent. Objections shall state the architectural, historic and cultural importance of the subject building or structure. Objections which do not provide such information shall not be considered. In the event that no objections meeting the requirements of this section are received within the time prescribed herein, the Building Official may issue the permit.