

**BOARD OF ALDERMEN
ORDINANCE COMMITTEE MEETING and PUBLIC HEARING
MARCH 3, 2014**

The Ordinance Committee of the Board of Aldermen held a meeting and public hearing on Monday, March 3, 2014. Chairman Smith called the meeting to order at 7:02 p.m.

MEMBERS PRESENT

F. Smith, Chairman
S. Shaw
A. Giannattasio
B. Anderson
M. Casey

ALSO PRESENT

Mayor Benjamin G. Blake
Jonathan D. Berchem, City Attorney

Chairman F. Smith stated the meeting was being held to consider two Ordinances.

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.

Mayor Blake interjected, stating the second Ordinance on the Agenda was being removed. He stated there were subsequent sections that were late to this proposal that have to be refined and/or revised. He stated he would ask the Committee to table the matter.

Ald. Giannattasio and Ald. Shaw made and seconded a motion to table Item 2, An Ordinance Amending Chapter 6, Building and Building Regulations, Article 1, In General; Demolition, Sections 6-5, 6-7 and 6-10, for further information. Motion carried unanimously.

Chairman Smith announced the meeting was being held in accordance with the legal notice posted in the New Haven Register on February 25, 2014. He stated he would entertain a motion to waive the reading of the Ordinances in their entirety.

Ald. Shaw and Ald. Anderson made and seconded a motion to waive the reading of the Ordinance in its entirety. Motion carried unanimously.

Chairman F. Smith opened the public hearing at 7:06 p.m. He asked if anyone wished to speak in favor of the Ordinance.

Speakers in Favor:

D. Rawlinson – 8 Running Wood Road, East Hartford – stated she is an attorney working with various wildlife groups. Reading from a prepared statement she spoke of what happens to these animals as they move from

town to town. She also stated the State of California was the first state to ban certain instruments used in these circuses. She stated any measure passed in Milford would be a meaningful step.

L. Davies – 20 Pamela Drive – stated she was here tonight to ask the Board to pass an Ordinance that bans these exotic animal circuses. Reading from a prepared statement she spoke of the treatment of these animals and the violations these types of venues have incurred. She stated if the circus is allowed to remain, something needed to be put in place to make sure the animals are treated humanely and are free from disease. She stated tonight this Board has the opportunity to stand up for what their constituents want and those citizens who do not want to be a part of animal abuse. She asked the Board to make a difference.

J. Braun – 22 Salem Walk – stated she was addressing the Board tonight as a concerned advocate for animal rights. She stated Cole Brothers has a long list of violations. She continued reading cited the Animal Welfare Act and PETA. She asked the Board not to allow Cole Brothers or any other animal circuses be allowed to come to Milford. She stated there are animal free circuses available and that they have been found to dazzle crowds. She asked the Board to advocate for animal free circuses.

H. Allen – 24 Concord Avenue – stated she agreed with the previous speakers. She spoke of a personal experience with a circus that came to Milford last year. She stated she has worked as a veterinarian technician and knows animal body language. She continued speaking about what she had witnessed. She begged the Board to approve this stating Milford needed this. She asked the Board to please listen.

Speakers in opposition:

G. Beecher – no address given – stated he has had the pleasure of visiting these animals closely in their homes and that he has developed close friendships with their handlers. He stated these animals probably receive better care than some of our children. He stated the thought of suddenly not being able to have these opportunities in to the future would be unfortunate, adding these are family traditions. He asked the Board to give this careful review.

G. Payne – no address given – stated he is an officer with Circus Fans of America. He stated they have numerous members, including some from Milford. He stated he cares about these animals and their treatment. He also spoke of the importance of having evidence to back up some of the claims being made. He stated this Ordinance would end an American institution. Reading from a prepared statement he spoke of the care and love as well as the amount of training animal handlers receives. He asked the Board not to be bullied and take away the rights of the citizens of Milford.

B. Commerford – owner of Commerford Zoo, Goshen, CT. He stated he has owned the farm the last 50 years, which includes exotic animals. He stated they are licensed by the Department of Agriculture. With regard to the comments made about disease, he stated elephants are checked on a yearly basis. He also addressed comments that were made earlier about the types of equipment used on these animals. Mr. Commerford also pointed out elephants are an endangered species and can no longer be brought into this country. He stated he was here tonight to plead the case for the animals. He invited anyone to come to his farm and check it out.

T. Commerford – 48 Torrington Road, Torrington, CT. He stated he is a second generation animal handler and that he has taken care of all types of animals, including zebras, elephants, etc. He stated he is the one who see at the fairs when he drives up in that big tractor trailer. He emphasized this is his livelihood. He also pointed

out the animals are highly trained and know what they are doing. He stated hearing tonight that these animals are beaten is just ludicrous. He stated he loves every animal he handles and that it has been extremely rewarding for him and his family when he brings these animals to various fairs. He reiterated this is his livelihood. He stated what the Board was hearing tonight was textbook PETA propaganda.

F. Panzer – no address given – stated he is a resident here in Milford. He spoke of technology taking over our children’s lives. He stated he was here tonight to ask the Board to keep the circus in Milford and giving children the opportunity to attend.

Chairman Smith closed the public hearing at 7:38 p.m.

Ald. Shaw and Ald. Anderson made and seconded a motion to forward to the full Board of Aldermen with a favorable recommendation An Ordinance Creating Chapter 3, Amusements, Article IV, Exhibition of Wild and Exotic Animals.

Ald. Giannattasio and Ald. Shaw moved to amend the motion as follows:

First paragraph to read: WHEREAS, the use of wild and exotic animals as a form of amusement, entertainment or display *can be* detrimental to the safety of the public, including children and trainers; and

Second paragraph to read: WHEREAS, wild and exotic animals *may* pose a significant danger to audience members, trainers and the public at large; and

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

Fifth paragraph to read: NOW THEREFORE, it is the intent of the Board of Aldermen of the City of Milford to protect the public against *possible* 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

DELETE 8. ~~Squamata (snakes).~~

Sec. 3-45 Prohibition

Delete the following language from the first paragraph of this section: 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.~~ company or organization 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

Add the following language in the same paragraph: *without presentation of the Planning & Zoning Office a current and valid USDA (APHIS “Animal and Plant Health Inspection Service), license thereby certifying compliance with the “Animal Welfare Act” (AWA), no sooner than thirty (30) days prior to exhibition. Such license must be in the name of the actual applicant requesting all other zoning and health inspection permits from the City.*

Sec. 3-47 Penalty

Delete the following language from this paragraph: 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.~~

Ald. Giannattasio thanked the public for coming out. He stated this is a very heartfelt topic for all. He thanked Ald. Smith for bringing this forward, noting it has been something that has been going on for over a year. He stated the Board was looking to propose language that would reflect a balance.

Ald. Smith stated he has been involved with this over the last two years and noted the amount of passion by the animal rights individuals. He also noted Mr. Commerford had expressed his concern. Ald. Smith stated the only municipality that has a prohibition is the City of Stamford, which is mostly in light of the chimpanzee attack several years ago. He also stated in putting this together he spoke with representatives from the Beardsley Zoo who asked him not to pass a sweeping Ordinance that would prevent them from coming into the schools. He also spoke of the regulations of the USDA and their enforcement. Ald. Smith also expressed his appreciation of Board working to something amendable to all.

Ald. Shaw thanked Ald. Smith.

On the main motion, motion failed.

On the amendment to forward it to the full Board, motion carried unanimously.

Being no further business, Ald. Giannattasio and Ald. Shaw made and seconded a motion to adjourn. Motion carried unanimously.

The Committee adjourned at 7:47 p.m.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary