



Legislation Text

File #: 2014-0225, **Version:** 4

Title

AN ORDINANCE AMENDING TITLE 7 CHAPTER 3 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO ANIMAL AND CONSUMER PROTECTION

Body

WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate orders and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and

WHEREAS, current Federal, State of Illinois and County laws and regulations do not properly regulate the sale of commercially bred dogs and cats in the Village’s business establishments; and

WHEREAS, the State of Illinois has in force a statute known as the “Animal Welfare Act” (225 ILCS 605/1, et seq.) which provides for the licensing and regulating of pet shops, kennel operators, dog and/or cat dealers and animal shelters; and

WHEREAS, on April 9, 2014, the Cook County Board of Commissioners passed an amendment to Cook County’s Companion Animal and Consumer Protection Ordinance, which amendment:

- a) prohibits the sale of commercially bred dogs, cats and rabbits by retailers (as defined in said Ordinance);
- b) applies to all areas within the Village unless the Village governs the sale of dogs and cats by its own ordinance; and
- c) became effective July 1, 2014; and

WHEREAS, the Village Board deems that said amendment adopted by the County inadequately addresses the problems associated with CBEs and provides for weak or unenforceable provisions; and

WHEREAS, the Village does not have an ordinance or Village Code provision regulating or prohibiting the sale of commercially bred dogs and cats in pet shops but the Village President and Board of Trustees believe it to be in the best interests of the Village to assure the health and welfare of dogs and cats sold, displayed for sale, bartered, auctioned or given away and to assure its citizens that the dogs and cats being purchased or otherwise acquired within the Village are disease free and have been humanely bred, raised and cared for by Pet Shop Operators within the Village and licensed by the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, a home rule municipality, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

Title 7, Chapter 3 of the Orland Park Village Code is amended by adding a new Section 7-3-12 thereto which shall read in its entirety as follows:

7-3-12: PET SHOP OPERATORS:

7-3-12-1: DEFINITIONS.

For the purposes of this Section, and the interpretation and enforcement thereof, the following terms, phrases and words and their derivation shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given this common and ordinary meaning.

- (1) The term “ANIMAL” for purposes of this Code Section shall mean a dog (*canis familiaris*) or cat (*felis catus*).
- (2) The term “PET SHOP OPERATOR”, means any “PET SHOP OPERATOR”, “DOG DEALER”, “KENNEL OPERATOR” or “CATTERY OPERATOR” as defined in the Illinois Animal Welfare Act (225 ILCS 605/1, et seq.), as well as any animal dealer or animal broker.

7-3-12-2: LICENSE REQUIRED.

No person shall engage in the business of a Pet Shop Operator without having first obtained a Pet Shop Operator license under this Chapter. All Pet Shop Operator licenses must be approved by the Village Board of Trustees.

7-3-12-3: LICENSE APPLICATION.

An application for a license shall be made in conformity with the requirements of Chapter 1 of this Title 7, on a form prescribed by the Department of Development Services. The Director of the Department of Development Services shall cause an investigation to be made of the proposed Pet Shop Operator premises as named and described in the application for the purpose of determining whether the requirements of this Code are fully complied with.

The Village Board of Trustees shall not approve a Pet Shop Operator’s license, and the Development Services Department shall neither issue or record a Pet Shop Operator’s license, if:

- (1) The applicable zoning does not permit a pet shop;
- (2) The pet shop premises to be occupied by the applicant do not meet Village building or health codes or ordinances;
- (3) The applicant does not have a pet shop operator’s license issued by the Illinois Department of Agriculture

or has been disciplined by the Illinois Department of Agriculture for a violation of any provision of the Illinois Animal Welfare Act; or

(4) A false statement has been made on the license application.

A denial of a Pet Shop Operator's license shall be in writing, and the Department of Development Services shall promptly notify the applicant of the reason or reasons for the denial.

7-3-12-4: LICENSE - FEE.

The annual fee for a Pet Shop Operator's license shall be as set forth in Section 7-2-3 of this Code.

7-3-12-5: OPERATION.

Every Pet Shop Operator, shall at all times operate the establishment in full compliance with this Village Code Section, as said Code Section shall be amended from time to time, as well as all state and federal laws relating to animal health, sanitation and disease prevention. All licensed premises shall be kept free and clear of decaying food and filth of any kind and shall be maintained under sanitary conditions at all times.

7-3-12-6: DISCLOSURES REQUIRED.

(a) Every Pet Shop Operator shall post the following written disclosures for each animal in a conspicuous location on or near the animal's holding cage or in a centrally located area in the pet shop where they may be accessible, without request, by the public. The written disclosures for each animal shall include the following:

- (1) The breed, approximate age, sex and color of the animal;
- (2) The date and description of any inoculation or medical treatment that the animal received while in the possession of the Pet Shop Operator;
- (3) Whether or not the breeder is a "hobby breeder" (less than five (5) female animals);
- (4) The average animal population for the prior calendar quarter by the breeder. This disclosure may be disclosed by category ranges. Range categories are 0-25 animal population, 2-50, 51-75, 75+ animal population.
- (5) If the breeder is licensed by the United States Department of Agriculture (USDA), the license number of the breeder and any other license number held by the breeder within the past five (5) years;
- (6) A link to the USDA web site so consumers can conduct their due diligence for USDA breeders.
- (7) The breeder's business name, mailing and breeding location addresses of the breeder, as well as any other name and business address used by the breeder;
- (8) The average number of female animals capable of reproduction for the prior calendar quarter by the breeder. This disclosure maybe disclosed by category ranges. Range categories are 1-5 animals capable of reproduction, 6-25 animals capable of reproduction, 26-50 animals capable of reproduction 51 -75 animals capable of reproduction, 76+ animals capable of reproduction,

(9) The lineage (sire and dam) of the animal;

(10) The address of the location where the animal was born as well as location(s) where the animal was housed after birth, if different from the breeder's address, as listed in (7) ; and

(11) Any transfers of ownership of the animal prior to its sale by an Orland Park Pet Shop Operator and, if the animal was returned by a customer, the date and reason for the return.

(b) The disclosures required under this Subsection 7-3-12-6 shall be verified in Good Faith through examination of the USDA official website, documentation produced to the Pet Shop Operator by the breeder and information determined by the Pet Shop Operator, in good faith, to be accurate and shall be provided by the Pet Shop Operator to the customer in written form and shall be signed by both the Pet Shop Operator and customer at the time of sale. There must be the contact information for the Orland Park code enforcement agency written on the disclosure provided to the customers. The Pet Shop Operator shall retain the original form of such disclosure, with a copy given to the customer, along with the customer's acknowledgment, for a period of not less than two (2) years from the date of sale. The original disclosure and acknowledgment shall be made available for inspection by any employee of the Village who is duly authorized by the Village Manager to make such inspection or Code Enforcement Officer during normal business operating hours following not less than a 48 hour in advance request from said Village employee or Officer.

(c) The Village shall have the right to make inspections of the business facilities of every Pet Shop Operator within the Village to assure compliance with this Code, including the accuracy and delivery of the information in the disclosures.

7-3-12-7: LICENSING.

Each Pet Shop Operator must have a business license issued by the Village of Orland Park in addition to the Pet Shop Operator license provided for in this Chapter.

7-3-12-8: PENALTIES FOR VIOLATIONS.

Any person or Pet Shop Operator violating any provision of this Code Section or counterfeiting or forging any disclosure, certificate or permit or resisting, impeding or obstructing any authorized officer in enforcing this Code Section is guilty of a misdemeanor punishable by a fine not exceeding ONE THOUSAND DOLLARS (\$1,000.00) for a first offense and ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) for a second offense, or by imprisonment for a period not exceeding six (6) months or both such fine and imprisonment. Each person or Pet Shop Operator shall be guilty of a separate offense for every day in which any violation of any of the provisions of this Section 7-3-12 is committed or permitted to continue and shall be punished as provided in this Section.

7-3-12-9: SUSPENSION OR REVOCATION OF PET SHOP OPERATOR AND BUSINESS LICENSES.

In addition to the penalties set forth in Subsection 7-3-12-8 above, the Village Pet Shop Operator and business licenses of any Pet Shop Operator may be suspended or revoked in accordance with the procedures set forth in Section 7-1-16 of this Title 7 for failure to comply with the provisions of this Section 7-3-12 of this Title 7.

7-3-12-10: RULES AND REGULATIONS; PROVISIONAL LICENSES.

The Village Manager, or his designee, shall have the authority to promulgate such rules and regulations as are necessary for the effective implementation and enforcement of this Code Section, including the authority to issue a temporary provisional Pet Shop Operator's license to allow any pet shop operator doing business at the time this Code Section becomes effective to bring such business into compliance with the provisions of this Section 7-3-12."

SECTION 3

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.