

OPTION "A"

ORDINANCE NO. 17 - ____

**AN ORDINANCE AMENDING
CHAPTER 4 (ANIMAL CONTROL) OF TITLE 10 (POLICE REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

WHEREAS, the Mayor and the City Council of the City of Naperville, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and

WHEREAS, the City has been monitoring legislation and litigation affecting pet stores and the sale of animals from "puppy mills" for several years; and

WHEREAS, the State of Illinois has recently adopted legislation, 226 ILCS 605/3.8, regulating the sourcing of dogs and cats sold by pet stores by preventing pet stores from purchasing companion animals from breeders with USDA inspection violations; and

WHEREAS, the City has two pet stores within the City and desires to adopt the new State legislation concerning the sourcing of dogs and cats sold by pet stores as a local ordinance to allow for increased enforcement at the local level for the protection of companion animals for sale in pet stores; and

WHEREAS, the City has its own Animal Control ordinance setting forth humane treatment of animals within the City; and

WHEREAS, the City desires to increase the protection of companion animals within the City by enhancing the provisions of its Animal Control ordinance to protect companion animals from outside weather situations, and left unattended in cars; and

WHEREAS, the City desires to prohibit animals left outside barking or making other noises, as those animals can often be subject to neglect and can disrupt a neighborhood; and

WHEREAS, microchipping of animals will be required of all animals purchased or adopted through pet stores, shelters and rescue organizations, and those animals impounded by Animal Control, in order to facilitate the return of lost animals to its owner;

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Chapter 4 (Animal Control), of Title 10 (Police Regulations) of the Naperville Municipal Code is hereby amended deleting the stricken language and by adding the underlined language as follows:

Chapter 4 - Animal Control Animal Protection Act

10-4-1: - Definitions

Altered Animal through Animal * * *

Animal Rescue Organization

Any not-for-profit organization which has tax-exempt status under Section 501 (c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes.

Animal Shelter through Dog * * *

Excessive Noise

Habitual or prolonged barking, howling, yelping, whining, meowing, or other sounds indigenous to the animal. Excessive noise caused by engaging or menacing the animal shall not be considered a nuisance violation.

Fowl through Pound * * *

Public Nuisance

Any animal or animals which: (a) chases passersby or passing vehicles. (b) attacks other animals, (c) is at large three (3) or more times within a twelve (12) month period within a year's time, (d) damages private or public property, or (e) barks, howls, cries, or runs at large, makes excessive noise in violation of this Chapter, so as to disrupt the peace of the neighborhood.

Restraint through Wild Animals * * *

10-4-2: - ANIMAL CONTROL OFFICER
through **10-4-4: - IMPOUNDMENT PROCEDURES** * * *

10-4-5: DOGS AND CATS:

10-4-5-1: – RABIES INOCULATION through
10-4-5-3: – RUNNING AT LARGE * * *

10-4-5-4: - PUBLIC NUISANCE

1. It is unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
2. ~~Any dog or cat which habitually barks, howls, yelps, cries, or runs at large so as to disrupt the peace and quiet of the neighborhood or as to materially disturb or annoy persons in the neighborhood is hereby declared to be a public nuisance. It is unlawful for an owned animal to be making excessive noise in violation of this section within city limits.~~

2.1. An owned animal cannot make excessive noise outside for more than 20 minutes from 7 a.m. to 10 p.m., and cannot make excessive noise for more than 10 minutes from 10:01 p.m. to 6:59 a.m.

2.2. A complaint under this section must meet one of the following criteria:

2.2.1. A complaint made by one person, which is accompanied by audio or video recordings depicting excessive noise in excess of the time limit; or

2.2.2. Complaints made by two or more persons, residing in different households, regarding the same animal during the same time frame; or

2.2.3. Complaint made by one person, but corroborated by animal control or law enforcement officer who heard the excessive noise during the time limits herein.

10-4-6: - FOWL AND LIVESTOCK through
10-4-8: - SANITARY AND HEALTH CONDITIONS * * *

10-4-9: - CARE AND TREATMENT OF ANIMALS:

1. Humane Care: No person shall cruelly treat, beat, torment, overload, overwork or otherwise abuse any animal. No owner of an animal shall fail to provide such animal with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when necessary to prevent suffering, and humane care and treatment.
2. Inhumane Treatment: No person shall cause any animal to be subjected to cruel or inhumane treatment, including, but not limited to:
 - 2.1. The unnecessary separation of a female animal from its offspring before such time as the offspring can survive such separation;
 - 2.2. Painting, dyeing or otherwise coloring any animal as a novelty or offering such animal for sale, exchange or adoption;
 - 2.3. Giving an animal, other than fish, as a prize or inducement to any person to enter any competition, contest or place of amusement;
 - 2.4. Offering to give an animal, other than fish, as an inducement for the purpose of attracting trade;
 - 2.5. Promoting, inciting or conducting animal fights or the intentional killing of animals for wagering or entertainment;
 - 2.6. Keeping an animal in any container or other enclosed area without sufficient food, water, light, ventilation and care for an unreasonable length of time so as to cause undue discomfort or suffering;
 - 2.7. Offering baby chicks, ducklings or goslings for sale, barter or to be given away as pets or novelties;
 - 2.8. Holding a greased pig contest;
 - 2.9. The unnecessary killing of any species of an animal except rat, mouse, mole or vole;
 - 2.10. The transporting of any living animal on the running board, fenders, hood or other outside part of any vehicle unless suitable

harness, cage or enclosure is provided so as to protect such animal from falling or being thrown therefrom.

2.11. The exposure of an animal to extreme heat or cold weather conditions wherein the health of the animal is endangered, including, but not limited to showing signs of hypothermia, hyperthermia, frostbite, or similar conditions.

10-4-10: - PROHIBITED ACTS, CONDITIONS through
10-4-13: - EXTERMINATION OF PESTS * * *

10-4-14: - ENFORCEMENT; PENALTIES:

1. Violations: This Chapter shall be enforced by an appropriate ordinance enforcement action, and enforcement may be commenced by the issuance of a notice to appear in accordance with Chapter 38, Section 107-12 of the Illinois Criminal Code, Illinois Compiled Statutes, whenever it appears that a violation of this Chapter has been committed. A notice to appear may provide for settlement of the violation by payment of penalties within five (5) days of receipt of the notice to appear.
2. Penalties: Any person violating any provisions of this Chapter, unless otherwise provided herein, shall be subject to a fine of ~~fifty~~ seventy-five dollars (~~\$50.00~~) (\$75.00) for the ~~second offense~~ first citation, ~~seventy-five~~ one hundred and fifty dollars (~~\$75.00~~) (\$150.00) for the ~~third offense~~ second citation, and ~~one hundred and fifty~~ three hundred dollars (~~\$150.00~~) (\$300.00) for the ~~fourth~~ third and subsequent ~~offenses~~ citations within a 12-month period. Service of summons may be by certified mail in accordance with Chapter 24, Section 1-2-9.1 of the Illinois Municipal Code.

10-4-15: - MICROCHIPPING:

1. All cats and dogs adopted from an animal shelter or animal rescue organization or purchased from a pet store operator must be microchipped before the owner takes possession of the animal.

2. All cats and dogs impounded by Animal Control without a microchip will be microchipped, at the owner's expense, prior to returning the animal to the owner.

10-4-16: - COMPANION ANIMALS LEFT IN CARS:

1. Owners are encouraged to never leave animals in their cars, regardless of the weather conditions;
2. Owners that intend on leaving their animal in their car must provide shade, ventilation, water for hydration, and other reasonable items to ensure their animal's health.
3. No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in signs of physical distress by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.
 - 3.1. No one shall leave an animal in a motor vehicle in the following conditions:
 - 3.1.1. Outside weather temperature is higher than 80 degrees Fahrenheit or colder than 32 degrees Fahrenheit, unless the breed of the dog is such that the dog can withstand freezing temperatures;
 - 3.1.2. Weather emergency situations such as tornado watches or warning, significant rainfall with potential for flooding, or blizzard-like conditions. Animal Control and police officers can make reasonable judgements on what else constitutes a weather emergency
 - 3.2. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner.

10-4-17: - SOURCING OF ANIMALS SOLD BY PET SHOP OPERATORS:

1. A pet shop operator must comply with all requirements of 225 ILCS 605/3.8, as may be amended from time to time, and may not obtain a cat or dog of any age for resale or sale in violation of 225 ILCS 605/3.8.
2. A pet shop operator shall maintain records verifying its compliance with this 225 ILCS 605/3.08 for two (2) years after obtaining the cat or dog for resale or sale. Records maintained pursuant to 225 ILCS 605/3.8 shall be open to inspection on request by a Naperville Animal Control Officer.

SECTION 2: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steven Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk