

AN ORDINANCE AMENDING CHAPTER 91 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, PERTAINING TO ANIMAL CONTROL REGARDING THE SALE OF CATS AND DOGS IN PET STORES

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, Chapter 91 of the 1988 City of Springfield Code of Ordinances, as amended, pertains to animal control; and

WHEREAS, it is in the best interests of the City to amend Chapter 91 as shown on attached Exhibit "A."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1: That the City Council hereby amends Chapter 95 of the 1988 Springfield City Code of Ordinances, as amended, as shown on attached Exhibit "A".

Section 2: That the City Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 3: That this ordinance shall become effective after its passage, recording and publication in pamphlet form.

PASSED: _____, 2019

SIGNED: _____, 2019

RECORDED: _____, 2019

Mayor James O. Langfelder

ATTEST: _____
City Clerk Frank J. Lesko

Approved as to legal sufficiency:

Requested by: Alderwoman DiCenso

Office of Corporation Counsel / Date

CHAPTER 91. - ANIMAL CONTROL

ARTICLE I. - GENERAL PROVISIONS

§ 91.01. - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alternate enclosure. An area which a dog is confined by a fence or structure of sufficient height, in which the dog is restrained by a runline of sufficient strength. Such alternative enclosure shall be subject to the approval of an animal control officer and suitable to prevent the entry of small children.

Animal. All animals, reptiles, birds, or fish unless the section limits the application to a particular species of animal.

Animal care facility. 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 control. The Sangamon County Animal Control Division, and those designated by the chief of police.

Animal control officer. An employee of the Sangamon County Animal Control Division or those designated by the chief of police whose duty it is to enforce the provisions of this chapter.

Animal rescue organization. A not-or-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 an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

At large. Any animal not under restraint as defined herein.

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

Broker. A person that transfers a dog or cat from a breeder for resale by another person.

Cat. All animals, regardless of sex, of the feline species, felis catus.

Chief of police. The Chief of the Springfield Police Department.

Department of agriculture. The department of agriculture of the State of Illinois.

Disturbance. A disturbance caused by an animal, that is distressing or loud or unusual in nature and disturbs the peace or quiet of any place, neighborhood, family or persons in the city, that lasts longer than 15 minutes, and is documented by law enforcement or animal control.

Dog. All animals, regardless of sex, of the canine species, canis familiaris.

Excrement. Waste matter discharged from the body, including but not limited to animal feces.

Inoculation against rabies. The injection, subcutaneously or otherwise, as approved by the department of agriculture of a canine anti-rabies vaccine approved by the department.

Offer for sale. To sell, offer for sale or adoption, advertise for sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Ordered enclosure. A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

Owner or keeper. A person having a right of property in an animal, who keeps or harbors such animal, or who cares for or who acts as its custodian.

Pet store. A retail establishment where dogs or cats 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.

Pound. The county pound or other facility approved by the chief of police for the impoundment of animals.

Public entrance. The entranceway of a residence or other building closest to the public street or sidewalk or one which would be reasonably perceived by the public to be the entrance to the dwelling available for public use.

Repetitious disturbance. A disturbance that occurs on more than two occasions which takes place over a reasonably short period of time.

Restraint. An animal is under restraint if it is:

- (1) Attached to a leash held by a responsible person;
- (2) Attached to a structure or fixture in such a manner that it is unable to reach beyond the limits of the owner's or keeper's property and is unable to reach or molest service persons or casual visitors to the owner's or keeper's property using the public entrance or persons placing mail in the mailbox or delivering newspapers at the request of the owners; or
- (3) Enclosed in a fenced yard.

Vicious animal. Any individual animal, including a vicious dog, that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property; no animal shall be deemed "vicious" if it bites, attacks or menaces a trespasser on the property of its owner or keeper or harms or menaces anyone who has tormented or abused it.

Vicious dog. Means the following:

- (a) Any individual dog which when either unmuzzled, unleashed, or unattended by its owner, a member of its owner's family, or keeper, in a terrorizing or aggressive manner, approaches any person or animal in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places or property other than that of its owner, a member of its owner's family or keeper.
- (b) Any dog which, when unprovoked, has killed, or seriously bitten, or inflicted injury or otherwise caused injury attacking a person or another animal off the property of the owner or keeper of the dog.
- (c) No dog shall be deemed "vicious" if it bites, attacks or menaces a trespasser on the property of its owner or keeper or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duty purposes.

Working day. Any day when the office or public entity referred to was open for the transaction of business.

(Ord. No. 301-4-93, § 1, 4-20-93; Ord. No. 670-9-95, § 1(Exh. M), 9-19-95; Ord. No. 528-9-99, § 1(Exh. A), 9-21-99; Ord. No. 585-10-03, § 1(Exh. 1), 10-21-03)

(ALL FOLLOWING SECTIONS OF THE ORDINANCE REMAINS UNCHANGED.)

ARTICLE IV. - RESTRICTION AND PROHIBITIONS

(ALL OTHER SECTIONS OF ARTICLE IV REMAIN UNCHANGED EXCEPT AS SHOWN IN RED BELOW.)

§ Section 91.27 – Restrictions on the sale of animals.

- (a) No pet store shall sell, deliver, for 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.
- (b) A pet store that violated this section shall be subject to a fine of \$500, and each dog or cat offered for sale in violation of this section shall constitute a separate violation.

(ALL FOLLOWING SECTIONS OF THE ORDINANCE REMAIN UNCHANGED.)