

VILLAGE OF WILLOWBROOK

BOARD MEETING

AGENDA ITEM - HISTORY/COMMENTARY

An Ordinance Amending Title 3 Entitled "Business Regulations" of the Village Code of Ordinances by Adding Chapter 22 Entitled "Retail Sale of Dogs, Cats and Rabbits"

AGENDA NO **11**

AGENDA DATE: 4/27/2020

STAFF REVIEW: Mike Mertens, Assistant Vil. Administrator

SIGNATURE: *M. Mertens*

LEGAL REVIEW: Thomas Bastian, Village Attorney

SIGNATURE: *T. Bastian /mm*

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: *B. Pabst /mm*

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY, ETC.)

A significant numbers of dogs, cats and rabbits sold at pet stores come from large-scale commercial breeding facilities where health and welfare of the animals are not adequately provided for ("puppy mills", "kitten mills" and "rabbits mills", respectively). Accordingly the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store dogs and cats and many pet store rabbits, come from puppy mills, kitten mills and rabbit mills. The documented abuses in puppy and kitten mills include the following issues: over-breeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water and shelter, lack of socialization, lack of adequate space, and lack of adequate exercise. The inhumane conditions in puppy, kitten and rabbit mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many customers are unaware of when purchasing animals from pet stores due to both lack of education on the issue and misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers.

Current Federal, State and County regulations do not properly address the sale of puppy, kitten, and rabbit mill animals in pet stores. Restricting the retail sale of puppies, kittens, and rabbits to only those sourced from animal care facilities, rescue organizations or humane societies, is likely to decrease the demand for mill-bred puppies, kittens, and rabbits. This ordinance will not affect a consumer's ability to obtain a dog, cat or rabbit of his or her choice directly from a breed specific rescue organization or shelter, or from a bobby breeder where the consumer can see directly the conditions in which the dogs, cats, or rabbits are bred, and where the health, temperament and best interest of the animal are placed before profit; and where the breeder is committed to the animal for life.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

The proposed ordinance has been crafted to meet the following objectives:

1. To protect dogs, cats and rabbits from improper use, abuse, neglect, inhumane treatment, and health hazards.
2. To prevent dogs, cats, and rabbits from being bred and housed in over crowded and unsanitary conditions without adequate care, food, water, shelter, space, exercise, and socialization (mill-bred).
3. To reduce health and behavioral issues as well as congenital and hereditary illness and disease seen in mill-bred dogs, cats, and rabbits.
4. To reduce the financial and emotional costs on consumers who purchase a mill-bred dog, cat, or rabbit which has health or behavioral issues.
5. To fill in gaps in Federal, State and County regulations as they do not properly address the sale of mill-bred dogs, cats, and rabbits in pet stores.
6. To promote community awareness of animal welfare.

The proposed ordinance creates new definitions for animal care facilities, animal rescue shelters/organizations, humane society, offer for sale, and retail pet stores. The ordinance creates restrictions on the retail sale of dogs, cats, and rabbits unless the animals are obtained from an animal care facility, rescue, or humane organization. The ordinance provides for paperwork disclose periods and allows for exemptions and penalties for offenses.

ACTION PROPOSED Pass the Ordinance.

ORDINANCE NO. 20-0-_____

**AN ORDINANCE AMENDING TITLE 3 ENTITLED “BUSINESS REGULATIONS” OF
THE VILLAGE CODE OF ORDINANCES BY ADDING CHAPTER 22 ENTITLED
“RETAIL SALE OF DOGS, CATS AND RABBITS”**

WHEREAS, The Village of Willowbrook (the “Village”) is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois and as such may legislate as to matters which pertain to its local government affairs; and

WHEREAS, the corporate authorities of the Village, pursuant to its home rule powers, has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, the corporate authorities find that a significant number of young dogs, cats and rabbits sold at pet stores come from large-scale commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills”, “kitten mills” and “rabbit mills”, respectively). According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store dogs and cats, and many pet store rabbits, come from puppy mills, kitten mills and rabbit mills; and

WHEREAS, the documented abuses in puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise. The inhumane conditions in puppy, kitten and rabbit mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until

sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal, State and County regulations do not properly address the sale of puppy, kitten and rabbit mill animals in pet stores; and

WHEREAS, restricting the retail sale of puppies, kittens and rabbits to only those sourced from animal care facilities, rescue organizations or humane societies, is likely to decrease the demand for millbred puppies, kittens and rabbits; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog, cat or rabbit of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs, cats or rabbits are bred, and where the health, temperament and best interests of the animal are placed before profit; and where the breeder is committed to the animal for life; and

WHEREAS, the corporate authorities of the Village have determined it is in the best interests of the Village to adopt reasonable regulations to reduce costs to the Village and its residents, protect the residents of the Village who may be inclined to purchase cats, dogs or rabbits from a pet store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook in DuPage County, Illinois, as follows:

SECTION ONE. The foregoing recitals are the findings of the corporate authorities of the Village of Willowbrook and are incorporated herein as if fully restated.

SECTION TWO. Title 3 entitled “Business Regulations”, as amended, is hereby further amended by adding thereto Chapter 22 entitled “Retail Sale of Dogs, Cats and Rabbits” to read as follows:

Chapter 22

Retail Sale of Dogs, Cats and Rabbits.

(A) Definitions.

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or in significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization/animal rescue shelter means 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 in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity which, is or is housed on the premises of, a breeder or broker, obtains dogs, cats or rabbits from a breeder or broker in exchange for payment or compensation, or resells dogs, cats or rabbits obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Humane Society means any chartered, not-for-profit organization authorized to do business in this State and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Offer for sale means to sell, offer for sale or adoption, advertise for sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

Retail pet store means a retail establishment where dogs, cats and rabbits are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization or animal rescue shelter, as defined herein.

(B) Restrictions on the Retail Sale of Dogs, Cats or Rabbits.

No retail pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or otherwise dispose of dogs, cats or rabbits unless said animals are obtained from an animal care facility, animal rescue organization or humane society.

(C) Disclosures Required.

Any retail pet store who offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

1. For each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, 225 ILCS 605, *et seq*; and
2. For each rabbit: (i) the breed, approximate age, sex and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the retailer, (iii) the name and address of the location where the rabbit was born, rescued, relinquished or impounded; and (iv) if the rabbit was returned by a customer, the date of and reason for the return.

The disclosure required under this Section shall be provided by the retailer to the customer in written form and shall be signed by both the retailer and customer at the time of sale. The retailer shall retain the original copy of such disclosure and acknowledgment for a period of two (2) years from the date of sale. Upon request by an authorized Village official, the original copy of such disclosure and acknowledgment shall be made immediately available for inspection by such authorized Village official.

The retail pet store shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this Section and other applicable law.

(D) Exceptions.

The restrictions on retail pet stores set forth in Section (B) of this Chapter shall not apply to the following entities:

An animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; a humane society or rescue organization; or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, 225 ILCS 115, *et seq.*

(E) Violation/Penalties.

Any person or entity who shall be found guilty or liable of a violation of any of the provisions of this Chapter shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for every dog, cat or rabbit that is sold in violation of this Chapter.

(F) Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION THREE. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION FOUR. That this ordinance shall be in full force and effect ten (10) days from and after its passage and publication in the manner provided by law.

PASSED and APPROVED this 27th day of April, 2020.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy R. Hansen,
Village Clerk