

## Memorandum in Support

### COMMITTEE ON ANIMALS AND THE LAW

Animals #7

A. 435

S. 3687

May 19, 2017

By: M of A Rosenthal

By: Senator Addabbo

Senate Committee: Agriculture

Effective Date: **NOTE** difference in effective dates between the two bills

**AN ACT** to amend the agriculture and markets law, in relation to requiring the installation and testing of fire protection systems at pet stores.

**LAW & SECTION REFERRED TO:** Section 407 of the Agriculture and Markets Law.

### THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill would require fire protection and suppression equipment in commercial establishments which house animals in New York State, similar to the current requirement for fire protection and suppression equipment in commercial establishments, such as hotels, which house people. Currently there is no requirement for fire protection in facilities that house animals, although there has long been a mandate for fire protection equipment in facilities that house people.

Passage of this bill will potentially save countless animal lives and human lives. Animals in pet stores are typically caged and locked into those commercial establishments overnight, while the establishments are closed, making their escape impossible without human assistance. The animals' helpless situation is compounded by the use of electrical appliances required to provide the proper care for the animals. For instance, reptiles may require heat lamps or rocks and fish tanks require filters, all of which require the constant use of electricity. Thus, not only are animals trapped if a fire occurs, animals also are exposed to a greater risk of fire breaking out due to the equipment required for their care.

A less immediately obvious, but perhaps more important justification for passage of this bill is its potential to save human lives. Because animals cannot release themselves from their cages in the event of a fire, emergency responders and members of the public sometimes put their own lives at risk, entering the premises in an attempt to save the trapped animals. In fact, firefighters may be more susceptible to being injured while responding to a fire at a pet store since they might enter otherwise unoccupied burning buildings in order to free animals caged inside.

Since the late 1980's, there have been multiple fires in pet stores occurring in New York City and Long Island, in which many animals lost their lives. These include a fire in 1988 at Selmer's Petland, in Huntington, Long Island, where over 150 animals perished. In a 2004 fire in West Islip, Long Island hundreds of animals perished, including over 1000 fish. A 2008 three alarm fire in a Bronx pet store killed more than 100 animals and a 2010 fire in an Astoria, Queens, pet store killed many birds. In the latter example, it was reported to be due only to the heroic and selfless efforts of first responders, who cut through metal gates and locks to gain access to the store to rescue the animals, that more animals did not perish.

In 2012, five dogs died and 70 had to be rescued from an apartment above Pick of the Litter puppy store in Smithtown, Long Island, which was not approved to be housing the dogs on that level of the building. On March 2, 2016, less than 24 hours after being served with a cease and desist order by the Town of Brookhaven, 14 dogs and a cat perished in a fire at a location in Coram, in Suffolk County, which had applied for, but did not yet possess, a business license for Pets Unlimited.

Fires at pet stores also occur upstate. In 2005, a fire at a pet breeding business in Latham killed thirteen dogs, including seven puppies less than eight weeks old; additional dogs were pulled from the burning building by firefighters and saved.

In each of these instances, firefighters put their own lives at risk in order to save animals.

In August 2015, the New York City Council passed an ordinance requiring that all establishments which house animals for twenty-four hours be equipped with automatic sprinkler systems. It is time for New York State to do the same, and provide this protection to animals outside New York City.

The Committee on Animals and the Law supports this bill, but it also respectfully suggests that three amendments should be made. New York State's vast spectrum of different municipalities, from urban to suburban, and rural to farmland, all have different types of water supply systems. Thus, there may be areas of the state in which it is not possible for a building owner to hook up automatic sprinklers from the municipal water supply. This potential scenario is not recognized in the bill, but it should be taken into account. This can be done by exempting buildings located in municipalities in which the municipal water supply will not work with an automatic sprinkler system. If a pet dealer cannot install an automatic sprinkler system because the municipal water system will not support it, they must provide alternative fire extinguishment or control through a system approved by the commissioner. All other fire protection equipment required by the bill would also be required in these buildings.

Secondly, the exemption in subsection 2 of the new Section 407, providing that buildings zoned residential should be removed. If a pet dealer is housing animals, temporarily or permanently, for sale or trade, from a residentially-zoned building, then

those animals require protection as well. There are pet dealers who house animals in trailer houses on their property, and those animals deserve no less protection. Pet dealers should be required to install some sort of fire protection if they take on the responsibility of housing animals, whether in residential or commercial properties.

Finally, as noted above, the two bills supported by this memo contain different effective dates, although the bills are otherwise identical; in an earlier version, the effective dates were also identical. We urge the sponsors to conform the effective dates for the two bills. In addition, we note further that the bill requires owners of existing buildings to retrofit those buildings with the required equipment within a short period of time after the bill becomes effective. Retrofitting buildings will impose construction burdens upon the owners of existing buildings, and the time period provided for doing so should be extended, in both bills, to five years from the effective date.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.