



City of Chicago



SO2014-1282

Office of the City Clerk

Document Tracking Sheet

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Sponsor(s):	Mendoza (Clerk) Moreno (1) Pawar (47) Waguespack (32)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 4-384 by adding new Section 015 to regulate retail sale of dogs and cats
Committee(s) Assignment:	Committee on License and Consumer Protection

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S U B S T I T U T E
O R D I N A N C E

WHEREAS, The City of Chicago (the "City") is a home rule unit of government under 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 and affairs;

WHEREAS, Pet stores selling live animals have traditionally been a sales outlet for young dogs, cats, and rabbits bred in "puppy mills," "kitten mills," and "rabbit mills" both within the United States and abroad. 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 puppies, kittens and many pet store rabbits come from puppy mills, kitten mills, and rabbit mills, respectively. According to Illinois Department of Agriculture records, in the City alone, City pet stores purchased approximately 1,500 – 2,000 dogs from out-of-state breeders for sale to the public in 2011 and 2012. The number of dogs purchased for sale, and sold to the public, is likely higher as these records do not reflect dogs purchased from in-state breeders. When consumers buy puppies, kittens, and rabbits from a pet store, there is a strong likelihood that consumers are unknowingly supporting the puppy mill, kitten mill, or rabbit mill industry;

WHEREAS, The documented abuses of puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and the euthanization of unwanted animals. The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues with animals, which many consumers are unaware of when purchasing animals from retailers due to both a lack of education on the issue and misleading tactics of retailers in some cases. These health and behavioral issues, which may not present themselves until years after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers;

WHEREAS, In addition to the above-mentioned abuses, rabbit mills are particularly prone to problems of overcrowding. According to the Red Door Animal Shelter, because rabbits can multiply every 28 days, breeders easily get overwhelmed, which leads to crowding, filthy living situations, and toxic amounts of ammonia in the air from the urine uncleansed from cages;

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. The Puppy Mill Project, a City-based non-profit organization, has identified at least ten retailers in the City that have acquired cats and dogs from commercial breeding facilities;

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WHEREAS, The Chicago Commission on Animal Care and Control (the "CACC") impounds approximately 20,000 animals each year. In 2011, the CACC euthanized 9,624 dogs and cats out of 21,085 (46%). Based on the CACC's estimated cost to euthanize a dog and cat, the City spent between \$234,864 – \$303,188 euthanizing dogs and cats in 2011. In 2012, the CACC euthanized 7,652 dogs and cats out of 19,523 (39%) spending an estimated \$199,124 – \$251,384;

WHEREAS, Each year thousands of dogs and cats are euthanized in the City, because they are not wanted. In 2011, 6,328 dogs and cats taken in by the CACC were owner surrenders, which was 30% of the CACC's dog and cat intake. In 2012, 6,130 dogs and cats taken in were owner surrenders (31%). Owner surrenders were the second largest source of dogs and cats taken into the CACC behind strays in 2011 and 2012. By promoting the adoption of such dogs and cats, this Ordinance will reduce the financial burden on City taxpayers, who pay much of the cost to care for and euthanize many thousands of animals. In addition, by stopping the sale of puppy mill puppies and kitten mill kittens in the City (animals that are known to have health and behavioral issues as discussed above), this Ordinance should reduce the amount of unwanted animals brought to organizations like the CACC, which would also reduce the financial burden on City taxpayers;

WHEREAS, According to the Red Door Animal Shelter, rabbits are the third-most popular pet in the U.S., after dogs and cats. Rabbits are often treated inhumanely in the breeding mills and these animals are often viewed as disposable, with the largest influx of abandoned animals being collected annually just after the Easter holiday. The Humane Society of the U.S. estimates that 80% of rabbits sold as Easter or springtime pets are eventually abandoned;

WHEREAS, The Red Door Animal Shelter reports that over a thousand rabbits were rescued by Chicago area shelters in 2013, with an unknown number of these pets perishing before rescue could be made. This Ordinance is necessary to decrease abandonment of rabbits;

WHEREAS, The City incurs significant costs caring for and treating animals brought into the CACC. Since 2010, the CACC's annual budget appropriated over \$300,000 in food; supplies; and drugs, medicine and chemical materials alone to care for its animals;

WHEREAS, Because the CACC receives adoption fees of \$65 per animal, there is a significant financial incentive for the City to promote the rehabilitation and adoption of rescue cats and dogs by prohibiting the retail sales of commercially-bred cats and dogs by business establishments located in the City. In 2011, only 1,404 (7%) dogs and cats were adopted directly out of the CACC and only 1,341 (7%) were adopted directly out in 2012. Consumers may be more likely to adopt a dog or a cat if dogs and cats were not readily available for purchase in pet stores. Moreover, there is a large financial benefit to consumers who adopt animals, as the \$65 fee charged by CACC is in many cases significantly lower than the cost of purchasing a dog or cat from a pet store;

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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 on their premises;

WHEREAS, This Ordinance 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;

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 Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Toronto, Canada; and Brick, New Jersey;

WHEREAS, Many cities have adopted legislation banning the sale of rabbits, including San Francisco, California; Los Angeles, California; Richmond, BC; Fort Worth, San Antonio, Austin, and Houston, TX;

WHEREAS, Current Federal, Illinois and City laws and regulations do not properly address the sale of puppy and kitten mill dogs and cats or rabbit mill rabbits in City business establishments;

WHEREAS, The City Council believes it is in the best interests of the City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or 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 City; and,

WHEREAS, The City desires to amend the Municipal Code of the City to regulate the retail sale of cats, dogs and rabbits in the City by adding the language shown below; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein by reference and made the findings of the City Council.

SECTION 2. Chapter 4-384 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-384-015, as follows:

4-384-015 Retail Sale of Dogs, Cats and Rabbits

(a) *Definitions.* As used in this section:

“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.

“Retailer” means any person licensed or required to be licensed under this chapter who offers for sale any dog, cat or rabbit in the City.

“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.

(b) *Restrictions on the retail sale of animals.* A retailer may offer for sale only those dogs, cats or rabbits that the retailer has 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.

(c) *Exemptions.* The restrictions on retailers set forth in subsection (b) of this section shall not apply to any entity listed in paragraphs (1) or (2) of subsection (b) 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.

(d) *Disclosures required.* Any retailer 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, 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 retailer; (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.

The disclosures required under this subsection (d) 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 acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized city official, the original copy of

such disclosure and acknowledgement shall be made immediately available for inspection by such authorized city official.

The retailer 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.

SECTION 3. Following due passage and publication, this ordinance shall take full force and effect on March 5, 2015.

Susana A. Mendoza, City Clerk

Proco Joe Moreno, Alderman 1st Ward

Ameya Pawar, Alderman 47th Ward

Scott Waguespack, Alderman 32nd Ward