

CITY OF WARRENVILLE
DUPAGE COUNTY, ILLINOIS

ORDINANCE NO. 2978

**ORDINANCE REGULATING THE SALE OF DOGS, CATS
AND RABBITS IN THE CITY OF WARRENVILLE**

WHEREAS, by virtue of a referendum, the City of Warrenville, DuPage County, Illinois, is a home rule unit and may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and incur debt; and

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. 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; and

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; 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 on their premises; and

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

WHEREAS, many cities have adopted legislation banning the sale of rabbits, including San Francisco, California; Los Angeles, California; Richmond, British Columbia; Chicago, Illinois; Fort Worth, San Antonio, Austin and Houston, Texas; and

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; and

WHEREAS, the City Council believes it is in the best interest of the City to adopt reasonable regulations to 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;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be and are hereby incorporated as if said recitals were fully set forth within this Section One.

SECTION TWO: A new Chapter 25 is hereby added to Title 3 of the Warrenville City

Code, which Chapter shall be and read as follows:

Chapter 25

RETAIL SALE OF DOGS, CATS AND RABBITS

SECTION:

- 25-1-1: Definitions
- 25-1-2: Restrictions on the Retail Sale of Animals
- 25-1-3: Exemptions
- 25-1-4: Disclosures Required
- 25-1-5: Penalties

25-1-1: **DEFINITIONS:** As used in this Chapter; the following definitions shall apply:

Offer(s) for sale: 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: Any person licensed or required to be licensed under this Title who offers for sale any dog, cat or rabbit in the City.

Rescue organization: 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.

25-1-2: **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:

- A. An animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or
- B. A humane society or rescue organization.

25-1-3: **EXEMPTIONS:** The restrictions on retailers set forth in Section 25-1-2 shall not apply to any entity listed in paragraphs (A) or (B) of Section 25-1-2, or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

25-1-4: **DISCLOSURES REQUIRED:** Any retailer who offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

- A. 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

- B. 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 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 Section and other applicable law.

25-1-5: **PENALTY:** Any person violating any provisions of any section of this chapter shall be fined as provided in Section 1-4-1 of Chapter 4, Title 1 of this code for each offense. Each day of violation shall constitute a separate and distinct offense.

SECTION THREE: All policies, resolutions and ordinances of the City of Warrentville which conflict with this ordinance shall be, and they are hereby, repealed.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS ____ day of _____, 2016.

AYES:

NAYES:

ABSENT:

APPROVED ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

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