

ORDINANCE NO. 2020 - O - 09

An Ordinance Amending Chapter 14, Dogs and Other Animals, of the Algonquin Municipal Code

WHEREAS, the Village of Algonquin, McHenry and Kane Counties, Illinois, 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, the President and Board of Trustees of the Village of Algonquin, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; 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, cats and rabbits 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, cats and rabbits and ultimately lead to increased financial and emotional costs for the purchasing consumer; and

WHEREAS, restricting the retail sale of dogs, cats or rabbits to only those sourced from shelters, humane or rescue organizations is likely to decrease the demand for dogs, cats and rabbits 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 ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

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

SECTION 2: Appendix A, Definitions, of the Algonquin Municipal Code shall be amended to add the following definition:

Animal Rescue Organization: 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, cats or rabbits from a breeder or broker in exchange for payment or compensation, or resells dogs, cats or rabbits obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Breeder: A person that maintains a dog, cat or rabbit for the purpose of breeding and selling their offspring.

Broker: a person that transfers a dog, cat or rabbit from a breeder for resale by another person.

Pet store: 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.

SECTION 3: Chapter 14, Dogs and Other Animals, of the Algonquin Municipal Code is hereby amended to add a new section, Section 14.11, Sourcing of Animals Sold by Pet Shop Operators, which shall read as follows:

14.11 SOURCING OF ANIMALS SOLD BY PET SHOP OPERATORS

A. Restrictions on the Sale of Dogs, Cats and Rabbits:

1. A pet shop operator may offer for sale only dogs, cats or rabbits that the pet shop operator has obtained from or displays in cooperation with:

- a. 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;
- b. an animal rescue organization; or
- c. a state, county or municipal animal control facility/shelter.

2. A pet shop operator shall not offer for sale a dog, cat or rabbit that is younger than eight weeks old.

B. Record Keeping and Disclosure: A pet shop operator shall maintain records stating the name address of the animal shelter or animal rescue organization or state, county, municipal animal control facility/shelter that each dog, cat or rabbit 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 or animal rescue organization state, county, municipal animal control facility/shelter of each dog, cat or rabbit kept in the cage except where the pet shop operator is holding an adoption event with a specific animal rescue organization or government shelter, in which case one sign only need be posted, said sign should be located in a prominent location and contain information on that specific animal rescue organization/government shelter.

C. Penalties: Any person violating any provision of this Section 14.11 shall be subject to a fine of five hundred dollars (\$500.00) for the first citation, seven hundred fifty dollars (\$750.00) for the second citation, and no more than one thousand dollars (\$1000.00) for the third. A separate offense shall be deemed committed for every dog, cat or rabbit sold in violation of Section 14.11.

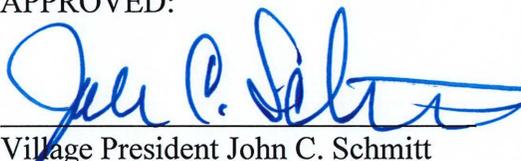
SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Aye: Sosine, Spella, Pstenuer, Steigert, Jasper, Glogowski
Nay:
Absent:
Abstain:

APPROVED:



Village President John C. Schmitt

(SEAL)

ATTEST: Gerald S. Kautz by: Michelle Weber
Village Clerk Gerald S. Kautz Michelle Weber, Deputy Clerk

Passed: March 17, 2020
Approved: March 17, 2020
Published: March 18, 2020

Prepared by:
Kelly Cahill, Village Attorney
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014