



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2014-1282  
**Type:** Ordinance **Status:** Passed  
**File created:** 2/5/2014 **In control:** City Council  
**Final action:** 3/5/2014  
**Title:** Amendment of Municipal Code Chapter 4-384 by adding new Section 015 to regulate retail sale of dogs, cats and rabbits  
**Sponsors:** Mendoza, Susana A., Moreno, Proco Joe, Pawar, Ameya, Waguespack, Scott  
**Indexes:** Ch. 384 Animal Care  
**Attachments:** 1. SO2014-1282.pdf, 2. O2014-1282.pdf

Date	Ver.	Action By	Action	Result
3/5/2014	1	City Council	Passed as Substitute	Pass
3/4/2014	1	Committee on License and Consumer Protection	Recommended to Pass	Pass
2/5/2014	1	City Council	Referred	

### Type: Title:

#### Committee(s) Assignment:

Dowell (3) Ervin (28) Beale (9) Thomas (17) Fioretti (2)  
Brookins (21) Ordinance

Amendment of Municipal Code Chapter 4-384 by adding new Section 015 to regulate retail sale of dogs and cats Committee on License and Consumer Protection

### Committee on License and Consumer Protection

## ORDINANCE

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 and cats bred in "puppy mills" and "kitten 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 and many pet store kittens come from puppy

mills and kitten 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 and kittens from pet stores, there is a strong likelihood that consumers are unknowingly supporting the puppy mill or kitten 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, the lack of enforcement resources at local, state and federal levels allow many inhumane puppy and kitten 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;

WHEREAS, the Chicago 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;

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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, 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;

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

WHEREAS, current federal, Illinois and City laws and regulations do not properly address the sale of puppy and kitten mill dogs and cats in City business establishments;

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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 from a pet store or other business establishment, help prevent these inhumane conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and

WHEREAS, the City desires to amend and restate Section 4-384 of the Municipal Code of the City (the "Municipal Code") to prohibit the retail sale of cats and dogs 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. Section 4-384-015 of the Municipal Code is hereby adopted in its entirety: 4-384-015**

### Retail Sale of Dogs and Cats

a) Notwithstanding any provision in the Chicago Municipal Code to the contrary, a pet shop, retail business or other commercial establishment may display, sell, deliver, offer for sale or adoption, barter, auction, give away, or otherwise dispose of cats or dogs in the City only when those cats or dogs are obtained from those entities or organizations described in the following subsections 4-384-015(a)(i) or (ii):

- i. an (i) animal control center or (ii) animal care facility, kennel, pound or training facility, in each case, operated by any subdivision of local, state or federal government; or
- ii. a private, charitable, nonprofit humane society or animal rescue organization.

b) Section 4-384-015(a) shall not apply to entities or organizations described in Sections 4-384-015 (a)(i) and (ii) above.

*(Omitted text is unaffected by this ordinance)*

SECTION 4. This ordinance shall take full force and effect upon passage and publication.

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Susana A. Mendoza, City Clerk

Proco Jf3e-Moreno, Alderman 1<sup>st</sup> Ward

Ameya Pawar, Alderman 47 Ward

Scott Wagusspack, Alderman 32<sup>nd</sup> Ward

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