



## VILLAGE OF LISLE Village Board Agenda Item

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**Item Title: An Ordinance Amending Title 3, Chapter 22, of the Village of Lisle Code; Retail Sales of Animals**

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**Date:** July 15, 2019

**Submitting Department:** Development Services

**Contact Person:** Mike Smetana

**Email Address:** msmetana@villageoflisle.org

**Description of Agenda Item:**

Approval of this ordinance will amend Title 3, Chapter 22, of the Village of Lisle Code adopting humane regulations pertaining to the retail sale of animals.

**Background:**

On October 15, 2018, the Village Board adopted Ordinance 2018-4790 prohibiting the retail sale of all animals. Enacting this prohibition allowed for the review and revision of zoning code regulations (Title 5) relating to the retail sale of animals.

On March 18, 2019, the Village Board adopted Ordinance 2019-4816 amending Title 5 of the Village of Lisle Code. The amendments revised regulations relating to the retail sale of animals and removed pet shops as a permitted use in the B-3A and B-3B zoning districts.

While zoning regulations relating to the retail sale of animals have been revised, Ordinance 2018-4790 is still in effect. As such, the retail sale of animals is still prohibited in the Village. As an alternative approach, at the June 17, 2019 Committee of the Whole Meeting, the Village Board directed staff to prepare an ordinance adopting humane regulations suggested by The Humane Society.

Marc Ayers, Illinois State Director of The Humane Society, recommended two revisions to the proposed ordinance amending Title 3, Chapter 22, of the Village of Lisle Code on July 15, 2019. The two revisions have been reviewed by the Village Attorney and incorporated in the proposed ordinance.

A summary of the revisions are as follows:

1. Revised the definition of animal control facility to apply to any state, instead of the State of Illinois only.
2. Added the following language to Section 3-22-2: "provided the pet shop operator shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals."

The proposed ordinance incorporating the July 15, 2019 recommendations by The Humane Society amends Title 3, Chapter 22 by removing the prohibition of the retail sale of animals that

took effect with the passage of Ordinance 2018-4790 and adopts new humane regulations suggested by The Humane Society.

**Action/Recommendation:**

Staff recommends approval of a proposed ordinance amending Title 3, Chapter 22, of the Village of Lisle Code.

**Attachments:**        [An Ordinance Amending Title 3, Chapter 22 \(Revised July 15, 2019\)](#)

**ORDINANCE NO. 2019 -**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 22, OF THE  
VILLAGE OF LISLE CODE**

**WHEREAS**, 65 ILCS 5/11-5-6 provides that the corporate authorities of each municipality may prohibit cruelty to animals, and 65 ILCS 5/11-42-10 provides that the corporate authorities of each municipality may compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pigsty, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof, and 65 ILCS 5/11-60-1 provides that the corporate authorities of each municipality may fix the amount, terms, and manner of issuing and revoking licenses, and 65 ILCS 5/11-60-2 provides that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). 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 shop dogs and cats come from puppy mills and kitten mills.

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise.

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers.

**WHEREAS**, current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops.

**WHEREAS**, prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.

**WHEREAS**, due in large part to pet overpopulation, dogs and cats are euthanized in Illinois animal shelters annually, including in DuPage County, Illinois. Prohibiting the retail sale of puppies and kittens will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers.

**WHEREAS**, across the country, thousands of independent pet shops 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 shops collaborate with local animal shelters 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 breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions.

**WHEREAS**, the Mayor and Board of Trustees believes it is in the best interests of this Village to adopt reasonable regulations to reduce costs to the Village and its residents, protect the citizens of the Village who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Lisle, DuPage County, Illinois, THAT:

**SECTION 1:** RECITALS

The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2:** AMENDMENT TO TITLE 3, CHAPTER 22

Title 3, Chapter 22, of the Village of Lisle Code of Ordinances is hereby amended as shown on Exhibit A, attached hereto and, by this reference, incorporated herein (additions in underline, deletions in ~~striketrough~~).

**SECTION 3:** EFFECTIVE DATE

This Ordinance shall be in full force and effect following its passage and approval as required by law.

**SECTION 4:** CONFLICTING PROVISIONS

Any prior order, resolution, policy or ordinance of the Board of Trustees of the Village of Lisle in conflict with the provisions of this Ordinance, shall be and hereby are, repealed to the extent of such conflict.

**SECTION 5:** PUBLICATION OF ORDINANCE

The Village Clerk is hereby authorized to publish this ordinance in book or pamphlet form or such other form which is permitted or required pursuant to applicable law.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF JULY, 2019

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CHRISTOPHER R. PECAK, MAYOR

ATTEST:

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LORNA TURNER, VILLAGE CLERK

VOTES:

AYES:

NAYS:

ABSENT:

ABSTAIN

**LIST OF EXHIBITS**

EXHIBIT A Title 3, Chapter 22, Village of Lisle Code

## Chapter 22

## EXHIBIT A

## RETAIL SALE OF ANIMALS

## 3-22-1: DEFINITIONS:

3-22-2: ~~PROHIBITION OF THE RETAIL SALE OF ANIMALS:~~ RESTRICTION ON THE RETAIL SALE OF ANIMALS:

## 3-22-3: EXEMPTIONS:

## 3-22-4: PENALTY:

## 3-22-1: DEFINITIONS:

As used in this chapter, the following definitions shall apply:

**ANIMAL:** Any living member of the kingdom Animalia, comprising multicellular organisms that have a well-defined shape and usually limited growth, can move voluntarily, actively acquire food and digest it internally, and have sensory and nervous systems that allow them to respond rapidly to stimuli.

ANIMAL CONTROL FACILITY: Any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of any State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes. [from the State of Illinois Animal Welfare Act]

ANIMAL SHELTER: A facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes. [from the State of Illinois Animal Welfare Act]

CAT: a member of the species of domestic cat, *Felis catus*.

DOG: means a member of the species of domestic dog, *Canis familiaris*.

~~OFFER(S) FOR SALE:~~ To display, sell, deliver, offer for sale or adoption, advertise for sale of, barter, auction, give away or otherwise dispose of an animal.

PET SHOP OPERATOR: Any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in the Village. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this ordinance, and a

veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this ordinance. [from the State of Illinois Animal Welfare Act]

RETAIL SALE OF ANIMALS: To display, sell, deliver, offer for sale or adoption, advertise for sale of, barter, auction, give away or otherwise dispose of an animal. (Ord. 2019-\_\_\_, 7-15-2019)

~~RETAILER: Any person licensed or required to be licensed under this title who offers for sale any animal in the Village. (Ord. 2018-4790, 10-15-2018)~~

~~3-22-2: PROHIBITION OF THE RETAIL SALE OF ANIMALS:~~ RESTRICTION ON THE RETAIL SALE OF ANIMALS:

~~A retailer may not offer for sale any animal. (Ord. 2018-4790, 10-15-2018)~~

No pet shop operator shall display, sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet shop operators from collaborating with animal control facilities or animal shelters to offer space for such entities to showcase adoptable dogs and cats provided the pet shop operator shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. (Ord. 2019-\_\_\_, 7-15-2019)

3-22-3: EXEMPTIONS:

The restriction on retailers set forth in section 3-22-2 of this chapter shall not apply to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 Illinois Compiled Statutes 115, or to a person who offers for sale only dogs or cats that he has produced and raised, provided the person owns, has possession of, or harbors four (4) or less females capable of reproduction. (Ord. 2018-4790, 10-15-2018)

3-22-4: PENALTY:

Any person violating any provision of any section of this chapter shall be fined as established in the annual fee ordinance for each offense, and each day of violation shall constitute a separate and distinct offense. (Ord. 2018-4790, 10-15-2018)