

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 4-384-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-384-010 Definitions.

For purposes of this chapter, the following terms shall have the meaning ascribed to them in Chapter 7-12 of this Code: “animal”, “animal control center”, “cat”, “~~commission~~ Commission”, “dog”, “~~executive director~~ Executive Director”, “horse”, “impounded”, “microchip”, “owner”, “pet”, “~~owner~~”, “sterilization”, and “veterinarian”.

(Omitted text is unaffected by this ordinance)

“Animal care facility” means any person engaged in the business of boarding, breeding, training for a fee, letting for hire other than guard dogs, or providing day care for any dog or cat. An “animal care facility” does not include: (1) the animal control center; (2) any animal care facility, kennel, pound or training facility operated by any subdivision of local, state, or federal government; or (3) any humane society, any veterinary hospital, or any research facility subject to inspection under separate provisions of local, state or federal law; ~~(4) any person who owns, has possession of, or harbors 5 or fewer female dogs or cats capable of reproduction; or (5) the isolated or occasional sale of animals by a person who sells only such animals that he has produced and raised.~~

(Omitted text is unaffected by this ordinance)

“Enclosure” means a space that is surrounded by four walls and capable of separating an animal from other animals.

“Engaged in the business of breeding” describes any person who owns, has possession of, or harbors a female dog or cat that reproduces.

“Grooming facility” means any person engaged in the business of bathing, dipping, clipping, combing, or cleaning any animal for the purpose of improvement of the animal's appearance. “Grooming facility” does not include any facility operated by any subdivision of local, state or federal government that provides grooming for animals.

(Omitted text is unaffected by this ordinance)

“Pet shop” means any person ~~primarily~~ engaged in the business of selling or offering to sell animals, other than dogs, cats, and rabbits, suitable for use as pets; provided that a “pet shop” shall not include: (1) any animal control center, animal care facility, kennel or pound or training facility operated by any subdivision of local, state, or federal government; (2) any research facility subject to inspection under separate provisions of local, state or federal law; or (3) the isolated or occasional sale of animals by a person who sells only such animals that he

has produced and raised; or (4) any person engaged in the business of breeding who owns, has possession of or harbors 5 or fewer female dogs or cats capable of reproduction and sells only those breeding dogs or cats or their offspring.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-384-015 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-384-015 Retail Prohibition on the retail sale of dogs, cats and rabbits.

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

“Animal shelter” means the animal control center or any pound or shelter maintained by or under contract with a state, county, or other municipality, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

“Commercial producer” means a person that breeds dogs, cats, or rabbits for the purpose of selling the offspring.

“Offer(s) for sale” means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, or auction, give away or otherwise dispose of a dog, cat, or rabbit. “Offer(s) for sale” does not include to offer for adoption through an animal shelter or rescue organization.

“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. “Rescue organization” does not include any person that (i) is a commercial producer; (ii) obtains dogs, cats, or rabbits from a commercial producer; (iii) facilitates the sale for profit of a dog, cat, or rabbit for a commercial producer; (iv) has common personnel with a commercial producer, including, but not limited to, any employee, manager, or board member; or (v) is an “affiliated business,” as that term is defined by 44 Ill. Adm. Code § 20.540(b), of a commercial producer.

(b) *Restrictions on the retail sale of animals dogs, cats, and rabbits.*

(1) A pet shop retailer may not offer for sale only these dogs, cats, or rabbits.

(2) A pet shop may provide space to an animal shelter or rescue organization to house and display for adoption dogs, cats, or rabbits. The pet shop shall not have any

ownership or monetary interest in the animals displayed for adoption. The animals may only be transferred to an adopting individual for a nominal adoption fee. ~~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 two 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. Section 4-384-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

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

(a) 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, ~~(1) buy or sell cats or dogs without a pet shop license; or (2) groom cats or dogs without a grooming facility license.~~

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-384-170 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-384-170 ~~Animal shelter~~ Humane society cafe permit.

(a) *Definitions.* For purposes of this section the following definitions apply:

(Omitted text is unaffected by this ordinance)

“Permittee” means a person issued a humane society ~~an animal shelter~~ cafe permit under this section.

(b) Notwithstanding any provision of this code to the contrary, a humane society may sell beverages in its licensed facility in compliance with this section; provided that no more than 20% of the total floor area, or the amount of floor area permitted in the applicable zoning district, whichever is less, shall be used for the sale of beverages. The humane society ~~animal shelter~~ cafe permit authorizes only the sale of non-alcoholic beverages. The permit shall be for a term of two years and the fee shall be \$250.

The permit granted under this section does not authorize the licensee to engage in the business of a retail food establishment, except as authorized in this section.

(c) *Qualifications and application.*

(Omitted text is unaffected by this ordinance)

(2) An application for, or a renewal of, a humane society ~~an animal shelter~~ cafe permit shall be made to the ~~commissioner~~ Commissioner in a form and manner provided by the ~~commissioner~~ Commissioner. The application shall include:

(Omitted text is unaffected by this ordinance)

(D) any other pertinent information reasonably required by the ~~commissioner~~ Commissioner.

(Omitted text is unaffected by this ordinance)

(e) This section shall be enforced by the ~~department~~ Department and the ~~department of health~~ Department of Health.

The ~~commissioner~~ Commissioner shall promulgate rules for the administration and enforcement of this section. The ~~department of health~~ Department of Health shall promulgate rules regarding the sanitation and health requirements of the cafe, which rules shall include but not be limited to adequate controls to ensure compliance with the Illinois Food, Drug and Cosmetic Act, the Illinois Food Handling Regulation Enforcement Act, the Illinois Sanitary Food Preparation Act, and any other applicable law or regulation.

(Omitted text is unaffected by this ordinance)

SECTION 5. Chapter 4-384 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-384-080, as follows:

4-384-080 Breeding - License required - Exceptions.

Any person engaged in the business of breeding is required to get an animal care license unless the person:

(a) surrenders the offspring and the offspring's mother to an animal control facility, a humane society, or a rescue organization, as defined in Section 4-384-015, within 30 days of the birth of the offspring, or

(b) tenders documentation from an Illinois-licensed veterinarian within three months of the birth of the offspring to Chicago Animal Care and Control that shows the female dog and its offspring have been microchipped and either spayed or neutered.

SECTION 6. This ordinance shall be in full force and effect following due passage and publication.

BRIAN HOPKINS
Alderman, 2nd Ward