



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: O2016-8490

Type: Ordinance **Status:** Failed to Pass

File created: 11/16/2016 **In control:** City Council

Final action:

Title: Amendment of Municipal Code Titles 2, 4 and 7 regarding powers and duties of Director of Commission on Animal Care and Control

Sponsors: Burke, Edward M., Lopez, Raymond A., Quinn, Marty, Curtis, Derrick G., Moore, David H., Pawar, Ameya, Smith, Michele, Reilly, Brendan, Tunney, Thomas, Munoz, Ricardo, Zalewski, Michael R., Napolitano, Anthony V., O'Connor, Patrick, Cardenas, George A., Arena, John, Villegas, Gilbert, Osterman, Harry, Moore, Joseph, Silverstein, Debra L., O'Shea, Matthew J., Maldonado, Roberto, Santiago, Milagros, Waguespack, Scott, Moreno, Proco Joe, Reboyras, Ariel, Mitts, Emma, Harris, Michelle A., Sadlowski Garza, Susan, Foulkes, Toni

Indexes: Ch. 12 Animal Care & Control, Ch. 12 City Clerk, Ch. 384 Animal Care

Attachments: 1. O2016-8490.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
11/16/2016	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 2-12-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

2-12-010 Powers and duties.

The city clerk shall, in addition to other duties imposed upon him by law, perform the following: Report to the council (such report to be made a part of the official record) all acceptances of ordinances, and bonds connected therewith, which have been filed in his office since the preceding meeting;

Issue notices to the members of the city council when directed so to do by that body, also to the members of the different committees and to all persons whose attendance is required before any committee, when directed or requested so to do by the chairman of such committee;

Upon the filing of a call for any special meeting, prepare notices of such meeting and cause them to be served on the members of the city council not later than the calendar day next preceding the day set for such special meeting; provided, that in a case of extreme emergency or in case of the death of a member of the city council such notices may be served on the day of the meeting. Notices of special meetings shall specify in brief the objects or purposes for which they shall have been called;

Deliver without delay to the officers of the city, and to all committees of the city council, all resolutions and communications referred to such officers or committees by that body;

Deliver without delay to the mayor all ordinances or resolutions in his charge which may require to be approved or otherwise acted upon by the mayor, together with all papers on which the same are founded;

Attest all licenses granted under the provisions of this Code and keep record of the issuance thereof;

~~Administer and enforce the dog licensing requirements of this Code, which shall include the authority to issue citations for violations;~~

Administer and enforce the requirements of Chapter 3-56 and other provisions of this Code relating to the wheel tax license emblem, which shall include the authority to issue citations for violations;

Administer and enforce the provisions of this Code conferring powers and duties on the city clerk relating to residential parking permits, which shall include the authority to issue citations for violations;

Keep the corporate seal and affix same to all documents and papers that are required to bear the official seal of the city.

SECTION 2. Chapter 4-384 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-384-025, by inserting the language underscored, and by deleting the language struck through, as follows:

4-384-010 Definitions.

(Omitted text is unaffected by this ordinance) .

i

Page 1 of 8

"Animal exhibition" means any public or private animal exhibition staged within the City, with or without charge to viewers, including but not limited to zoos, circuses, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or exhibitions utilizing or displaying animals, or the display of any animal for purposes of advertising or promotion. For purposes of classifying animal exhibitions as temporary or permanent, a "temporary" animal exhibition shall mean one with a duration of 30 consecutive days or less, and a "permanent" animal exhibition shall mean one with a duration exceeding 30 consecutive days.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

(Omitted text is unaffected by this ordinance)

4-384-020 Animal care - License required when - Permit required for temporary animal exhibitions.

a) (1) No person shall engage in the business of a grooming facility, guard dog service, pet shop, animal care facility, humane society, veterinary hospital or permanent animal exhibition without having first obtained an animal care license under this chapter; provided, however, that an animal care facility may, under that license, buy or sell cats or dogs without a pet shop license; or (2M) groom cats or dogs without a grooming facility license.

(2) No person shall operate an animal shelter without having first obtained an animal care license under this chapter. As a condition of license issuance or renewal, any animal shelter must submit to the Commissioner the shelter's statistics on animal euthanasia and pet surrender. Upon request by an authorized City official, such statistics shall be made immediately available for inspection by such authorized City official.

b) No person shall engage in the business of temporary animal exhibition without first having obtained a permit to do so under Section 7-12-185.

c) For purposes of this section, the terms "permanent" and "temporary" shall have the meaning ascribed to those terms in the definition of "animal exhibition" as set forth in Section 4-384-010.

4-384-025 Animal care facility - breeding restriction.

No animal care facility shall breed cats or dogs more than once per year.

SECTION 3. Chapter 7-12 of the Municipal Code of Chicago is hereby amended by adding new sections 7-12-380 and 7-12-410, by inserting the language underscored, and by deleting the language struck through, as follows:

7-12-010 Commission on Animal Care and Control - established - Executive director-~~Terms of members.~~

~~There is hereby established a commission to be known as the "commission on animal care and control, City of Chicago". Said commission shall consist of nine members to be appointed by the mayor, three of whom shall be members, respectively, of the police department, health department, and the department of streets and sanitation; with the remaining six members to include at least one representative of a humane society as hereinafter defined, at least one veterinarian licensed under the laws of the State of Illinois, and at least three private citizens. All commission members shall serve as such without compensation.~~

Page 2 of 8

~~The mayor shall appoint an executive director who shall function as hereinafter set forth, subject to administrative and operating policies to be established by the commission. The salary of the executive director and other persons employed by the commission shall be as provided for in the annual appropriation ordinance. The commission shall function as an advisory body to the mayor and to the executive director and shall be responsible for the promulgation of such administrative policies and rules as are necessary to implement the enforcement of this ordinance. The mayor shall designate one of its members to act as chairman for a term of 12 months, subject to redesignation for any number of additional terms of two years. The commission shall meet at least once every three months, unless otherwise determined by the commission or when called upon to do so by the chairman.~~

~~Each commission member shall serve for a period of two years from date of appointment, subject to reappointment by the mayor for any number of additional terms of two years, except that four of the initial appointments as designated by the mayor shall be for a term of only one year. Each commission member shall serve until a successor has been appointed by the mayor. The mayor shall appoint members to fill vacancies which may occur due to death, resignation or incapacity.~~
There is hereby established an executive department of the City of Chicago, which shall be known as the Commission on Animal Care and Control. The Commission shall be headed by an Executive Director of the Commission on Animal Care and Control and shall include such other deputies, assistants, officers and employees as the city council may provide by the annual appropriation ordinance.

The Executive Director shall head the Commission on Animal Care and Control, and shall supervise, manage and control the Commission and its employees and all matters and things pertaining to the Commission. The Executive Director shall be appointed by the mayor, by and with the advice and consent of the city council.

At all times. Commission staff shall include a Certified Applied Animal Behaviorist.

7-12-015 Executive Director - Powers and duties.

The executive director shall have the following powers and duties:

1) To supervise and administratively direct the work of the animal control center or centers as established by and defined in this chapter. Any decision to euthanize an animal in an animal control center must be preceded by an assessment that euthanasia is appropriate in that instance and a signed approval for the euthanasia by the commission's Certified Applied Animal Behaviorist;

2) To coordinate the activities of the animal control center or centers with the activities of other animal control and regulatory agencies within the State of Illinois and with humane societies as such societies are hereinafter defined;

3) To supervise and administratively direct any neutering and spaying clinic established by the commission;

- 4) To formulate and direct an educational program to develop better animal care;
- 5) To enforce the provisions of Article XXII of Chapter 11-4 of this Code and to notify the commissioner of business affairs and consumer protection of any violation for which the commissioner of business affairs and consumer protection is authorized to issue an emergency abatement order as set forth in Section II-4-3030(b)(l) of this Code;
- 6) To enter into and execute sponsorship agreements with sponsors of events, programs, and initiatives under the executive director's jurisdiction. Such sponsorship agreements shall contain such terms and conditions that the executive director deems appropriate. All sponsorship agreements shall be subject to the approval of the corporation counsel as to form and legality. For purposes of this

Page 3 of 8

definition, "sponsors" means those persons providing money or other in-kind goods or services to the City in exchange for advertising or promotional rights at events, programs, or initiatives under the executive director's jurisdiction. Persons meeting the definition of sponsor in the previous sentence may, in the discretion of the executive director, and upon such terms as the executive director determines, sell goods and services to the public at such events, programs, or initiatives;

7) To administer and enforce the dog licensing requirements of this Code, which shall include the authority to issue citations for violations;

8) To enter into agreements with veterinary hospitals, animal care facilities, pet shops, grooming facilities, guard dog service providers, animal shelter operators, or humane societies to facilitate the licensing of dogs by the City; and

9) Subject to appropriation, to enter into grant agreements to make grants to one or more entities established for the purpose of protecting the welfare of animals. The appropriation for such grant agreements shall be at least 0.05 percent of the Commission's annual budget.

7-12-018 Transfer of rights, powers and duties.

The Executive Director and the Commission on Animal Care and Control shall assume all rights, powers, duties, obligations and responsibilities of the City Clerk related to the licensing of dogs.

All rules or regulations issued by the City Clerk related to the licensing of dogs shall remain in effect until amended or repealed by the Executive Director for the Commission on Animal Care and Control.

7-12-050 Dangerous animals - Determination and requirements.

The executive director shall have the authority to make a determination that an animal is a dangerous animal, as defined in Section 7-12-020, and to order the owner to comply with any of the measures set forth below for the protection of public health, safety and welfare.

(Omitted text is unaffected by this ordinance)

f) Where there is probable cause to believe that an animal is a dangerous animal, the executive director or his designee is authorized to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Where the animal has caused severe injury or death to any person, the executive director or his designee is required to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Any animal impounded and held pursuant to this subparagraph (f) shall receive humane treatment at all times during the holding period. Moreover, in no event shall a dangerous animal be released to its owner before the owner obtains a dangerous animal license pursuant to section 7-12-052 or before the executive director or his designee approves the enclosure required by subsection (c)(1). The holding period and impoundment procedures for animals of unknown ownership shall be governed by Section 7-12-060.

(Omitted text is unaffected by this ordinance)

g) Guard dogs and dogs which have been found to be "vicious dogs" under state law, automatically are required to comply with the requirements of Section 7-12-050(c)(l) - (4) and (c)(6) without the need for any individualized

declaration or the right to any hearing, except that, to the extent an owner disputes the fact that his or her animal is used as a guard dog the hearing procedure set forth in subsection (e) of this section shall apply. The ~~commission~~ Executive Director may promulgate rules

Page 4 of 8

and regulations that set forth the conditions under which the provisions of subsection (c) of this section shall not apply to guard dogs when the dogs are on assignment.

7-12-052 Dangerous animals - Miscellaneous.

(Omitted text is unaffected by this ordinance)

(c) The ~~executive director and/or the commission~~ Executive Director is hereby authorized to enact regulations governing dangerous animals as are necessary to carry out the provisions of this chapter and to promote the health, safety, and welfare of the public.

(Omitted text is unaffected by this ordinance)

7-12-115 Rabies and distemper vaccinations; spay/neuter clinics.

a) The ~~commission and the executive director~~ Executive Director may establish and maintain one or more clinics for the administration of rabies and distemper vaccinations to, the sterilization of, and the implantation of microchips in cats and dogs owned by city residents.

b) Persons who submit a dog or cat for any of the services specified in this section shall complete an application form promulgated by the ~~executive director~~ Executive Director. The application shall include a consent form certifying that the applicant is the owner of the animal or is otherwise authorized to present the animal for the service. The consent form shall contain a waiver of liability of the city, the ~~commission and the executive director~~ Commission, the Executive Director, and any of their the Commission's agents or employees, for any injury or death of an animal resulting from the services provided under this section, or other services provided incidental thereto.

- c) The ~~commission~~ Executive Director shall impose and collect the following fees for the services specified:
- 1) Sterilization surgery \$25.00
 - 2) Rabies vaccination 15.00
 - 3) Microchip implantation 15.00
 - 4) Distemper vaccination 7.00

The fees shall be in addition to any applicable license fee.

The ~~commission~~ Executive Director may, no more than five days per month, waive the sterilization surgery fee for residents in those areas having the highest stray populations. Residents are eligible for the fee waiver only if they present proof of residence within the designated area. The ~~commission~~ Executive Director shall annually promulgate rules setting forth the areas with the highest stray populations.

In addition, the ~~commission~~ Executive Director may establish, impose and collect a reasonable boarding fee upon an applicant who fails to pick up the animal at the time specified by clinic personnel.

7-12-120 Fees.

The ~~commission~~ Executive Director shall charge and collect the following fees and shall attach such additional requirements as are stated for release of animals from the animal control center:

(Omitted text is unaffected by this ordinance)

- d) Euthanasia fee - owner's request 10.00

Page 5 of 8

In addition to the redemption and housing fees, all mandatory licensing fees shall be paid at the time of the redemption of the animal.

The ~~commission~~ Executive Director shall promulgate regulations establishing the adoption fees for animals, other than dogs and cats, pursuant to the requirements of subsection (c)(2) of this section.

(Omitted text is unaffected by this ordinance)

7-12-150 License application forms.

a) An application for a dog license shall be made to the ~~city clerk~~ Commission on forms or in an electronic format as prescribed by the ~~city clerk~~ Commission, and shall contain the owner's name, address, telephone number, e-mail address, information sufficient to identify the dog, and any other information as may be required by the ~~city clerk~~ Commission.

As part of every dog license application, the owner shall attest to the following information for each dog for which an application has been submitted:

- 1) that the dog has a current certificate of rabies inoculation that complies with Section 7-12-200;
- 2) the number of the rabies inoculation certificate or tag referred to in subsection (a)(1) of this section, and the date of expiration of the rabies inoculation the dog received;
- 3) the age of the dog's owner; and
- 4) whether the dog has been sterilized.

b) The ~~city clerk~~ Commission shall keep on file, for two years from date of issue, a copy, which may be an electronic copy, of each application or a copy of each license so issued on the basis of application.

c) Any person who knowingly makes a false statement of material fact on any dog license application shall be subject to the provisions of Section 1-21-010 of the Municipal Code.

7-12-160 Rabies inoculation certificate.

Application for such license shall be made to the ~~city clerk~~ Commission. Before a license is issued, a certificate of inoculation against rabies for each dog, issued by the county rabies control officer, or by his deputy, or by a licensed veterinarian, shall be submitted to the ~~city clerk~~ Commission for examination. No license shall be issued for any dog unless such inoculation certificate bears a date within three years prior to the date of application for license or such other interval as approved by the Department of Agriculture of the State of Illinois. Such certificate shall be returned to the applicant after the current dog license number has been stamped thereon. When applying for a dog license by mail, the certificate of inoculation shall accompany the application. Said certificate shall be returned at the time the license tag is mailed to the applicant.

7-12-200 Rabies vaccination required.

Each owner of any dog, cat or ferret four months of age or older shall have the animal vaccinated against rabies by a licensed veterinarian of the owner's choice. Evidence of vaccination shall consist of a certificate signed and dated by the veterinarian. Type and brand of vaccine used shall be as approved by the Department of Agriculture of the State of Illinois. Vaccination shall be required every three years or at such other interval as required by the Department of Agriculture of the State of Illinois.

A current certificate of vaccination issued by a veterinarian licensed to practice in any other jurisdiction establishing vaccination with a vaccine approved by the Department of Agriculture of the State of Illinois, may be accepted by the executive director, or for the issuance of dog licenses, by the ~~city clerk~~ Commission.

7-12-300 Ban of unlicensed possession of animals for slaughter.

(Omitted text is unaffected by this ordinance)

Agents of the Chicago ~~commission~~ on animal care and control Commission, police officers and humane investigators of any agency licensed by the City of Chicago and/or the Illinois Department of Agriculture for the prevention of cruelty to animals shall have the authority to confiscate any and all animals kept in violation of this ordinance. Enforcement personnel shall have the authority to enter any business premises during normal business hours where an animal or animals described in this ordinance are being housed or kept, but shall only enter domiciles or businesses during nonbusiness hours after obtaining a proper search warrant or permission to enter from the occupant or owner of such premises.

(Omitted text is unaffected by this ordinance)

7-12-380 Quarterly report.

The Executive Director shall make a quarterly report to the City Council Committee on Health and Environmental Protection on the operations of the Commission. Such report shall be presented in person at a meeting scheduled by the Committee.

7-12-400 Rules and regulations and inspections.

The ~~commission~~ Executive Director shall have the authority to establish and enforce rules and regulations relating to any matter pertaining to the administration, implementation and enforcement of the provisions of this chapter.

The ~~commission~~ Executive Director may conduct, or cause to be conducted by an animal control officer or authorized representative, such inspections as are necessary to insure compliance with all applicable ordinances, statutes, and laws of local, state and federal governments and compliance with administrative regulations of the ~~commissi~~ on Executive Director.

7-12-410 Animal Euthanasia Policy.

The Executive Director shall develop a written animal euthanasia policy that is consistent with applicable law and professional standards. Such policy shall specify the grounds for selecting animals for euthanasia and humane procedure for conducting animal euthanasia.

/J SECTION 3. This ordinance shall be in full force and effgcUipnn passage and publication.^.--

Edward M. Burke Aldemran, 14th Ward