

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
2/12/2019

SUBJECT:	SUBMITTED BY:
Regulations Restricting the Retail Sale of Dogs, Cats and Rabbits	David Fieldman Village Manager

SYNOPSIS

An ordinance has been prepared to restrict the retail sale of dogs, cats and rabbits in the Village of Downers Grove. Additionally, a resolution has been prepared in support of Senate Bill 2280 which would amend the Illinois Animal Welfare Act by restricting the retail sale of dogs, cats and rabbits in DuPage and Will Counties.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

At the discretion of the Council.

BACKGROUND

At the January 8, 2019 meeting, Village staff presented potential options for regulating the sale of dogs, cats and rabbits in the Village of Downers Grove. The staff report detailing the options presented to Council can be found [here](#).

After Council deliberation and public comment, the Council directed Village staff to:

- 1) Draft an ordinance restricting the retail sale of dogs, cats and rabbits in the Village of Downers Grove.
- 2) Draft a resolution in support of Senate Bill 2280.

Ordinance restricting the retail sale of dogs, cats and rabbits

The proposed ordinance has been crafted to meet the following objectives:

1. To protect dogs, cats and rabbits from improper use, abuse, neglect, inhumane treatment and health hazards.
2. To prevent dogs, cats and rabbits from being bred and housed in overcrowded and unsanitary conditions without adequate care, food, water, shelter, space, exercise and socialization (mill-bred).
3. To reduce health and behavioral issues as well as congenital and hereditary illness and disease seen in mill-bred dogs, cats and rabbits.

4. To reduce the financial and emotional costs on consumers who purchase a mill-bred dog, cat or rabbit which has health or behavioral issues.
5. To fill in gaps in Federal, State and County regulations as they do not properly address the sale of mill-bred dogs, cats and rabbits in pet stores.
6. To promote community awareness of animal welfare.

To meet these objectives the proposed ordinance would prohibit pet stores to sell dogs, cats or rabbits in the Village of Downers Grove unless the animals are obtained from an animal care facility, animal rescue organization or humane society.

In addition, any retail pet store that sells a dog, cat or rabbit must provide written disclosure that shall be signed by the retailer and customer at the time of sale. The retailer shall retain the original copy of such disclosure for two years after the time of sale, and the original copy shall be made immediately available to an authorized Village official upon request.

Happiness is Pets, located at 605 Ogden Avenue, is the only retail pet store that sells dogs, cats or rabbits in the Village of Downers Grove. The owner of Happiness is Pets recently moved the store to its current location and has invested resources into upgrading the facility. The store also has a lease agreement for this property ending on December 31, 2022. The proposed ordinance establishes an amortization period which would allow Happiness is Pets to operate with its current business model until the lease expires on December 31, 2022.

Support for Senate Bill 2280

Senate Bill 2280 includes regulations for the sale of dogs, cats and rabbits in DuPage and Will Counties. This bill would allow pet shop operators to offer a dog, cat or rabbit for sale only if the pet shop operator has obtained the dog, cat or rabbit from an animal facility operated by a subdivision of local, state or federal government, or a specified animal rescue organization. The provisions do not prohibit the county or a municipality in Will County or DuPage County from adopting requirements that are more protective of animal welfare than those set forth, and home rule units in Will County or DuPage County may adopt an ordinance explicitly exempting itself from the provisions.

There is no timetable for consideration of Senate Bill 2280. This Bill has been referred to Senate assignment and no further action has been taken.

ATTACHMENTS

Resolution

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF SENATE BILL 2280

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities, including at facilities licensed by the USDA, where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills", respectively); and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care or grooming; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise, including at USDA licensed facilities; and

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

WHEREAS, many consumers, due to either lack of education on the topic or efforts on the part of some pet shops to mislead the consumer, are unaware that animal welfare, health, and behavioral concerns exist within the facilities from which their animal was obtained, including some licensed by the USDA; and

WHEREAS, current Federal, State and County regulations and resources do not properly address the sale of puppy and kitten mill dogs and cats in pet shops, nor do they provide the necessary oversight of commercial breeders and enforcement of existing animal welfare laws; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills while increasing the demand for animals from animal shelters and rescue organizations, many of which have already received veterinary care and are receiving assistance with overcoming behavioral issues; and

WHEREAS, an estimated 2.4 million healthy, adoptable cats and dogs—about one every 13 seconds—are euthanized in the U.S. annually, and restricting the retail sale of pets to only those that are sourced from animal shelters and rescue organizations is likely to reduce pet overpopulation, decrease the burden on such agencies, and lessen the cost to local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops and large chains operate profitably with a business model focused on the sale of pet services, pet supplies, and pet adoption, not on the sale of puppies and kittens; and

WHEREAS, Senate Bill 2280 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 reputable hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred; where animal welfare standards go well beyond the minimal standards proposed by the USDA; where the health, temperament and best interests of the animal are placed before profit; and where the breeder is committed to the animal for life making animal homelessness a thing of the past; and

NOW, THEREFORE, BE IT RESOLVED, the Village Council of the Village of Downers Grove believes it is in the best interest of this Village to adopt reasonable regulations to reduce costs to the Village and its residents, protect the citizens of the Village 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 Village, the Village Council of the Village of Downers Grove stands with the Will County and DuPage County boards by fully supporting the ban on the retail sale of animals obtained from commercial breeders as outlined in Senate Bill 2280.

That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk