

ORDINANCE NO. 19-O-0008

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A ARTICLES 4 AND 10 OF THE ZONING CODE RELATING TO PET SHOPS

WHEREAS, 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, where the health and welfare of the animals are not adequately provided for; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include overbreeding, 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; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities may lead to health and behavioral issues and said issues may not present themselves until sometime after the purchase of the animals which can impose exorbitant financial and emotional costs on consumers; and

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

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; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains collaborate with local shelters and rescue organizations and operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; and

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; and

WHEREAS, the City Council believes it is in the best interest of this City to adopt reasonable regulations to protect the citizens of the City 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 City; and

WHEREAS, Notice of Public Hearing on said text amendments was published in the Daily Herald on or about February 14, 2019, as required by the ordinances of the City of West

Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on March 5, 2019, pursuant to said Notice; and,

WHEREAS, at the Public Hearing all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 19-RC-0004, a copy of which is attached hereto as Exhibit "A" which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Appendix A, Article 4, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled "Construction of terms" is hereby amended by adding the following three definitions:

"Pet shop" means a retail establishment which sells any or all of the following to the general public: pets, pet accessories, and pet supplies. Pet shops can house an accessory veterinary clinic and/or an accessory indoor grooming facility. No pet shop 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 and cats.

"Animal care facility" means 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" means 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, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Section 2. That Appendix A, Article 10, Section 10.2-3, B-1, Central Business District, of the Code of Ordinances of the City of West Chicago entitled "Permitted Uses" is hereby amended by adding the following language:

(CC) Pet shops

Section 3. That Appendix A, Article 10, Section 10.3-3, B-2, General Business District, of the Code of Ordinances of the City of West Chicago entitled "Permitted Uses" is hereby amended by adding the following language:

(OO) Pet shops

Section 4. That Appendix A, Article 10, Section 10.4-4, B-3, Regional Business District, of the Code of Ordinances of the City of West Chicago entitled "Permitted Uses" is hereby amended by adding the following language:

(HH) Pet shops


Section 5. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 6. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 18th day of March 2019.

Alderman J. Beifuss	<u>Aye</u>	Alderman L. Chassee	<u>Aye</u>
Alderman J. Sheahan	<u>Aye</u>	Alderman H. Brown	<u>Aye</u>
Alderman A. Hallett	<u>Aye</u>	Alderman M. Ferguson	<u>Aye</u>
Alderman M. Birch-Ferguson	<u>Absent</u>	Alderman S. Dimas	<u>Aye</u>
Alderman C. Swiatek	<u>Aye</u>	Alderman M. Garling	<u>Aye</u>
Alderman R. Stout	<u>Absent</u>	Alderman J. Short	<u>Aye</u>
Alderman N. Ligino-Kubinski	<u>Absent</u>	Alderman B. Gagliardi	<u>Aye</u>

APPROVED as to form:  _____
(City Attorney)

APPROVED this 18th day of March 2019.


Mayor Ruben Pineda



ATTEST:

Nancy M. Smith
City Clerk Nancy M. Smith

PUBLISHED: 3-19-19

