

**CITY OF FREEPORT  
STEPHENSON COUNTY, ILLINOIS**

**ORDINANCE NO. 2020-53**

**AN ORDINANCE OF THE CITY OF FREEPORT, ILLINOIS AMENDING PART  
EIGHT -- BUSINESS REGULATION AND TAXATION CODE, TITLE 2 -- BUSINESS  
REGULATION ADDING CHAPTER 879 -- PET STORES TO THE CODIFIED  
ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

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**ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF FREEPORT, ILLINOIS  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2020**

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**Published in pamphlet form by authority of the  
City Council of the City of Freeport,  
Stephenson County, Illinois, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2020.**

**AN ORDINANCE OF THE CITY OF FREEPORT, ILLINOIS AMENDING PART EIGHT -- BUSINESS REGULATION AND TAXATION CODE, TITLE 2 -- BUSINESS REGULATION ADDING CHAPTER 879 -- PET STORES TO THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

**ORDINANCE NO. 2020-53**

**WHEREAS**, the City of Freeport (hereinafter referred to as “City”) recognizes that most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits (“puppy mills” and “kitten mills,” respectively); and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socializing, exercise and enrichment; and lack of sanitation; and

**WHEREAS**, prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers; and

**WHEREAS**, the large majority of pet stores are already in compliance with the provisions of this Ordinance as they already do not sell dogs and cats but rather profit from selling pet products, offering services, and collaborating with local animal shelters and rescues to host adoption events;

**WHEREAS**, this Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her own choice from an animal rescue, shelter, or breeder who sells directly to the public;

**WHEREAS**, the City now desires to amend Part Eight – Business Regulation and Taxation Code, Title 2 – Business Regulation by creating a new Chapter, Chapter 879 -- Pet Stores, and to provide for the business requirements as set forth herein; and

**WHEREAS**, the City Council finds that such amendments are in the best interest of the public health, safety, morals and general welfare of the residents of the City of Freeport.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS AS FOLLOWS:**

**Section 1.** The above-recitals are incorporated herein and made a part hereof.

**Section 2.** That Part Eight – Business Regulation and Taxation Code, Title 2 – Business Regulation is hereby amended to add a new Chapter 879 – “Pet Stores,” and which new Chapter shall read as follows (deletions shown as strikethroughs and new language as underlined and bolded):

## “CHAPTER 879 – PET STORES

### 879.01. - Definitions.

*Animal care facility* shall be defined as 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.

*Animal rescue organization* shall be defined as any not-for-profit organization which as 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 an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

*Breeder* shall be defined as a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

*Cat* shall be defined as a member of the species of domestic cat, *Felis catus*.

*Dog* shall be defined as a member of the species of domestic dog, *Canis familiaris*.

*Offer for sale* shall be defined as to advertise for the sale, barter, or auction, or to otherwise give away or dispose of a dog or cat on a for-profit basis.

*Pet Store* shall be defined as a retail establishment where dogs or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail value. Such definition shall not include an animal care facility or animal rescue organization, as defined in this Section. Further, such definition shall not include a retail establishment where dogs or cats are offered for adoption on a not-for-profit basis in partnership with an animal care facility or animal rescue organization.

### 879.02. – Restrictions on Sale of Animals.

No pet store shall 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 stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store 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. Pet stores which collaborate with animal care facilities or animal rescue organizations to offer pet adoptions shall take reasonable steps to ensure that potential pet adoptees follow all protocols set forth by animal care facilities or animal rescue organizations regarding adoption criteria including the completion of an adoption registration form.

### 879.03. - Penalty.

A pet store that violates this section shall be subject to a civil penalty of \$500, and each dog or cat offered for sale in violation of this section shall constitute a separate violation.”

**Section 3.** This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

**Section 4.** This ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

**Section 5.** All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

**Section 6.** If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

**PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dovie Anderson, City Clerk

YEAS:  
NAYS:  
ABSTAIN:  
PRESENT:

**APPROVED** by the Mayor of the City of Freeport this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jodi Miller, Mayor

Date Published:  
Date Effective:

Approved as to form:

\_\_\_\_\_  
City Legal Counsel