



Legislation Details (With Text)

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**File created:** 11/9/2017      **In control:** City Council  
**On agenda:** 11/21/2017      **Final action:**  
**Title:** Conduct the First Reading of the Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations)  
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**Attachments:** 1. Ordinance Amending Chapter 4 (Animal Control) or Title 10 (Police Regulations).pdf

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the First Reading of the Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations)

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Kristen Foley, Senior Assistant City Attorney

**BACKGROUND:** At the August 15, 2017 City Council meeting under New Business, Councilman Coyne, with the consensus of Council, directed staff to propose an ordinance for the protection of companion animals, considering the recent state legislation on sourcing of pets for pet stores, recent caselaw involving pet stores, and other similar suburban ordinances.

The City has been monitoring issues surrounding the sale of animals in pet stores sourced from commercial breeders since June of 2014 when numerous people spoke in Public Forum urging Council to ban the sale of puppies sourced from commercial breeders. Currently two pet stores, Happiness is Pets and Petland, source their animals from commercial breeders. At that time, due to several legal challenges to ordinances in Illinois restricting pet stores from selling puppies sourced from commercial breeders, and proposed legislation creating further restrictions on pet stores, it was recommended that Council take no action.

**Legal Challenges**

The last legal challenge was resolved on September 21, 2017, when the 7<sup>th</sup> Circuit Court of Appeals affirmed the dismissal of the challenge to the City of Chicago ordinance requiring pet stores obtain animals for sale from shelters and rescue organizations. The lawsuit challenging a similar Cook County ordinance was dismissed on appeal in 2015 when the City of Arlington Heights opted out of the Cook County ordinance and specifically allowed pet stores to sell puppies from breeders.

### **New Legislation**

Just recently, the Illinois Animal Welfare Act, was amended to prohibit pet shop operators from obtaining dogs and cats from commercial breeders (5 or more breeding dogs) who have been issued citations or violations by the USDA during facility inspections. Pet shops may obtain dogs and cats from commercial breeders who do not have any USDA violations or citations. The Animal Welfare Act also now allows pet stores to obtain dogs and cats from small breeders, who are not required to be licensed by the USDA, (under 5 breeding dogs) and from shelters, rescue organizations and the humane society.

### **Local Ordinances on Pet Stores**

Cities such as Arlington Heights and Mundelein have adopted ordinances requiring pet stores to disclose more information about the breeder that sourced the puppies for sale at the store, including the total animal population of the breeder, the population of breeding females, and the most recent copy of the USDA inspection report.

The City does not license pet stores and the Animal Welfare Act, including the new law for sourcing of pets, is enforced by the Illinois Department of Agriculture. Currently, Naperville Animal Control receives on average six to eight complaints a year about dogs from Petland or Happiness is Pets.

### **DISCUSSION:**

Staff has been working with Councilman Coyne to develop amendments to the City's Animal Control ordinance to increase the protection of companion animals. The changes are summarized as follows:

- Animal Control ordinance will be called the Animal Protection Act; and
- State law on sourcing of animals for sale in pet stores adopted as local ordinance with local enforcement by Naperville Animal Control; and
- Companion animals are prohibited from making constant noise outside for more than 20 minutes during the day (7:00 am to 10:00 p.m.) and more than 10 minutes at night (10:01 p.m. to 6:59 a.m.); and
- Companion animals are prohibited from being left in cars during certain extreme hot and cold weather conditions and prohibited from being exposed to certain weather conditions outside; and
- All shelters, rescue groups, humane society and pet stores are required to microchip all dogs and cats prior to the sale of the animal, and Animal Control will microchip animals that are impounded prior to being returned to the owner; and
- Fines for violations of the ordinance will be increased.

### **RECOMMENDATION:**

Conduct the First Reading of the Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations)