

ORDINANCE

ASO-0081-20

AN ORDINANCE AMENDING CHAPTER 26 OF THE DUPAGE COUNTY CODE OF  
ORDINANCES AND DECLARING PUPPY AND KITTEN MILLS A PUBLIC  
NUISANCE

WHEREAS, the County of DuPage, a body politic and corporate of the state of Illinois ("County") is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, 55 ILCS 5/5-1005(4) grants counties the power to take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals; and

WHEREAS, 720 ILCS 5/47-5 permits a county board to declare what is a nuisance and abate them within its geographical jurisdiction; and

WHEREAS, numerous canines and felines sold at pet shops come from large-scale commercial breeding facilities ("puppy mills" and "kitten mills") where the health and welfare of the animals are not adequately provided for; and

WHEREAS, the Humane Society of the United States estimates that 10,000 puppy mills are currently active and over 2,000,000 puppies sold each year originate from a puppy mill in the United States; and

WHEREAS, the Humane Society also estimates that 1,500,000 canines and felines are euthanized by shelters every year in the United States; and

WHEREAS, the prohibiting the retail sale of canines and felines from puppy and kitten mills will reduce pet overpopulation and

reduce the number of canines and felines euthanized and abandoned;  
and

WHEREAS, there are documented abuses which occur in puppy and kitten mills including over-breeding; 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 which offend public morals; and

WHEREAS, the goal of puppy and kitten mills is to maximize profit at the expense of the animals' physical and emotional health; and

WHEREAS, current Federal, State, and County regulations do not address the sale of puppy and kitten mill canines and felines; and

WHEREAS, this Ordinance will not impact a consumer's ability to obtain a canine or feline of their choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can directly observe the conditions in which the canine or feline are bred, or can confer directly with the hobby breeder regarding those conditions;

NOW, THEREFORE, BE IT ORDAINED; the County Board adopts this ordinance amending Chapter 26, of the DuPage County Code of Ordinances as set forth in Exhibit A to this Ordinance.

BE IT FURTHER ORDAINED that the County Clerk publish notice hereof and send copies of the foregoing to: (1) the DuPage County Department Animal Services, (2) the DuPage County Sheriff, (3) the DuPage County State's Attorney, (4) the DuPage County Clerk, and (5) the Municode Corporation for update of the DuPage County Code;  
and

BE IT FURTHER ORDAINED that the Municode Corporation is authorized only to make such typographical changes as are necessary to properly codify this ordinance into the DuPage County Code.

Enacted and approved this 27th Day of October 2020 at Wheaton, Illinois.

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Daniel J. Cronin, Chairman  
DuPage County Board

ATTEST:

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Jean Kaczmarek, County Clerk

**EXHIBIT A**

**(Creating Article III of Section 26 of the DuPage County Code of Ordinances)**

**ARTICLE III. - ANIMAL RELATED NUISANCE**

**SECTION 26-8: DEFINITIONS**

An ANIMAL CONTROL FACILITY is defined as any facility operated by or under contract for the State, County, or any municipal corporation or political subdivision of any State for the purposes of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, or other animals. "Animal Control Facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

An ANIMAL SHELTER is defined as a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purposes of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal Shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

A DOG means a member of the species of domestic dog, *Canis familiaris*.

A CAT means a member of the species of domestic cat, *Felis catus*.

A PET SHOP OPERATOR is defined as any person who sells, offers to sell, exchange, or offers for adoption with or without charge or

donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in the County. However, a person who sells only such animals that they have produced and raised shall not be considered a pet shop operator under this ordinance, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this ordinance.

RETAIL SALE OF ANIMALS is defined to mean to display, sell, deliver, offer for sale or adoption, advertise for sale of, barter auction, give away, or otherwise dispose of an animal.

#### **SECTION 26-9: PET SHOPS; NUISANCE; VIOLATIONS**

It shall be a public nuisance to operate any pet shop where the pet shop operator displays, sells, delivers, offers for sale, barter, auctions, gives away or otherwise transfers or disposes of dogs or cats. It is not a nuisance for pet shop operators to collaborate with animal control facilities or animal shelters to offer space for such entities to showcase adoptable dogs and cats provided the pet shop operator does not have any ownership interest in the animals offered for adoption and does not receive a fee for providing space for the adoption of any of these animals. Any violation of this ordinance shall be punishable by a fine of not more than one thousand dollars (\$1,000.00). Upon notice to the owner, or if the owner cannot be found, on the occupant or person causing, permitting, or maintaining a nuisance, each day that such person fails to abate the nuisance shall constitute a separate offense under this Chapter, with all penalties provided for anywhere herein being cumulative.