


Arlington Heights lets pet store owner out of 'puppy mill' law for now

 chicago.tribune.com/suburbs/arlington-heights/ct-puppy-mill-law-arlington-heights-tl-20140909-story.html

By Sally Ho

The Arlington Heights village board chose to grant pet store owner Ronald Berning a temporary reprieve from Cook County's so-called "puppy mill ban" because he says it would put him out of business.

An Arlington Heights pet store owner won a temporary reprieve Monday from Cook County's so-called puppy mill law, which was challenged this week in a federal lawsuit.

Arlington Heights village officials made the decision to give Happiness is Pets owner Ronald Berning a break from the law after he told them the new rules would put him out of business.

"All my dogs come from Amish breeders in Indiana," Berning said. "There's nothing wrong with my breeders."

Berning owns five Happiness is Pets stores in the Chicago area, including in Arlington Heights, Naperville, Orland Park, Lombard and Downers Grove. His family has been outspoken in similar fights in Naperville and Orland Park in light of the so-called "puppy mills" issue gaining momentum this year with laws in the city of Chicago, as well as Cook County and the state.

Berning said his store at 15 W. Golf Road has been in Arlington Heights for 15 years and employs eight people.

Berning and other pet store owners filed a federal lawsuit earlier Monday to stop the law, which is set to take effect Oct. 1 unless a home rule municipality like Arlington Heights chooses to opt out of it. The Cook County ordinance limits the sale of dogs, cats and rabbits to those that come from rescue groups, humane societies, government-run shelters or federally licensed breeders who use no more than five reproducing females. The law is aimed at curbing the puppy mills that are notorious for horrid conditions that can produce unhealthy pets.

Berning argues that the law is broad, favors animal shelters and doesn't take into account the variables in a small business like his. He said the dogs he sells come from farms with plenty of space to roam and "phenomenal" care by Amish breeders.

"People are still going to buy a purebred dog, but where are they going to go?" he said. "Why do they call them puppy mills? What's wrong with us if we're a pet store?"

The trustees said they wanted to explore his request for Arlington Heights to opt out because there are uncertainties in the county ordinance.

"The way this is drafted from the county causes me a lot of pause. I'm not a real big fan of over broadened legislation and some of this doesn't give me adequate definitions as to what can or can't be a puppy mill," Trustee Thomas Glasgow said.

Glasgow also said that he has a shelter dog but believes in a "free market." Other village board members also complimented the only dog store in town.

"I've been in your store, done business in your store. It's a nice store and I think you guys do good business," Trustee Jim Tinaglia said.

But Dianne Arp of the Companion Animal Protection Society implored the board to do more research. She said her national organization has been investigating Berning's business for years.

"You can read this in black and white," she said of the inspection documents and her findings.

An Arlington Heights memo indicates Berning's shop has received 32 state complaints over warranty issues, animal health and store cleanliness over the past 14 years.

The trustees said they would grant Berning a temporary reprieve to fully investigate the matter and to formally seek the community's input.

"It doesn't mean that if we opt out that it means our ordinance will be stricter, but chances are, it probably will be," Trustee Joseph Farwell said.

Mayor Thomas Hayes said it gives the village time to work off a similar proposal in Orland Park, which he said both Arp and Berning seemed to accept. Bridgeview has already adopted an opt-out, though an in-house survey showed most other cities affected haven't taken up the issue at all.

The owners of Petland of Hoffman Estates, Petland of Chicago Ridge and the Missouri Pet Breeder's Association, which claims its state is home to more breeders than any other state, were also named as plaintiffs in the lawsuit, which seeks to stop implementation of the Cook County law. The lawsuit is filed against Cook County, including the board of commissioners, board President Toni Preckwinkle and Donna Alexander, the animal and rabies control director.

The suit claims the law is unconstitutional because it is overly vague, violates the Commerce Clause by interfering with interstate commerce, provides unequal protection, impairs business contracts and would put the shop owners out of business and cause them "financial ruin."

A group of Arlington Heights elementary school students pushed for a state law on the issue. Signed into law last month, their bill increased fines against anyone who violates the Animal Welfare Act, which makes it a crime to mistreat animals, and in some cases doubles the cash penalty.

The students were brought up as a point of pride for the village at Monday night's board meeting, though there was no mention of the federal lawsuit.

Tribune reporter Robert McCoppin contributed.