

**ORDINANCE NO. 18 - \_\_\_\_**

**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 substandard breeders for several years; and

**WHEREAS**, the State of Illinois has adopted legislation, 226 ILCS 605/3.8, Sourcing of dogs and cats sold by pet stores, 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 “sourcing of dogs and cats sold by pet stores’ legislation 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**, pet stores within the City understand the importance of spay and neutering animals sold in pet stores as a method of decreasing the number of animals that end up in shelters, and understand the importance of providing warranties on the animals they sell; 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 by adding the following language:

Animal Control

**Animal Protection Act**

**10-4-1: - Definitions**

**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.

**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.

**Public Nuisance**

~~4.) 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.~~

10-4-2 through 10-4-5-3 \* \* \*

**10-4-5-4: - PUBLIC NUISANCE**

1.) \* \* \*

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 through 10-4-8**

\*

\*

\*

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

1.)

\*

\*

\*

2.) No person shall cause any animal to be subjected to cruel or inhumane treatment, including, but not limited to:

2.1. Through 2.10

\*

\*

\*

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 through 10-4-13**

\*

\*

\*

**10-4-14: - ENFORCEMENT; PENALTIES**

1.)

\*

\*

\*

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 and the microchip registration process must be initiated with a national microchip registry to include the name and contact information of the owner before the owner takes possession of the animal.
- 2.) All animals impounded by Animal Control without a microchip will be microchipped and registered to the owner, 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. Temperature 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

4.) In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or other person authorized by law, 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 605/3.08, 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.

#### **10-4-18: Requirements on the Sale of Animals by Pet Shop Operators**

1.) Pet Shop Operators shall offer its own hereditary and congenital warranty on a dog or cat for a minimum of 48 months from the date of consumer purchase.

In addition to any statutory remedies for customers provided under the Animal Welfare Act, the warranty shall require the Pet Shop Operators to refund the purchase price of the animal if warranty provisions are met.

- 2.) All pet shop operators must take steps to actively promote and encourage the spay and neutering of dogs and cats sold within the City either through the distribution of educational materials about the health benefits of spay and neutering to each new owner or through payment of spay or neutering procedures.
- 3.) The most recent USDA inspection report from each breeding facility sourcing animals to Pet Shop Operators shall be available for inspection upon request by a Naperville Animal Control Officer. It shall be a violation of this Ordinance to sell any animal sourced by a commercial breeding facility required to be licensed with the USDA without having a copy of the last USDA inspection report for the breeding facility.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

Steve Chirico  
Mayor

ATTEST:

---

Pam Gallahue, Ph.D.  
City Clerk