

Submitting a Proposed Substitute (**Substitute Number 2**) Ordinance Amendment to Item 14-2408
sponsored by

THE HONORABLE TONI PRECKWINKLE, PRESIDENT, AND JOHN A. FRITCHEY, JOHN P. DALEY, BRIDGET GAINER, JESÚS G. GARCÍA, GREGG GOSLIN, JOAN PATRICIA MURPHY, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS

PROPOSED ORDINANCE AMENDMENT

**THE COOK COUNTY COMPANION ANIMAL AND CONSUMER PROTECTION
ORDINANCE**

WHEREAS, Pet stores selling live animals have traditionally been a sales outlet for young dogs, cats, and rabbits bred commercially in *puppy mills*, *kitten mills*, and *rabbit mills* both within the United States and abroad; and

WHEREAS, 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 nearly all pet store puppies, kittens and many pet store rabbits come from puppy, kitten and rabbit mills, respectively; and

WHEREAS, puppy mills are mass-breeding facilities that churn out puppies with an emphasis on profit over welfare. These mills usually house dogs in overcrowded and unsanitary conditions without adequate veterinary care, food, water and socialization. Puppy mill dogs do not get to experience treats, toys, exercise or basic grooming; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues as well as congenital and hereditary illness and disease. Puppy mill puppies often arrive in pet stores and their new homes with various diseases including giardia, parvovirus kennel cough, heartworm and distemper. These diseases can lead to excessive veterinary costs both upfront and down the line; and

WHEREAS, rabbits are often treated inhumanely in the breeding mills and because rabbits can multiply every 28 days, rabbit mills are particularly prone to problems of overcrowding. These animals are often viewed as disposable, and after the Easter holiday it's estimated that as many as 80% of rabbits sold as Easter or springtime pets are abandoned by their owners; and

WHEREAS, the lack of enforcement resources at local, state and federal levels allow many inhumane puppy, kitten, and rabbit mills to operate with impunity. According to a spokesman from the United States Department of Agriculture, due to budget constraints, the Illinois Department of Agriculture employs only seven inspectors that are charged with overseeing more than 1,300 dog dealers, kennel operators and pet shop operators; and

WHEREAS, every year millions of cats and dogs are euthanized in our nation's animal shelters because there are more pets than there are responsible homes for them. Puppy and kitten mills

contribute to pet overpopulation and cause countless animals lifetimes of suffering in squalid wire cages; and

WHEREAS, according to information obtained from the Illinois Department of Agriculture regarding publicly run animal care and control facilities located within Cook County, in 2011 these facilities impounded 19,442 dogs and cats that were not reclaimed by the owner, and euthanized 6,618 of these animals (roughly 34% of total). In 2012 these facilities impounded 22,679 dogs and cats that were not reclaimed by the owner, and euthanized 8,035 of these animals (roughly 39% of total); and

WHEREAS, between 2011 and 2012 there was an increase of 3,237 dogs and cats impounded and not reclaimed by the owner and a 5 percent increase in the rate of euthanasia; and

WHEREAS, this Ordinance specifically addresses the retail sale of dogs, cats and rabbits in pet stores and will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breeder, a breed-specific rescue organization or a shelter; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets in need of a forever home; and

WHEREAS, on March 5, 2014, the Chicago City Council overwhelming approved a similar ordinance that allows for the commercial sale of dogs, cats and rabbits in the City of Chicago only if they are sourced from shelters and other humane adoption centers, effectively ending the sale of pets from animal mills in the interest of the health and well-being of animals and local consumers alike; and

WHEREAS, in the United States and Canada alone, over 40 cities have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including: Chicago, Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Brick, New Jersey and Toronto, Canada; and

WHEREAS, current Federal and State of Illinois laws and regulations do not properly address the sale of commercially bred dogs, cats and rabbits in the County's business establishments; and

WHEREAS, the Cook County Board of Commissioners believes it is in the best interests of the County to adopt reasonable regulations to protect the citizens of the County who may purchase dogs, cats or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the County;

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 10, Animals, Article I, In General, Sections 10-1 through 10-3 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 10-1. Purpose.

The purpose of this chapter is to provide harmonious relationships in the interaction between man and animal by:

- (1) Protecting the citizens of the County from rabies by specifying such preventive and control measures as may be necessary;
- (2) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
- (3) Providing security to residents from annoyance, intimidation, and injury from cats, dogs and other animals;
- (4) Encouraging responsible pet ownership;
- (5) Promoting community and consumer awareness of animal control and welfare; and
- ~~(5)~~ (6) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter;

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the licensed veterinarian appointed by the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.

Animal means any live vertebrate creature except man.

Animal capable of transmitting rabies means all animals classified as mammals.

Animal control warden means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.

Bird means any flying vertebrate that is covered with feathers.

Bite means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

Cat means all members of the classification, *Felis catus*.

Confined means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

Control means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

Dangerous or vicious animal means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.

Dog means all members of the classification, *Canis familiaris*.

Domestic animal means any animal which has been domesticated by man so as to live and breed in a tame condition.

Guard dog means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

Inoculation against rabies means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

Offer(s) for sale means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

Owner means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.

Pet shop operator means as provided in 225 ILCS 605/2 of the Animal Welfare Act

Pound means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

Rabbit means all members of the classification, *Oryctolagus cuniculus*.

Rescue organization means any not-for-profit organization that 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 dogs, cats or rabbits.

Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Stray animal means any owned animal that is not controlled.

Tethering means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.

Tow chain or log chain means any chain that is more than one-quarter of an inch in width.

Sec. 10-3. Violations.

- (a) Any person violating any provision of this chapter or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this chapter is guilty of a misdemeanor punishable by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this chapter is committed or permitted to continue and shall be punished as provided in this chapter. Any person violating or failing to comply with Sec. 10-13 of this chapter shall be subject to a fine of \$500.00 for each violation. Each sale or act in violation of Section 10-13 shall constitute a separate and distinct violation. Violations of Sec. 10-13 shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.
- (b) The Administrator or State's Attorney or any citizen of the County may maintain a complaint in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave their premises when not under the control of a leash and muzzle or other recognized methods of physical restraint.
- (c) If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
- (d) If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 10, Animals, Article I, In General, Section 10-13 of the Cook County Code is hereby enacted as follows:

Sec. 10-13. Prohibiting the sale of Commercially Bred Dogs, Cats and Rabbits in Pet Shops.

- (a) A pet shop operator may offer for sale only those dogs, cats or rabbits obtained from:
 - (1) an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or
 - (2) a humane society or rescue organization.
 - (3) animal obtained from breeders. No pet shop operator may offer for sale any dog, cat or rabbit obtained from a breeder unless the following requirements are met:

- (i) the breeder holds a valid USDA class “A” license as defined by the Animal Welfare Act, as found in the Code of Federal Regulations, listing all site addresses where regulated animals are located; and
- (ii) the breeder owns or possesses no more than five (5) female dogs, cats or rabbits capable of reproduction in any twelve (12) month period; and
- (iii) no more than five (5) female dogs, cats or rabbits capable of reproduction are housed at the site address where the retail animal was born or housed, including animals owned by persons other than the breeder; and
- (iv) in addition to any disclosures required by subsection (c) or otherwise required by law, the following information shall be maintained and provided for each animal:
 - (a) the active USDA license number(s) of the animal’s breeder;
 - (b) any previous USDA license number(s) held by the animal’s breeder in the last five (5) years;
 - (c) the name, mailing and site address location(s) of the breeder as they appear on the breeder’s active USDA license;
 - (e) all names the breeder is doing business as;
 - (f) the total number of female dogs, cats or rabbits capable of reproduction owned or possessed by breeder;
 - (g) the sire and dam of the animal;
 - (h) the name and address of the location where the animal was born; and
 - (i) the name(s) and address of any other location(s) where the animal was housed by the breeder after birth.

(b) Exemptions. The restrictions on pet shop operators set forth in subsection (a) of this section shall not apply to any entity listed in paragraphs (1) or (2) of subsection (a) of this section, or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

(c) Disclosures required. Any pet shop operator that 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, codified at 225 ILCS 605; 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 pet shop operator; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and reason for the return.

(d) The disclosures required under this subsection (c) shall be provided by the pet shop operator to the customer in written form and shall be signed by both the pet shop operator and customer at the time of sale. The pet shop operator shall retain the original copy of such disclosure and acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized Administrator or Animal control warden, the original copy of such

disclosure and acknowledgement shall be made immediately available for inspection by such authorized official. The pet shop operator 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 subsection and other applicable law.

(e) Applicability of this section. This section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an ordinance of another governmental entity (which by law may not be superseded by this section).

(f) Enforcement, Department and Sheriff. The department of Animal Control is authorized to enforce this section, and the Sheriff is authorized to assist the department in said enforcement.

Effective date: This ordinance shall take effect on October 1, 2014.