



Legislation Text

File #: 17-876, **Version:** 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Select either Option A or Option B and Pass the corresponding Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations) of the Naperville Municipal Code

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 proposed text amendment to Chapter 4 (Animal Control) of Title 10 (Police Regulations) was presented for first reading at the November 21, 2017. The proposed amendment included:

- Changes to the title of the Animal Control ordinance;
- Adopting the new state law regulating the sourcing of animals for sale in pet stores as a local ordinance;
- Prohibiting companion animals from making constant noise outside for more than 20 minutes during the day and more than 10 minutes at night;
- Prohibiting companion animals from being left in cars during certain extreme hot and cold weather conditions and exposed to certain weather conditions outside;
- Increasing microchipping requirements; and
- Increasing fines for violations.

DISCUSSION:

Ten people spoke at the November 21, 2017 City Council meeting either supporting the proposed text amendment as presented or advocating for the City go further and adopt an outright prohibition on the sale of dogs sourced from commercial breeders, as the City of Chicago has done.

During the discussion, Council requested some clarification to the proposed text amendment. The text amendment now specifies that microchipping of animals impounded by Animal Control is limited to dogs and cats (not all animals) and that the temperature provisions concerning when pets cannot be left in cars refers to the outside temperature (not the temperature inside the car).

Additionally, at the meeting there were questions raised about dog fighting regulations. The City Code already prohibits “[p]romoting, inciting or conducting animal fights or the intentional killing of animals

for wagering or entertainment (10-4-9:2.5, NMC). Although prohibited by local ordinance, any animal fighting violations will likely be charged under corresponding state law, which criminalizes such activities and subjects any offender to the potential punishment of jail.

Options for Council Consideration

During the November 21 deliberations, Council directed staff to prepare two options for Council's further consideration. The two options below may be further modified by Council from the dais or Council may direct staff to bring back additional options, if necessary.

Option A

Option A is essentially the same ordinance presented at the last meeting. It adopts the new state law regulating pet stores' sourcing of animals from commercial breeders and includes the other previously discussed humane protections for companion animals. Clarifications on microchipping and temperatures have been included. On November 21, 2017, the City of Joliet passed an ordinance like Option A that allows pet stores to continue to source from commercial breeders so long as the breeders are licensed by the USDA.

If the Option A ordinance is adopted, it will be effectively immediately.

Option B

Option B is an ordinance that requires pet stores to only offer for sale dogs and cats obtained from rescue organization and shelters. It prohibits local pet stores from sourcing dogs and cats from commercial breeders. This ordinance is like the one adopted by the City of Chicago. It also includes all the other previously discussed humane protections for companion animals such as regulations pertaining to prolonged barking, extreme temperatures, microchipping and increased fines.

If the Option B ordinance is adopted, the prohibition on sourcing dogs and cats from commercial breeder sourcing will be effective January 1, 2019 and all other humane protections would be effectively immediately.

RECOMMENDATION:

Select either Option A or Option B and Pass the corresponding Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations) of the Naperville Municipal Code.