



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

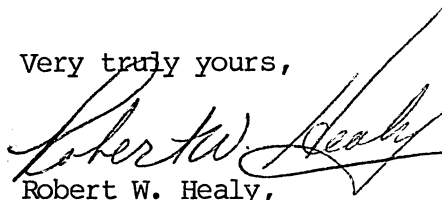
RICHARD C. ROSSI
Deputy City Manager

June 19, 1989

To the Honorable, the City Council:

Enclosed is the ordinance which was agreed to by all three members of the Committee. Also enclosed are two amendments which the Committee wishes to be presented to the City Council. Amendment A has the support of two members; Amendment B supported by one member. In any event, the Committee requested that Section 11-34 be amended to reflect the language of one or the other.

Very truly yours,



Robert W. Healy,
City Manager

RWH/dls

Re: enclosed copy of the ordinance, which was agreed to by all three members of the Mayor's Blue Ribbon Committee on the Care & Use of Animals. Also enclosed are two amendments which the Committee wishes to present to the City Council.

In City Council,

June 19, 1989



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV
ORDINANCE FOR THE CARE AND USE OF LABORATORY
ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution upon a live animal.
- (c) A painful experiment is as defined in 9 CFR Part 1, sec. 1.1.
- (d) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

Section 11-31. COMMISSIONER OF LABORATORY ANIMALS

The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The Commissioner shall neither be aligned with an antivivisection nor a biomedical research organization or movement. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge. The City Manager is authorized to establish fees to be paid by the research institutions to cover implementation of this Ordinance.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution. This member shall be appointed by the chief executive officer of the institution subject to the approval of the CLA.

(a) No person shall sit upon an animal care and use committee who has an economic interest, other than in the funding of an experiment or in salary, in experiments that come before the animal care and use committee.

(b) No more than one-half of the membership of an animal care and use committee shall be composed of persons who engage in experiments subject to review by the animal care and use committee.

(c) All members of the animal care and use committee shall have unrestricted access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the CLA.

(d) Descriptions of all experiments conducted at the research institution, written in easily understood language, shall be provided to the animal care and use committee. These descriptions shall include the number and species of animals killed during or after each experiment and the manner

in which they are to be killed, and shall justify the number and species of animals used in the experiment as well as the experiment's scientific necessity.

(e) Each animal care and use committee shall keep accurate minutes of its deliberations and regularly forward them to the CLA. Section 11-35.

REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

(a) The number of species of animals used in the previous year.

(b) The results of all federal and state inspections concerning animal care and use in the previous year.

(c) The name and occupation of the non-affiliated members of the animal care and use committee.

(d) The dates of meetings of the animal care and use committee held in the previous year.

(e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual

visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. TRADE SECRETS

It shall be unlawful for any member of an animal care and use committee to release any confidential information of the research institution including information that concerns or relates to:

- (1) Trade secrets; or,
- (2) Confidential statistical data, amount or sources of income, profits, losses or expenditures of the research institution to any person but the Commissioner.

Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.

Section 11-39. VIOLATIONS

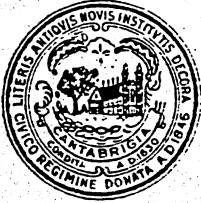
Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense. The Commissioner, after hearing, may withdraw the registration and order closed any research institution or portion thereof that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected.

Section 11-40. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on June 12, 1989 and on or after June 26, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting the existing Section 11.33 of the Fast Order Food Establishment, which reads as follows:

11.33 Establishments within 1750 square feet or less of gross floor area and with no more than five employees within a twenty-four hour period shall be exempt from the provisions of the Zoning Ordinance which pertain to Fast Food Establishments.

In City Council June 12, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 9;
Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk.

AMENDMENTS TO THE ORDINANCE SUBMITTED BY THE CITY SOLICITOR

June 12, 1989

The ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE submitted by the Cambridge City Solicitor on the 21st of June, 1989 shall be amended as follows:

①.) Delete the last two sentences of the first paragraph of Section 11-34; insert the following sentence in their place: "Each Animal Care and use committee shall have an animal welfare advocate appointed by the Commissioner for Laboratory Animals.

ALTERNATELY: "The MSPCA shall provide the Chief Executive Officer of the institution with a list of qualified animal advocates from which to choose. The appointment is subject to the approval of the Commissioner for Laboratory Animals."

ALTERNATELY: "This member shall be appointed by the City Manager in consultation with the Chief Executive Officer of the institution and the Commissioner for Laboratory Animals".

②.) Add the following to Section 11-39:

"The Commissioner of Laboratory Animals or any ~~any~~ humane society or association whose agents may serve as special police officers pursuant to G.L. c.147 sec. 10. may bring suit in the Superior Court to enjoin any violations of the Ordinance and to enforce its provisions and shall receive reasonable attorney's fees if a prevailing party."

③.) Amend Section 11-31, paragraph 2 to delete the word "Joint" as it misnames the report; and add the following phrase to the last sentence of the section "and shall promulgate appropriate regulations."

④.) Amend Section 11-35(a) to change the second word "of" to "and", as this was a typographical error.

⑤.) Amend Section 11-35(b) to delete the word "non-affiliated".

⑥.) Amend Section 11-33 as follows:

a.) The existing section shall be renamed Section 11-33(a).

b.) Add the following section named Section 11-33(b):

"Pursuant Cambridge City Council Order dated May 11, 1987, the Draize test and the LD-50, LD-25, LD-75 or other similar tests are hereby prohibited in the City of Cambridge except as required by Federal or State law."

⑦.) The word "one-half" in section 11-34(b) shall be replaced by the word "one-third".

⑧.) Amend Section 11-35 by adding the following sections 11-35(f):

"Section 11-35(f) Documentation that all euthanasia has been performed in compliance with all State and Federal statutes and regulations and with the American Veterinary Medical Association's most recent "Panel on Euthanasia Recommendations."



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Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

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- (c) A painful experiment is as defined in 9 CFR Part 1, sec. 1.1.
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conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

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The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The Commissioner shall neither be aligned with an antivivisection nor a biomedical research organization or movement. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 ~~Joint~~ ^{DELETE [see item (3.)]} Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge, ^{and shall promulgate appropriate regulations.} [SEE (3.)]

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge. The City Manager is authorized to establish fees to be paid by the research institutions to cover implementation of this Ordinance.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

← insert LD-50/Draize ban [SEE (6)]

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-

33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution. This member shall be appointed by the chief executive officer of the institution subject to the approval of the CLA.

SEE (1)

DELETE

the CLA

(a) No person shall sit upon an animal care and use committee who has an economic interest, other than in the funding of an experiment or in salary, in experiments that come before the animal care and use committee.

(b) No more than ^{one-third} ~~one-half~~ of the membership of an animal care and use committee shall be composed of persons who engage in experiments subject to review by the animal care and use committee. [SEE (7)]

(c) All members of the animal care and use committee shall have unrestricted access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the CLA.

(d) Descriptions of all experiments conducted at the research institution, written in easily understood language, shall be provided to the animal care and use committee. These descriptions shall include the number and species of animals killed during or after each experiment and the manner

(e) Each animal care and use committee shall keep accurate minutes of its deliberations and regularly forward them to the CIA.

Section 11-35. REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CIA at the time of his annual visit:

(a) The number of species ^{and [see (4.)]} of animals used in the previous year.

(b) The results of all federal and state inspections concerning animal care and use in the previous year.

(c) The name and occupation of ~~the non-affiliated~~ ^{DEL. [see (6.)]} members of the animal care and use committee.

(d) The dates of meetings of the animal care and use committee held in the previous year.

(e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CIA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CIA shall make ^{unannounced (?)} ~~at least~~ ^{minimum} one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CIA may inspect any animal care and use committee reports and documents on his annual visit. The CIA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CIA

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Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense. The Commissioner, after hearing, may withdraw the registration and order closed any research institution or portion thereof that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected.

insert injunction of violations [see (2.)]

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In the Year One Thousand, Nine Hundred Eighty-Nine

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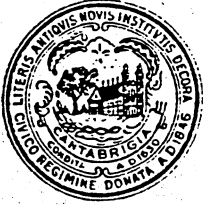
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ATTEST:- Joseph E. Connarton
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(b) The results of all federal and state inspections concerning animal care and use in the previous year.

(c) The name and occupation of the non-affiliated members of the animal care and use committee.

(d) The dates of meetings of the animal care and use committee held in the previous year.

(e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual

visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. TRADE SECRETS

It shall be unlawful for any member of an animal care and use committee to release any confidential information of the research institution including information that concerns or relates to:

- (1) Trade secrets; or,
- (2) Confidential statistical data, amount or sources of income, profits, losses or expenditures of the research institution to any person but the Commissioner.

Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.

Section 11-39. VIOLATIONS

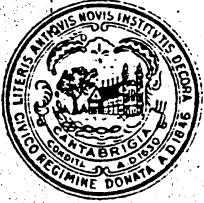
Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense. The Commissioner, after hearing, may withdraw the registration and order closed any research institution or portion thereof that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected.

Section 11-40. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on June 12, 1989 and on or after June 26, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV
ORDINANCE FOR THE CARE AND USE OF LABORATORY
ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution upon a live animal.
- (c) A painful experiment is as defined in 9 CFR Part 1, sec. 1.1.
- (d) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

Section 11-31. COMMISSIONER OF LABORATORY ANIMALS

The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. (The Commissioner shall neither be aligned with an antivivisection nor a biomedical research organization or movement.) The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge. The City Manager is authorized to establish fees to be paid by the research institutions to cover implementation of this Ordinance.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution. This member shall be appointed by the chief executive officer of the institution subject to the approval of the CLA.

(a) No person shall sit upon an animal care and use committee who has an economic interest, other than in the funding of an experiment or in salary, in experiments that come before the animal care and use committee.

(b) No more than one-half of the membership of an animal care and use committee shall be composed of persons who engage in experiments subject to review by the animal care and use committee.

(c) All members of the animal care and use committee shall have unrestricted access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the CLA.

(d) Descriptions of all experiments conducted at the research institution, written in easily understood language, shall be provided to the animal care and use committee. These descriptions shall include the number and species of animals killed during or after each experiment and the manner

in which they are to be killed, and shall justify the number and species of animals used in the experiment as well as the experiment's scientific necessity.

(e) Each animal care and use committee shall keep accurate minutes of its deliberations and regularly forward them to the CLA. Section 11-35.

REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

(a) The number of species of animals used in the previous year.

(b) The results of all federal and state inspections concerning animal care and use in the previous year.

(c) The name and occupation of the non-affiliated members of the animal care and use committee.

(d) The dates of meetings of the animal care and use committee held in the previous year.

(e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual

visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. TRADE SECRETS

It shall be unlawful for any member of an animal care and use committee to release any confidential information of the research institution including information that concerns or relates to:

- (1) Trade secrets; or,
- (2) Confidential statistical data, amount or sources of income, profits, losses or expenditures of the research institution to any person but the Commissioner.

Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.

Section 11-39. VIOLATIONS

Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense. The Commissioner, after hearing, may withdraw the registration and order closed any research institution or portion thereof that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected.

Section 11-40. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on June 12, 1989 and on or after June 26, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 16, 1989

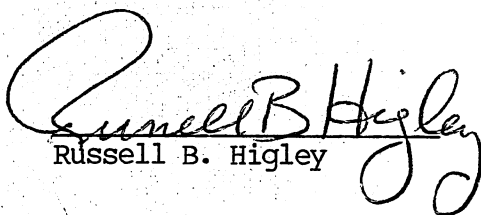
To The Honorable City Council
City Hall
Cambridge, MA 02139

Re: Care and Use of Laboratory Animals

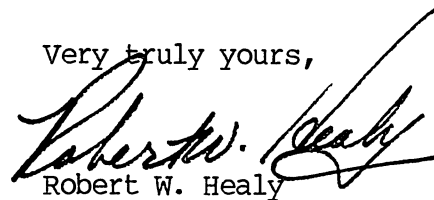
Dear Mayor Vellucci and City Councillors:

The City Manager and the City Solicitor met with the Mayor's Blue Ribbon Committee on Thursday, June 15, 1989 at 4:30 p.m.

Enclosed is the ordinance which was agreed to by all three members of the Committee. Also enclosed are two amendments which the Committee wishes to be presented to the City Council. Amendment A has the support of two members; Amendment B supported by one member. In any event, the Committee requested that Section 11-34 be amended to reflect the language of one or the other.


Russell B. Higley

Very truly yours,


Robert W. Healy



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV
ORDINANCE FOR THE CARE AND USE OF LABORATORY
ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution upon a live animal.
- (c) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

Section 11-31. COMMISSIONER OF LABORATORY ANIMALS

The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The CLA should neither be aligned with an antivivisection or research institution. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution.

Section 11-35. REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

- (a) The number and species of animals used in the previous year.
- (b) The results of all federal and state inspections concerning animal care and use in the previous year.
- (c) The name and occupation of the non-affiliated members of the animal care and use committee.
- (d) The dates of meetings of the animal care and use committee held in the previous year.
- (e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. VIOLATIONS

Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense.

Section 11-39. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.



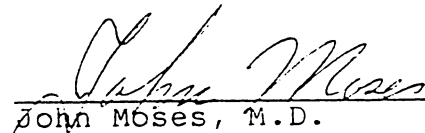
4/4/89

RECOMMENDATIONS PROPOSED BY JOHN MOSES AND STUART WILES

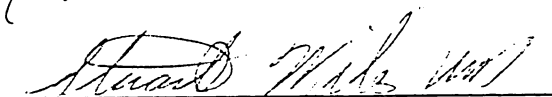
For the Appointment of a Non-affiliated Member to the
animal care and use committee

1. An individual not affiliated with the institution in any way and who is neither alligned with an antivivisection nor a biomedical research or other biotechnical organization or movement shall be appointed to the animal care and use committee. The non-affiliated person should be knowledgable about animal welfare philosophy and about the purpose of scientific research. The appointment of the non-affiliated member shall be made by the chief executive of the institution for a term of one year subject to renewal at the expiration of the term. Appointment and renewal shall be binding only on approval of the Commissioner of Laboratory Animals.

Signed:



John Moses, M.D.



Stuart Wiles, V.M.D.

RECOMMENDATION PROPOSED BY STEVEN WISE

For the Appointment of a non-affiliated member
to each animal care and use committee

1. Each animal care and use committee shall be broad-based in its membership and include at least one member unaffiliated with the research institution who shall be an animal welfare advocate appointed by the Commissioner of Laboratory Animals in cooperation with local animal welfare groups.

City of Cambridge

MASSACHUSETTS

In City Council

June 26 1989

~~C. Graham~~ (Atty. Wise Amendment Be Included)

(Substitute for C. Duchay's Amend)	With Substituted Ordinance			
	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay		✓		
Ms. Sandra Graham	✓			
Mrs. Sheila T. Russell		✓		
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan		✓		
Mr. William H. Walsh		✓		
Ms. Alice K. Wolf		✓		
Mayor Alfred E. Vellucci	✓			

2 6 1

Failed of Adoption

City of Cambridge

MASSACHUSETTS

In City Council June 26 1989

*C. Duehan - Dr. Mrs / Dr. Wife. Be Included with
(Sub. Y. 206) Ordinance*

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓	✓		
Mrs. Sheila T. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Alfred E. Vellucci		✓		

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City of Cambridge

MASSACHUSETTS

In City Council _____ 198

E. W. M.

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay		✓		
Ms. Sandra Graham	✓			
Mrs. Sheila T. Russell		✓		
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan		✓		
Mr. William H. Walsh		✓		
Ms. Alice K. Wolf	✓			
Mayor Alfred E. Vellucci	✓			

3 5 1

AMENDMENT

For the Appointment of a Non-affiliated Member to the Animal Care and Use Committee of each Research Institution.

The Commissioner of Laboratory Animals shall provide a list of community members who meet the following qualification: An individual not affiliated with the institution in any way and who is neither aligned with an antivivisection nor a biomedical research or other biotechnical organization or movement. The person should be knowledgeable about animal welfare philosophy and about the purpose of scientific research. The list contain at least three names.

The chief executive officer of the institution shall appoint the non-affiliated member of the institutional animal care and use committee from the list provided by the Commissioner. The appointment shall be for a term of one year, subject to renewal at the expiration of the term. Renewal shall be subject to approval of the Commissioner of Laboratory Animals.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

June 28, 1989

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of an amendment to the Zoning Ordinances of the City of Cambridge relative to Veterinary Establishments.

Enclosed also you will find copies of two proposed amendments to the General Ordinances as follows:

1. Regulation of vicious dogs
2. Ordinance on the Care and Use of Laboratory Animal in the City of Cambridge.

All of these amendments were passed to be ordained at the City Council meeting held on June 26, 1989.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3) Ordinance Numbered 1087, 1088 and 1086.

c.c. Councillor William Walsh, Chairman, Committee on Ordinances.
Joseph Cellucci, Commissioner of Inspectional Services.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to the Zoning Ordinances of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Amend the text of the Zoning Ordinance of the City of Cambridge by deleting existing line 4.35 1. Veterinary establishment, kennel, pet shop or similar establishment and substitute therefor the following:

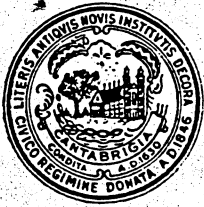
4.35. 1. Veterinary establishment, No No No No No Sp Sp Sp¹⁰ Sp Sp Sp No Sp No
kennel, pet shop or similar
establishment.²⁹

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:-
Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

‡ C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV
ORDINANCE FOR THE CARE AND USE OF LABORATORY
ANIMALS IN THE CITY OF CAMBRIDGE

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conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

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The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

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City of Cambridge

In City Council June 26, 1989.

Passed to be ordained as amended by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

City of Cambridge

Lab Animals

MASSACHUSETTS

In City Council

June 26

1989

C.W. Sullivan Unfinished Business #7 / As Substituted

(§ 11.34) by C.D. Sullivan and amended

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mrs. Sheila T. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Alfred E. Vellucci	✓			

8 0 1

*C.W.S
MS
MP*



OFFICE OF THE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9090

Alfred E. Vellucci
Mayor

May 31, 1989

Dr. John Moses, Chairman
Animal Care Committee
M.I.T. Room 45-104
77 Massachusetts Avenue
Cambridge, MA 02139

Dear Dr. Moses:

We wish to thank all of the members of the Mayor's Blue Ribbon Committee on Laboratory Animals for your hard work in assembling the information the City Council requested.

We have received the final report of your latest efforts, and would request your presence at the Council Meeting of Monday, June 5, 1989 at 6:00 p.m. The Council has scheduled a hearing at this time to discuss the findings of the Blue Ribbon Committee.

Please notify my office at your earliest possible convenience of your intention to attend.

Thank you for your assistance.

Cordially,

A handwritten signature in cursive script that reads "Alfred E. Vellucci".

Alfred E. Vellucci
Mayor

AEV/mev



OFFICE OF THE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9090

Alfred E. Vellucci
Mayor

May 31, 1989

Dr. Stuart Wiles
25 Fresh Pond Place
Cambridge, MA 02138

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Mayor

AEV/mev



OFFICE OF THE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9090

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May 31, 1989

Attorney Steven Wise
896 Beacon Street, Suite 303
Boston, MA 02115

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Mayor

AEV/mev



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

June 21, 1989

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Approved
R.B.H.

Dear Sir:

Enclosed you will find two amendments which were acted upon by the City Council at its meeting of June 12, 1989 as follows:

1. A proposed amendment to the General Ordinances relative to the Care and Use of Laboratory Animals which was passed to a second reading.
2. A proposed amendment to the Zoning Ordinances to delete section 11.33 of the Fast Order Food Establishment, which was passed to be ordained.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Encs. (2) First Publication Number 2451 & Ordinance Number 1085.

c.c Councillor William Walsh, Chairman, Committee on Ordinances
Joseph Cellucci, Commissioner of Inspectional Services.

LAW DEPARTMENT
'89 JUN 21 PM 2 50



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

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JEC/dl

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c.c Councillor William Walsh, Chairman, Committee on Ordinances
Joseph Cellucci, Commissioner of Inspectional Services.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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City of Cambridge

In City Council June 26, 1989.

Passed to be ordained as amended by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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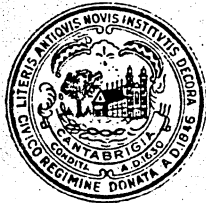
City of Cambridge

In City Council June 26, 1989.

Passed to be ordained as amended by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

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An individual not affiliated with the institution in any way and who is neither aligned with an antivivisection nor a biomedical research or other biotechnical organization or movement shall be appointed to the animal care and use committee. The non-affiliated person should be knowledgeable about animal welfare philosophy and about the purpose of scientific research. The appointment of the non-affiliated member shall be made by the chief executive of the institution for a term of one year subject to renewal at the expiration of the term. Appointment and renewal shall be binding only on approval of the Commissioner of Laboratory Animals.

Section 11-35. REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

- (a) The number and species of animals used in the previous year.
- (b) The results of all federal and state inspections concerning animal care and use in the previous year.
- (c) The name and occupation of the non-affiliated members of the animal care and use committee.
- (d) The dates of meetings of the animal care and use committee held in the previous year.
- (e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. VIOLATIONS

Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense.

Section 11-39. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

City of Cambridge

In City Council June 26, 1989.

Passed to be ordained as amended by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

TO _____ DATE _____ TIME _____

WHILE YOU WERE OUT

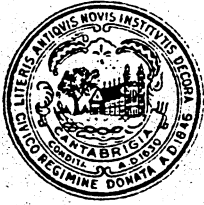
_____ PHONE _____

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	

MESSAGE _____

MESSAGE RECEIVED BY _____

June 19th
Substitution version
- which was tabled



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution upon a live animal.
- (c) A painful experiment is as defined in 9 CFR Part 1, sec. 1.1.
- (d) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

Section 11-31. COMMISSIONER OF LABORATORY ANIMALS

The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The Commissioner shall neither be aligned with an antivivisection nor a biomedical research organization or movement. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge. The City Manager is authorized to establish fees to be paid by the research institutions to cover implementation of this Ordinance.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution. This member shall be appointed by the chief executive officer of the institution subject to the approval of the CLA.

(a) No person shall sit upon an animal care and use committee who has an economic interest, other than in the funding of an experiment or in salary, in experiments that come before the animal care and use committee.

(b) No more than one-half of the membership of an animal care and use committee shall be composed of persons who engage in experiments subject to review by the animal care and use committee.

(c) All members of the animal care and use committee shall have unrestricted access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the CLA.

(d) Descriptions of all experiments conducted at the research institution, written in easily understood language, shall be provided to the animal care and use committee. These descriptions shall include the number and species of animals killed during or after each experiment and the manner

in which they are to be killed, and shall justify the number and species of animals used in the experiment as well as the experiment's scientific necessity.

(e) Each animal care and use committee shall keep accurate minutes of its deliberations and regularly forward them to the CLA. Section 11-35.

REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

(a) The number of species of animals used in the previous year.

(b) The results of all federal and state inspections concerning animal care and use in the previous year.

(c) The name and occupation of the non-affiliated members of the animal care and use committee.

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Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

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visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. TRADE SECRETS

It shall be unlawful for any member of an animal care and use committee to release any confidential information of the research institution including information that concerns or relates to:

- (1) Trade secrets; or,
- (2) Confidential statistical data, amount or sources of income, profits, losses or expenditures of the research institution to any person but the Commissioner.

Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.

Section 11-39. VIOLATIONS

Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense. The Commissioner, after hearing, may withdraw the registration and order closed any research institution or portion thereof that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected.

Section 11-40. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on June 12, 1989 and on or after June 26, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

June 9, 1989

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

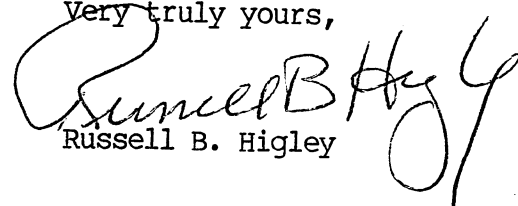
Re: Care & Use of Laboratory Animals

Dear Mr. Healy:

Pursuant to a Council Order by Mayor Vellucci dated June 5, 1989, I am enclosing an amendment to the General Ordinances relative to the care and use of laboratory animals. I used the report dated April 11, 1989 entitled "Joint Recommendations of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge" to prepare the enclosed ordinance. I incorporated a number of provisions from the draft ordinance supplied by Steven Wise and modified some provisions myself.

According to Dr. Wiles, it does not appear that there would be further agreement by the Committee relative to any additional provisions in the ordinance.

Very truly yours,


Russell B. Higley

RBH/jml
Enclosure



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV
ORDINANCE FOR THE CARE AND USE OF LABORATORY
ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
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- (c) A painful experiment is as defined in 9 CFR Part 1, sec. 1.1.
- (d) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

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The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The Commissioner shall neither be aligned with an antivivisection nor a biomedical research organization or movement. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

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research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

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(b) No more than one-half of the membership of an animal care and use committee shall be composed of persons who engage in experiments subject to review by the animal care and use committee.

(c) All members of the animal care and use committee shall have unrestricted access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the CLA.

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in which they are to be killed, and shall justify the number and species of animals used in the experiment as well as the experiment's scientific necessity.

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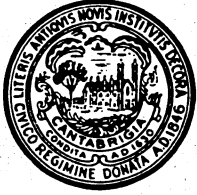
Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.

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Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense. The Commissioner, after hearing, may withdraw the registration and order closed any research institution or portion thereof that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected.

Section 11-40. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 12, 1989

To the Honorable, the City Council:

With respect to a City Council Order dated June 5, 1989, enclosed is a copy of an amendment to the General Ordinances relative to the care and use of laboratory animals.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Amendment to the General Ordinances relative
to the Care and Use of Laboratory Animals.

6/26/89 - Passed to be ordained
as amended 8-0-1

6/29/89 - published - Chronicle

In City Council,

June 12, 1989

Passed to a second
reading

Ordinance as submitted
by C. Solicitor together
with Amendments submitted
by Mayor Vellucci

Referred back to C. Solicitor
for consultation with

C. Mayor & Mayor's Blue
Ribbon Committee
copy sent to C. Solicitor 6/13/89 @