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32-O-20

AN ORDINANCE

Amending City Code Title 3, "Business Regulations," to Restrict the Sale of Cats, Dogs, and Rabbits

WHEREAS, the City of Evanston seeks to promote responsible and humane pet sales and ownership; and

WHEREAS, the City seeks to end inhumane practices of over-breeding, in-breeding, inadequate veterinary care, and other negative consequences of irresponsible commercial breeding ad sales; and

WHEREAS, the City of Evanston desires to be a "no-kill" community and the Evanston Animal Shelter has implemented a no-kill policy; and

WHEREAS, No-kill shelters seek to save every dog and cat in a shelter who can be saved, which means healing the animals who can be healed, treating behaviors that can be treated, and prioritizing safety and a high quality of life for both pets and people in our communities; and

WHEREAS, No-kill shelters aim to reduce the number of animals entering shelters through spay/neuter education and services and increasing the number of animals leaving shelters through adoption and other programs that lead to animals finding proper homes;

WHEREAS, the Evanston Animal Shelter does not have the capacity or expertise to care for abandoned rabbits and the local animal rescue that does have this expertise has expressed concern about the number of rabbits requiring rescue in Evanston; and

WHEREAS, the increased population of unwanted Cats, Dogs, and Rabbits creates both an economic burden on the City and a humane burden on the animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Title 3, “Business Regulations,” of the Evanston City Code of 2012, as amended, is hereby amended to add the following:

CHAPTER 33 – SALE OF CATS, DOGS, and RABBITS

3-33-1 CHAPTER 1 – DEFINITIONS.

As used in this Chapter the following terms mean:

<u>ANIMAL:</u>	<u>Any nonhuman living creature, domestic or wild.</u>
<u>ANIMAL CONTROL WARDEN:</u>	<u>The Chief of Police shall be ex officio animal control warden for the City. Provision shall be made for the appointment of such deputies as may be necessary.</u>
<u>ANIMAL SHELTER:</u>	<u>Any premises designated by City administrative authority for the purpose of impounding and caring for animals held under</u>

	<u>authority of this Chapter.</u>
<u>ANIMAL CARE FACILITY:</u>	<u>An animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.</u>
<u>ANIMAL RESCUE ORGANIZATION</u>	<u>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 in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.</u>
<u>KENNEL:</u>	<u>Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes.</u>
<u>OWNER:</u>	<u>Any person, partnership or corporation owning, keeping or harboring animals.</u>
<u>PERSON:</u>	<u>An individual, partnership or corporation owning, keeping or harboring animals.</u>
<u>PET SHOP:</u>	<u>A retail establishment where dogs, cats or rabbits are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.</u>

3-33-2 – RESTRICTIONS ON THE SALES AND ADOPTIONS OF CATS, DOGS, AND RABBITS.

(A) No pet store shall sell, deliver, offer for sale, barter, auction give away, or otherwise transfer or dispose of cats, dogs or rabbits. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs, cats and rabbits provided that the pet store shall not have any ownership interest in these animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

(A) Any rabbit that is adopted or sold in the City of Evanston must be spayed or neutered unless a veterinarian determines that neutering or spaying the animal would endanger the health of the animal. Such a determination must be made in writing and by a veterinarian licensed to practice in the State of Illinois.

3-33-3.- ENFORCEMENT AND PENALTIES.

(A) *Enforcement.* The Animal Control Warden shall enforce this Section, and the Evanston Police Department shall assist the Animal Control Warden in said enforcement.

(B) *Violations and Penalty.* Any person violating any section of Chapter 33 of Title 3 shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1500.00) for each offense. Every day such violation continues shall constitute a separate and distinct offense.

SECTION 3: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance must be in full force and effect after its passage, approval, and publication in the manner provided by law.

SECTION 6: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid

application of this ordinance is severable.

Introduced: _____, 2020

Approved:

Adopted: _____, 2020

_____, 2020

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

Kelley A. Gandurski, Corporation Counsel