

ORDINANCE NO. 20-_____

**AN ORDINANCE AMENDING TITLE 6, ANIMALS, OF THE
CARPENTERSVILLE MUNICIPAL CODE FOR SOURCING OF ANIMALS SOLD BY
PET SHOP OPERATORS**

WHEREAS, the Village of Carpentersville, Kane County, Illinois (the “Village”) is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village has been monitoring legislation and litigation affecting pet stores and the sale of animals from “puppy mills” for several years; and

WHEREAS, a significant number of dogs and cats sold at pet shops comes from commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

WHEREAS, inadequate care and conditions at commercial breeders can lead to behavioral and health issues in the dogs and cats and ultimately lead to increased financial and emotional costs for the purchasing consumer; and

WHEREAS, restricting the retail sale of dogs and/or cats to only those sourced from shelters, humane or rescue organizations is likely to decrease the demand for dogs and cats bred at commercial breeders and is likely to increase the demand for animals from animal shelters and rescue organizations and protect consumers.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, pursuant to its home rule authority, as follows:

SECTION 1: The Recitals set forth above are incorporated herein in their entirety by reference.

SECTION 2: Title 6, Animals, Chapter 6.04, General Animal Provisions, Section 6.04.010, Definitions, of the Carpentersville Municipal Code shall be amended to add the following definitions and renumbered accordingly:

3. “Animal rescue organization” means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes. This term does not include any entity which, is or is housed on the premises of, a breeder or broker, obtains dogs or cats from a breeder or broker in

exchange for payment or compensation, or resells dogs or cats obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

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6. "Breeder" means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

7. "Broker" means a person that transfers a dog or cat from a breeder for resale by another person.

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30. "Pet shop operator" means any "pet shop operator," "dog dealer," "kennel operator," or "cattery operator" as defined in the Illinois Animal Welfare Act (225 ILCS 605/1, *et seq.*), as may be amended, as well as any animal dealer or animal broker. Such definition shall not include an animal care facility or animal rescue organization.

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SECTION 3: Title 6, Animals, of the Carpentersville Municipal Code is hereby amended to add a new chapter, Chapter 6.05, Sourcing of Animals Sold by Pet Shop Operators, which shall read as follows:

Chapter 6.05 - SOURCING OF ANIMALS SOLD BY PET SHOP OPERATORS

6.05.010 - Restrictions on the sale of dogs and cats.

- A. A pet shop operator may offer for sale only dogs or cats that the pet shop operator has obtained from or displays in cooperation with:
1. a duly incorporated humane society, animal welfare society, or other nonprofit organization whose purpose is to provide for and promote the welfare, protection, and humane treatment of animals;
 2. an animal rescue organization; or
 3. a state, county, or municipal animal control facility/shelter.
- B. A pet shop operator shall not offer for sale a dog or cat that is younger than eight weeks old.

6.05.020 - Record keeping and disclosure.

A pet shop operator shall maintain records stating the name and address of the animal shelter, animal rescue organization, or state, county, or municipal animal control facility/shelter that each dog or cat was obtained from for at least two years following the date of acquisition. Such records shall be made available to the village upon request and submitted annually, and no later than May 1 of each year to the village. Each pet shop operator shall display on each cage a label stating the name and address of the animal shelter, animal rescue organization, or state, county, or municipal animal control facility/shelter of

each dog or cat kept in the cage.

SECTION 4: Title 6, Animals, Chapter 6.04, General Animal Provisions, Section 6.04.090, Penalties, of the Carpentersville Municipal Code shall be amended as follows:

6.04.090 - Penalties.

- A. Violation notices for violations of this title shall be issued, served, and resolved in accordance with the village's administrative hearing system or, if brought before a court of competent jurisdiction, pursuant to the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and such other rules that may apply to such court.
- B. Whoever violates Chapter 6.05 concerning the regulation of sourcing of animals sold by pet shop operators shall be subject to a fine of five hundred dollars (\$500.00) for the first violation, seven hundred fifty dollars (\$750.00) for the second violation, and no more than one thousand dollars (\$1000.00) for each additional violation. A separate offense shall be deemed committed for every dog or cat sold in violation of Chapter 6.05.
- C. Whoever violates Section 6.08.120 concerning the regulation of dangerous dogs shall be considered to have committed a misdemeanor and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each and every offense, and/or shall be imprisoned for not more than six months for each such offense.
- D. Whoever violates Section 6.08.130 concerning the regulation of vicious dogs shall be considered to have committed a misdemeanor and shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each and every offense.
- E. Any person who violates any provision of this title for which no other penalty is prescribed pursuant to this section, upon a finding of liability, shall be fined in an amount set forth in Section 20.06.030.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are provisionally repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 4th day of August, 2020 by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Jeff Frost	_____	_____	_____	_____
Trustee John O’Sullivan	_____	_____	_____	_____
Trustee Jim Malone	_____	_____	_____	_____
Trustee Maria Vela	_____	_____	_____	_____
Trustee Humberto Garcia	_____	_____	_____	_____
Trustee Bobbie Andresen	_____	_____	_____	_____
President John Skillman	_____	_____	_____	_____

APPROVED THIS 4TH DAY OF AUGUST, 2020.

Village President, John Skillman

(SEAL)

ATTEST: _____
Village Clerk, Kelly Mastera

Published: _____

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