

43 - Timmy
Knudsen

Health

**DRAFT
ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-5-010 Establishment of license fees.

(Omitted text is unaffected by this ordinance)

(7) Animal care (4-384)	
<u>Animal care license</u>	\$275.00
<u>Backyard breeder license</u>	\$100.00 per year
<u>Intact companion animal</u>	\$100.00 per animal
<u>Litter Permit</u>	\$150.00 per litter

SECTION 2. Section 4-384-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-384-010 Definitions.

For purposes of this chapter, the following terms shall have the meaning ascribed to them in Chapter 7-12 of this Code: "animal", "animal control center", "cat", "Commission", "Department", "dog", "Executive Director", "horse", "impounded", "microchip", "owner", "pet", "sterilization", and "veterinarian".

"Adequate space" means sufficient space for the animal to stand up with neck in fully upright position, sit down, lie down with legs outstretched, and offer freedom of movement_;

(Omitted text is unaffected by this ordinance)

"Animal exhibition" means any public or private animal exhibition staged within the City, with or without charge to viewers, including but not limited to zoos, circuses, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or exhibitions utilizing or displaying animals, or the display of any animal for purposes of advertising or promotion. For purposes of classifying animal exhibitions as temporary or permanent, a "temporary" animal exhibition shall mean one with a duration of 30 consecutive days or less, and a "permanent" animal exhibition shall mean one with a duration exceeding 30 consecutive days.

"Backyard breeder" means any person who owns, has possession of, or harbors five or fewer intact companion animals for breeding, including the isolated or occasional sale of animals produced and raised by such person.

(Omitted text is unaffected by this ordinance)

"Household" has the meaning ascribed to that term in Section 4-11-070.

"Humane society" means any not-for-profit corporation chartered under the laws of the State of Illinois for the object of animal welfare.

"Intact companion animal" means a female dog capable of reproduction.

"Pet shop" means any person primarily engaged in the business of selling or offering to sell animals suitable for use as pets; provided that a "pet shop" shall not include: (1) any animal control center, animal care facility, kennel or pound or training facility operated by any subdivision of local, state, or federal government; (2) any research facility subject to inspection under separate provisions of local, state or federal law; or (3) a licensed backyard breeder in accordance with Section 4-384-080. ~~the isolated or occasional sale of animals by a person who sells only such animals that he has produced and raised.~~

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-384-015 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-384-015 Prohibition on the retail sale of dogs, cats and rabbits.

(Omitted text is unaffected by this ordinance)

(b) Restrictions on the retail sale of dogs, cats, and rabbits.

(1) A pet shop may not offer for sale dogs, cats, or rabbits.

(2) A pet shop may provide space to an animal shelter or rescue organization to house and display for adoption dogs, cats, or rabbits. The pet shop shall not have any ownership or monetary interest in the animals displayed for adoption. The animals may only be transferred to an adopting individual for a nominal adoption fee.

(c) Notwithstanding anything in this section to the contrary, any duly licensed backyard breeder may sell or otherwise exchange a dog born to a duly permitted intact companion animal for which the backyard breeder has obtained a litter permit, provided:

(1) the dog is sold no later than six months after birth;

(2) the dog has been dewormed prior to separation from the applicable intact companion animal;

(3) the backyard breeder provides the purchaser: (A) a veterinary certificate of health and proof of current vaccinations for distemper, rabies, parvovirus, and bordatella; and (B) a current veterinary certificate verifying that the dog is free from intestinal parasites; and

(4) the backyard breeder reports the sale, including the litter recipient's name and address, to the Department.

SECTION 4. Section 4-384-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-384-020 Animal care – License required when – Permit required for temporary animal exhibitions.

(a) No person shall engage in the business of a grooming facility, guard dog service, pet shop, animal care facility, humane society, veterinary hospital, or permanent animal exhibition without having first obtained an animal care license under this chapter; provided, however, that an animal care facility, other than a backyard breeder, may, under that license groom cats or dogs without a grooming facility license.

(Omitted text is unaffected by this ordinance)

SECTION 5. Chapter 4-384 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-384-080, as follows:

4-384-080 Backyard breeding.

(a) *License required.* Any person engaged in backyard breeding is required to get backyard breeder license unless the person: (i) surrenders the offspring and the offspring's mother to an animal control facility, a humane society, or a rescue organization, as defined in Section 4-384-015, within 30 days of the birth of the offspring, or (ii) within five months of the birth of the offspring, tenders documentation from an Illinois-licensed veterinarian to the Department that the female dog and its offspring have been microchipped and either spayed or neutered. An application for a backyard breeder license shall be made in conformity with the requirements of Chapter 4-4 of this Code, on a form prescribed by the City Clerk, in consultation with the Department. The application shall contain the name and address of the applicant and any other information, including any disclosures pertaining to ownership or control of the applicant, as may be required by rule. The Executive Director shall cause an inspection to be made of the premises named and described in the application, for the purpose of determining whether the sanitary conditions and the other requirements of this Code are fully complied with. Such inspections shall occur upon application for a backyard breeder license and upon renewal of such license. No more than one backyard breeder license may be issued to each household.

(b) *Intact companion animal permit.* Each owner of an intact companion animal is required to obtain an intact companion animal permit. An application for an intact companion animal permit shall include the following information:

- (1) A copy of the owner's backyard breeding license;
- (2) Evidence, acceptable to the Executive Director, that the intact companion animal has been implanted with microchip;
- (3) A veterinary certificate of health and proof of current vaccinations for distemper, rabies, parvovirus, and bordatella, provided, however, that a veterinary certificate of adequate titer protection issued within the previous 12 months from the date of presentation may be substituted for the distemper and parvovirus vaccinations;
- (4) A current veterinary certificate verifying that the dog is free from intestinal parasites.

(c) *Litter permit required.* In addition to obtaining a license under subsection (a) of this section, each backyard breeder is required to obtain a litter permit. A litter permit shall be obtained no later than one week after the birth of the applicable litter. Notwithstanding anything in this section to the contrary, in any consecutive 12-month period: (i) not more than one litter permit may be issued per intact companion animal; and (ii) not more than two litter permits may be issued per backyard breeder. An application for a litter permit shall include the following information:

- (1) A copy of the owner's backyard breeding license; and
- (2) A copy of the applicable intact companion animal permit.

(d) *License and permit fees.* The annual fee for a backyard breeder license, intact companion animal permit, and litter permit shall be as set forth in Section 4-5-010 of this Code.

(e) *Legal duties.* Each backyard breeder shall:

- (1) keep the licensed premises free and clean of decaying food and filth of any kind and maintain the licensed premises under sanitary conditions at all times;
- (2) comply with all local, state and federal laws relating to animal health, sanitation, and disease prevention;
- (3) provide the animals with potable water, at all times, and adequate nutrition appropriate for the species; and
- (4) maintain a record of the name, address, telephone number and emergency contact information of the backyard breeder for every animal in its care.

(f) *Prohibited acts.* No backyard breeder shall:

- (1) beat, torture, torment, bait, mutilate or cruelly kill any animal, or cause or knowingly allow the same to be done;
- (2) fail to provide any animal in the backyard breeder's care or custody with proper food, water, air or sanitary shelter;
- (3) cruelly force into undue physical exertion or carry, keep, drive, overload, overwork, or cause to be carried, driven, overloaded, overworked, or kept, any animal in a cruel manner;
- (4) leave an animal unattended in a motor vehicle, trailer or other enclosure for a period of time long enough to threaten its life or health, including by subjecting the animal to inadequate air circulation or by exposure to extreme heat or cold;
- (5) have, keep or harbor any animal which is infected with any disease transmissible to other animals or man, or which is afflicted with any painful disease or injury, including severe parasitism, unless the animal is under the care of a veterinarian;
- (6) abandon any intact companion animal on any public way or in any place where it may suffer or become a public charge;

(7) stake out unattended, or leave unrestrained outside and unattended any female dog in season; or

(8) knowingly poison or cause to be poisoned any animal except with a written permit from the Illinois Department of Agriculture or the Illinois Department of Natural Resources. Nothing in this subsection shall be construed to prevent the use of poisons, approved by the Illinois Environmental Protection Agency, for rodent or vermin control.

(g) *Enforcement and administration.* This section shall be administered by the Executive Director, in consultation with the City Clerk. In addition to enforcement pursuant to Section 4-384-135, this section may also be enforced by designated employees of the Office of the City Clerk, the Department of Streets and Sanitation, the Department of Buildings, and the Department of Public Health. The Executive Director, in consultation with the City Clerk, shall adopt rules for the uniform enforcement of this section. The Department shall establish a dedicated system to receive anonymous complaints of violations of this section. Such dedicated system may be incorporated into the City's 3-1-1 system.

(h) *Penalties.* Any person who violates any of the provisions of this section shall be subject to a fine of not less than \$100 nor more than \$10,000 for each offense. In addition, for any second or subsequent violation related to failure to obtain a backyard breeder license, intact companion animal permit, or litter permit, the applicable intact companion animal or animals used in such violation may be subject to sterilization, pursuant to rule, and the backyard breeder license may be revoked.

SECTION 6. Section 7-12-065 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

7-12-065 Redemption of dogs and cats.

(a) Except as provided elsewhere in this section, any dog or cat impounded under Sections 7-12-040(a), 7-12-080, or 7-12-290 shall, prior to the animal's return to its owner:

- (1) have a microchip implanted if it does not already have one;
- (2) have a confirmed current rabies vaccination; and
- (3) if the dog or cat is capable of reproduction, be sterilized.

(b) An owner may receive the animal without compliance with subsection (a)(1) or (3) if:

(1) The Executive Director determines that microchipping and/or sterilization would endanger the life or health of the animal; ~~or~~

(2) The owner contests microchipping and/or sterilization within the stray hold period set forth in Section 7-12-060 by filing a written request for a hearing; ~~or~~

(3) The owner holds a valid intact companion animal permit for such dog;

(4) The dog is a registered show or competition animal for a recognized dog show or competition, including but not limited to, the American Kennel Club or United Kennel Club; or

(5) any service dog. For purposes of this subsection a "service dog" means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; or

(c) An owner who redeems an animal pursuant to subsection (b)(1) shall, within thirty days of redeeming the animal, provide the Department with either:

(1) proof that the owner had the animal microchipped and/or sterilized; or

(2) a veterinarian's certificate stating that the animal cannot be sterilized without endangering the life or health of the animal; or

(3) a copy of a valid intact companion animal permit for such dog;

(4) a copy of registration certificate or other evidence acceptable to the Executive Director of registration for a recognized dog show or competition, including but not limited to, the American Kennel Club or United Kennel Club; or

(5) evidence, acceptable to the Executive Director, of the dog's status as a "service dog".

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 7-12-150 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

7-12-150 License application forms.

(a) An application for a dog license shall be made to the City Clerk on forms or in an electronic format as prescribed by the City Clerk, and shall contain the owner's name, address, telephone number, e-mail address, information sufficient to identify the dog, and any other information as may be required by the City Clerk.

As part of every dog license application, the owner shall attest to the following information for each dog for which an application has been submitted:

(1) that the dog has a current certificate of rabies inoculation that complies with Section 7-12-200;

(2) the number of the rabies inoculation certificate or tag referred to in subsection (a)(1) of this section, and the date of expiration of the rabies inoculation the dog received;

(3) the age of the dog's owner; and

(4) ~~whether evidence that the dog has been sterilized, or evidence showing the dog is exempt from the sterilization requirement under Section 7-12-065;~~

(5) whether the dog's owner holds a backyard breeder license, as defined in Chapter 3-84;
and

(6) whether the dog was born to a licensed intact companion animal, as defined in Chapter 4-384, pursuant to a valid litter permit.

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 2-100-110 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

2-100-110 Police powers for designated employees.

Each ward superintendent, and such other employees of the Department of Streets and Sanitation as the Commissioner of Streets and Sanitation shall designate, shall have the powers of members of the police force to serve process or notice within the City for the violation of Sections 4-4-310, 4-6-130, 4-384-080, 7-12-387, 7-12-420, 7-28-060, 7-28-065 through 7-28-090, 7-28-120, 7-28-130, 7-28-150, 7-28-180 through 7-28-240, 7-28-260 through 7-28-310, 7-28-360 through 7-28-410, 7-28-430 through 7-28-470, 7-28-490 through 7-28-510, 7-28-660 through 7-28-680, 7-28-710 through 7-28-720, 7-28-735 through 7-28-750, 7-28-780, 7-28-785, 7-38-115, 7-38-117, 7-38-124, 8-4-135, 8-32-130, 9-64-100(c), 9-64-115, 10-8-180, 10-8-220 through 10-8-230, 10-8-250 through 10-8-271, 10-8-310, 10-8-320, 10-8-380, 10-8-402 through 10-8-405, 10-8-470, 10-8-480, 10-28-030, 10-28-340, 10-28-792, 10-32-050, 10-32-060, 10-32-110 through 10-32-150, 10-32-170, 10-32-180, 10-32-200, 14A-4-406.7, and 14A-4-407.3 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the Commissioner of Streets and Sanitation and shall be available to the public upon request. The powers granted hereunder are expressly limited to the service of such process or notice, and this section shall not be construed as granting additional law enforcement powers.

SECTION 9. This ordinance shall be in full force and effect 180 days after passage and approval.

[Handwritten signatures and initials with circled numbers follow:]

27th
26th
31st
Daniel P. La Spina (st)
Gang
Jim 48
Ruth & 30
Munich (24)
Sattagapod 32
Brian Hopkin 3
Anthony J. Puzala (35)
Ron L. Mosley (21)
James 12
M. Haelen 49
Nick 38A
Mark 45
Matt. O. (19)
McKellathorn (84)
A. Viny
J. B. (41)
R. (41)