

May 31, 2007

SPECIAL COMMITTEE ON ANIMALS AND THE LAW

A.312/S.559

By: Fields/Trunzo
Status: New Bill
Effective: 120th day after becoming law

AN ACT to amend the Agriculture and Markets Law in relation to requiring certain pet dealers to maintain an automatic dialing device to facilitate automatic notification in the event of a fire emergency.

Law and Sections referred to: Amends Agriculture and Markets Law by adding a new section 405-a to require licensed pet dealers, with some exceptions, to put in place a fire alarm system that signals the presence of a fire hazard which will activate an automatic calling device programmed to dial up and transmit an emergency message or code to a predetermined emergency service number. Pet dealers who operate their businesses in their residences are exempted.

Report prepared by: Special Committee on Animals and the Law

THIS BILL IS RECOMMENDED FOR PASSAGE

A.312/S.559 is intended to prevent the kind of tragedy that occurred in December 2004 when a fire destroyed a pet store in Suffolk County, Long Island, killing hundreds of animals. By the time firefighters arrived on the scene, the building was engulfed in flames. Heavy smoke prevented firefighters from entering the building. Destruction of this well-known, long-time, popular establishment was complete. Ironically, the pet store was next to an animal emergency-care center but the veterinarians and technicians could do little under the circumstances. The impact on the community was palpable. Families brought children to place flowers at a makeshift memorial. Another local business was off the tax rolls and not generating sales tax revenue. An eye-sore had sprung up overnight. Drivers on the six-lane Sunrise Highway in front of the pet store took their eyes off the road to see what had happened to the jungle-themed store.

The bill under consideration would require a fire alarm system, consisting of equipment which can be programmed to signal the presence of a fire hazard requiring urgent attention and to which police, fire or emergency medical service agencies may be expected to respond. Through an automatic dialing device activated by a fire alarm system, emergency services would be notified by a voice message or coded signal. Exempted from the measure are pet dealers who operate their business within their residences.

In the opinion of the sponsors of this bill, an early detection system in the Suffolk establishment would have allowed firefighters a greater opportunity to start fighting the fire sooner with a greater likelihood of successful extinguishment and greater chance of saving animals' lives and preserving some portion of the business. The sponsors of the measure say that the cost of the computerized technology of an automatic dialing device of the type contemplated by bill is

minimal to entrepreneurs, particularly to “mom and pop” stores, and that it would have no fiscal implications for the State.

The NYSBA Special Committee on Animals and the Law (“Special Committee”) has identified a number of benefits with public policy and law-related implications which early detection and extinguishment of fires in pet dealer establishments are likely to produce. They include:

- Promoting humane care of companion animals
- Reducing loss of inventory, including but not limited to animals for sale
- Minimizing personal injury and property damage
- Minimizing insurance rate increases due to reduction in risk-of-loss on personal-injury and property damage claims
- Reducing the burden on resources of the community’s first-responders by enabling extinguishment of fire at an earlier, more controllable stage
- Enhancing insurance and law enforcement investigations by helping preserve causative evidence
- Stabilizing the community’s tax base

The Special Committee believes that the impact on an affected community cannot be underestimated. When a local business “goes up in flames,” the impact extends beyond the “bricks and mortar” aspect of the establishment. It goes beyond the unspeakable loss of life of companion animals which we, as members of society, have entrusted to our care. Jobs are lost. Tax receipts drop. A burned-out building can host criminal activity, ranging from vagrancy and arson to drug dealing and illegal sale of firearms. If it happens too many times, insurance rates for the community go up. It has an impact on the municipality as well. If a private business fails to put fire detection and suppression systems in place, it is the police and firefighters who must respond. This leaves fewer first responders available to fight other fires and diminished financial resources for other public services. This burden is particularly troublesome for communities already facing a severe shortage of volunteer firefighters. In short, one entrepreneur’s failure to protect his or her business affects an entire community. Everyone pays.

This bill would enhance the ability of business owners to protect their investment, law enforcement authorities to investigate the cause of destructive fires, municipalities to preserve scarce financial resources, and local citizens to mend the tear in the fiber of their communities caused by devastating fires that are allowed to go undetected while precious minutes or hours are wasted.

For the foregoing reasons, this bill is recommended for passage by the Assembly and the Senate.

Chair of the Committee: Holly Kennedy Passantino, Esq.