

ORDINANCE NO. 20 - ____
AN ORDINANCE AMENDING
CHAPTER 4 (ANIMAL CONTROL) OF TITLE 10 (POLICE REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

1. **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
2. **WHEREAS**, the City has been monitoring legislation and litigation affecting pet stores and the sale of animals from “puppy mills” for several years; and
3. **WHEREAS**, a significant number of puppies and kittens sold at pet shops comes from commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and
4. **WHEREAS**, inadequate conditions at commercial breeders can lead to behavioral and health issues in the puppies and kittens and ultimately lead to increased financial and emotional costs for the purchasing consumer; and
5. **WHEREAS**, creating greater standards of care for animals at commercial breeders who source dogs and cats sold at pet shops within the City will alleviate the increased financial and emotional costs for the purchasing consumer, as well as possible future relinquishments to shelters.

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: The Recitals set forth above are incorporated herein in their entirety by reference.

SECTION 2: 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

10-4-1: - DEFINITIONS through 10-4-16 COMPANION ANIMALS LEFT IN CARS

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

1.) Restrictions on the Sale of Dogs and Cats

1.1. A pet shop operator may offer for sale only dogs and cats sourced from breeders and dealers that comply with the following standards for the care of their animals:

1.1.1. Primary enclosures for animals must have floors that protect the dogs' and cats' feet and legs from injury, that do not allow the animals' feet to pass through, or become wedged or entrapped in openings in the floor, provide sufficient space to allow each dog and cat to turn, stand, sit, lie and walk in a comfortable, normal manner and shall consist of grass, gravel, cement, solid plastic or vinyl, or slatted flooring. Tethering of dogs is not allowed as a primary enclosure.

1.1.2. Each animal housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog or cat in inches (measured from the tip of its nose to the base of its tail) plus 6 inches, then double that result to find the required floor space in inches. Then divide the product by 144 to find the required floor space in square feet. The calculation is: (length of the dog in inches+ 6) x (length of the dog in inches + 6) x 2 = required floor space in inches. Required floor space in inches / 144 = required floor space in square feet. The interior height of a primary enclosure must be sufficient to allow the tallest dog in the enclosure to stand on his or her hind legs without touching the roof of the enclosure.

1.1.3. Primary enclosures may not be stacked or otherwise placed above or below any other primary enclosure.

1.1.4. Indoor/sheltered housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature must not fall below 45 °F (7.2 °C), or rise above 85 °F (29.5 °C) when animals are present. For breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats, the ambient temperature in the facility must not fall below 50 °F (10 °C).

1.1.5. Female dogs must be given adequate rest between breeding cycles and may not be bred to produce more than two litters in any 18 month period nor more than six litters during that dog's lifetime. Small breed female dogs (weighing less than 40 pounds when fully mature) may not be bred before they reach the age of 18 months, or after they reach the age of 9 years. Large breed female dogs (weighing 40 pounds or more when fully mature) may not be bred before they reach the age of two years, or after they reach the age of 7 years. Breeding dogs must be screened for known inheritable diseases that may be disabling or likely to significantly affect the lifespan or quality of life of the offspring. No dog shall be bred unless the dog is free from health conditions that may be disabling or likely to significantly affect the lifespan or quality of life of the offspring. Any canine caesarian section must be performed by a licensed veterinarian.

1.1.6. Provide adequate preventive care for dogs and cats to include at a minimum: core vaccinations recommended by the current

version of the American Animal Hospital Association Canine Vaccination guidelines; rabies vaccinations for all dogs over the age of four months to be administered by a veterinarian; and regular administration of medications to prevent intestinal parasites, heartworm disease, fleas, and ticks. Each dog and cat must receive at least one hands-on comprehensive veterinary exam during each 12-month period.

1.1.7. Require adequate grooming that includes regular grooming of the fur, nail trimming, and dental care as needed for the safety and comfort of each dog based on that dog's breed, or at least twice a year.

1.1.8. Provide animals daily access to exercise areas and meaningful socialization with humans and compatible animals. Forced exercise methods such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirement of this section. Socialization shall include positive physical interaction for every dog over the age of six weeks for a total of at least 30 minutes per day with at least one human. For adult dogs, the interaction may involve multiple dogs at a time, as long as those dogs are compatible with one another. For dogs younger than six months of age, the interaction may not involve multiple dogs at a time. Positive physical interactions include, but is not limited to, petting, stroking, grooming, feeding, playing with, exercising, or other touching which is beneficial to the well-being of the dog.

1.1.9. Humanely treat animals no longer used for breeding and unsold offspring, to include reasonable efforts to place the dog or cat or offspring with adoptive families or rescue

organizations. In no circumstances may auctions be used to place animals.

1.1.10. Potable liquid water should continuously be available to dogs and cats. Water receptacles must be kept clean and sanitized.

1.2 Record Keeping and Disclosure: A pet shop operator shall maintain records stating the name and address of the breeder or dealer supplying the animal and sufficient proof that the breeder or dealer is following the standards set forth in 10-4-17. Such records shall be made available, immediately upon request City of Naperville Animal Control and submitted annually, and no later than May 1 of each year to the City of Naperville Animal Control.

1.3 Penalties: Any person violating any provisions of this Section shall be subject to a fine of five hundred dollars (\$500.00) for the first citation, seven hundred fifty dollars (\$750.00) for the second citation, and no more than one thousand dollars (\$1000.00) for the third. A separate offense shall be deemed committed for every dog or cat sold in violation of Section 10-4-17.

SECTION 3: Upon passage and approval, this Ordinance shall be in full force and effect effective January 1, 2021.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

ATTEST:

Steve Chirico
Mayor

Pam Gallahue, Ph.D., City Clerk