

**Salem City Council Committee of Public Health, Safety and Environment co-posted with the Committee of the Whole met on July 28, 2022, at 6:00 pm.**

In Attendance were PHSE Committee Members: C Prosniewski (Chair), C Merkl, C Varela, C Cohen, C Riccardi

Also in Attendance: COW: C Watson-Felt, C Dominguez, C McClain

Also in Attendance: City of Salem: Health Agent David Greenbaum, Assistant City Solicitor Sharyn Lubas and Animal Control Officer Don Famico

Subject: Code or Ordinances Chapter 8 Animals

C Prosniewski opened the meeting and requested C's Merkl and Varela give an overview of their proposed changes to the Animal Ordinance.

C Merkl began with a short introduction stating how her conversations with residents about coyotes and the changing habits of our wildlife compelled her to review our current ordinance. C Merkl talked about the increase in incidents with coyotes approaching people, and how some small dogs and cats have been lost to coyote attacks. C Merkl also discussed the increase in coyote activity, along with an increase in skunks, racoons and rats, being directly related to the feeding of wildlife.

C Varela shared his screen and gave an overview of the current ordinance and newly proposed changes. A request was made to skip to Sec 8-40, Feeding of Wild Animals, Wildlife and Birds to get input from our Health Agent, David Greenbaum, who was on a time limit. Committee agreed.

C Varela read the proposed changes to the committee which Assistant City Solicitor, Sharyn Lubas, found agreeable.

C Merkl spoke about the proposed language prohibiting the feeding of wildlife on public land, including leaving unsealed food containers out and uncovered compost.

C Cohen expressed concern about rats in Forest River Park and other areas, and ask D Greenbaum if it can be from people leaving food out.

D Greenbaum said it is possible, and also keeping dumpsters closed and sealed helps as well.

C Riccardi asked if “baiting” being included in the language is a conflict with rodent control.

D Greenbaum said he does not see this as a conflict, and that we don’t bait on public land, it’s prohibited by pesticide application rules per Board of Health.

C Dominguez asked about defining wildlife and expressed concern about accidental feeding leading to people being fined.

D Famico explained the differences between wildlife and domesticated animals, and stated accidental feeding is not a violation.

S Lubas said the definition of wildlife is further defined by the state.

D Greenbaum agreed there would be no fine for accidental feeding.

C Riccardi asked for a description of what a “catch basin” is as related to bird feeders, which was clarified by C Varela and C Merkl. She also suggested some definitions become recommendations.

D Greenbaum said the ordinance language is well written and catch basins will help keep rodent population down.

C Varela asked about enforcement and who should be listed as responsible for this.

D Greenbaum said it’s under MGL that the Health Dept enforces if nuisance property is involved so it would be helpful and make sense to add them with inspectional services and the animal control officer.

C Prosniewski agreed if it’s under MGL Ch 111 giving the Board of Health authority for enforcement, we should add them in.

D Famico was pleased to see the amended ordinance specifically address those who intentionally bring bags of food to public parks and beaches to feed wildlife. He also spoke of his concerns about those who feed their pets outside attracting other wildlife.

C Varela suggested prohibiting “ground feeding” which was agreed to by the committee.

D Greenbaum and C Varela agreed that feeding on the ground is a problem.

C Varela asked to hear from the committee if we should prohibit feeding wildlife on private property.

C Riccardi expressed concerns regarding enforcement.

D Greenbaum said it’s hard to observe to enforce, but if a nuisance is documented, it can be enforced.

D Famico said this ordinance will give us more tools in the toolbox to go after big offenders that are throwing mounds of food out for animals and attracting 40-50 rats.

C Prosniowski asked if we should prohibit people throwing food on the ground.

D Famico answered absolutely and D Greenbaum said that would be my opinion as well, we don’t want to feed wildlife period whether on the ground or somewhere else. D Famico agreed.

Committee agreed on language that birds should only be fed from bird feeders, and it is strongly encouraged that feeders be at least five feet off the ground with catch basins.

**C Varela motioned to adopt amendment Feeding Wild Animals, Wildlife, and Birds, changing “strongly discouraged” to “prohibited” and the language for the feeding of birds as agreed to above. C Merkl 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-no, C Cohen-yes, C Varela-yes, C Prosniowski-yes**

**Motion carries by RCV 4 in favor, 1 against**

### **Sec 8-38 Regulation of Non-domestic Animals**

Regarding Non-domesticated Keeping and Transporting – C Riccardi asked about defining non-domesticated animals and why this section was added. D Famico gave some examples for definition and said we should refer to the state statute for our definitions. He also said this opens up a lot of extra work.

**C Merkl motioned to delete the section on Non-domesticated Keeping and Transporting. C Varela 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion carries by RCV 5 in favor**

### **Non-domesticated Animals Displayed for Public Entertainment or Amusement**

C Merkl suggested the need for more research on this and more exceptions would need to be made for educational and informational purposes.

C Cohen asked if we've had any issues.

D Famico said we have had no issues.

**C Cohen motioned to delete the entire section of 8-37 Regulation of Non-domesticated Animals. C Varela 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion carries by RCV 5 in favor**

### **Sec 8-74 Muzzling**

C Varela talked about this section now being Confinement or Muzzling gives more clarity and more details on what is regulated to make our neighborhoods safer.

C Riccardi said she agrees with these changes being well thought out.

C Merkl said pronouns need to be changed.

**C Varela motioned to accept the new language for Confinement or Muzzling, replacing the original language for Muzzling, with the pronoun changes. C Cohen 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion carries by RCV 5 in favor**

### **Sec 8-77 Penalty for Violation**

D Famico said he wants to stay away from big fines and that they don't often issue multiple fines. He suggests first offense be \$50.00 and subsequent offenses also be \$50.00. He wants to keep the original language in the ordinance that different locations such as parks and beaches.

**C Varela motions to keep original language that includes other locations, deleting the proposed new section, and fines for first offense and subsequent offenses be \$50.00. C Cohen 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion carries by RCV 5 in favor**

### **Sec 8-78 Prohibited Behavior**

C Varela read the proposed section and said it gives Officer Famico a little more say in dog matters additional tools for enforcement.

C Riccardi said this section seems redundant and could conflict with other sections of this ordinance.

C Varela motioned to strike sec 8-78 Prohibited Behavior.

C Prosniewski said we don't need a motion to strike since it is not in the original ordinance and S Lubas agreed.

Committee agreed to strike sec 8-78 Prohibited Behavior

S Lubas said we need to change sec 8-35 fines to \$50.00 each to be consistent

**C Varela motioned to change fines in sec 8-35 to \$50.00, C Riccardi 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion Carries by RCV 5 in favor**

### **Sec 8-79 Non-waiver of Statutory Remedies**

D Famico recommended striking this section because it's redundant.

C Varela asked committee, and all agreed to strike. No vote needed.

### **Public Comment**

Nancy Gilberg, 15 Aurora Lane in Salem thanked the committee for their research and discussion, and is excited to see this pass for wildlife and residents.

C Varela suggested making the wildlife section of the ordinance a new Article 3 section so it's not mixed in with the regulation of dogs.

D Famico said that makes sense to him.

C Riccardi agreed and suggested the purpose statement goes in this section as well.

**C Varela motioned for a separate Article 3 for the new amendments and language regarding wildlife. C Riccardi 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion carries by RCV 5 in favor**

**Councillor Varela motioned to send Ch 8 Animals Amended Ordinance to the full City Council with a positive recommendation for first passage. C Merkl 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Motion carries by RCV 5 in favor**

C Merkl thanked D Famico and C Varela for all their hard work. C Prosniewski followed up with thanking D Famico for all his hard work over the years.

**C Merkl motioned to adjourn. C Varela 2<sup>nd</sup>**

**C Merkl-yes, C Riccardi-yes, C Cohen-yes, C Varela-yes, C Prosniewski-yes**

**Meeting adjourned 8:20 pm**

