



# City of Chicago



O2020-5717

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 11/16/2020

**Sponsor(s):** Lopez (15)  
Coleman (16)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapters 4-5, 4-384 and 7-12 by modifying various sections and adding new Sections 4-384-018 and 4-384-025 concerning consumer protections on pet purchases, standards for qualified commercial breeders, and establishment of license fees and fines

**Committee(s) Assignment:** Committee on Health and Human Relations

**ORDINANCE**

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

**SECTION 1.** Chapters 4-384, 4-5, and 7-12 of the Municipal Code of Chicago is hereby amended by inserting the underscored language and removing the strike-out language, 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”, “dog”, “executive director”, “horse”, “impounded”, “microchip”, “pet”, “owner”, “sterilization”, and “veterinarian”.

*(Omitted text is unaffected by this ordinance)*

“Dealer” means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes. Such term does not include a retail pet store (other than a retail pet store which sells any animals to a research facility, an exhibitor, or another dealer).

*(Omitted text is unaffected by this ordinance)*

“Pet shop” means any person primarily engaged in the business of selling or offering to sell animals suitable for use as pets, including 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.); 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; (3) the isolated or occasional sale of animals by a person who sells only such animals that he has produced and raised; or (4) any person engaged in the business of breeding who owns, has

possession of or harbors 5 or fewer female dogs or cats capable of reproduction and sells only those breeding dogs or cats or their offspring.

"Qualified Commercial Breeder" means any person required to obtain a Class A, B or C license by the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) and:

(1) At a minimum, during the 2-year period before the day the dog or cat is received by the retailer, the person has not received a direct or critical non-compliant citation on a final inspection report from the United States Department of Agriculture under the federal Animal Welfare Act;

(2) At a minimum, during the 2-year period before the day the dog or cat is received by the pet shop, the person has not received 3 or more non-compliant citations on a final inspection report from the United States Department of Agriculture for violations relating to the health or welfare of the animal and the violations were not administrative in nature; and

(3) At a minimum, the person has not received a no-access violation on each of the 3 most recent final inspection reports from the United States Department of Agriculture.

A "qualified commercial breeder" shall meet all the standards as defined in Section 4-384-25.

"Veterinary hospital" means any establishment maintained and operated by a veterinarian for the diagnosis, vaccination, treatment or surgery of diseases and injuries of animals.

#### **4-384-015 Retail sale of dogs, cats and rabbits.**

(a) *Definitions.* As used in this section:

"Offer(s) for sale" means to ~~display, sell,~~ deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

"Retailer" means any ~~person~~ pet shop, humane society, or rescue organization licensed or required to be licensed under this chapter who offers for sale any dog, cat or rabbit in the City.

"Rescue organization" means any not-for-profit organization that 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 dogs, cats or rabbits.

(b) *Restrictions on the retail sale of animals.* A retailer may offer for sale only those dogs, cats or rabbits that the retailer has obtained from:

(1) an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or

(2) a humane society or rescue organization.;

(3) a dealer; or

(4) a qualified commercial breeder.

(c) Exemptions. The restrictions on retailers set forth in subsection (b) of this section shall not apply to any ~~entity listed in paragraphs (1) or (2) of subsection (b) of this section,~~ or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

(d) *Disclosures required.* Any retailer who offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

(1) —(1)— for each dog or cat: a written disclosure meeting all of the requirements set forth

in Sections 3.5, 3.8, or 3.15, as applicable, of the Illinois Animal Welfare Act, codified at 225 ILCS 605;

(+)(2) Regarding compliance with certifying a qualified commercial breeder meets the standards set forth in this Section, a qualified commercial breeder must provide to the retailer or dealer, prior to any sale of an animal, either: (a) a copy of inspection reports from the governmental entity that has jurisdiction to certify the breeder is in compliance with Section 4-384-25, or (b) a copy of audit results conducted by an independent third party, certified as an ISO 9001 auditing firm, certifying the breeder is in compliance with Section 4-384-25; and

(23) for each rabbit: (i) the breed, approximate age, sex and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the retailer; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and reason for the return.

*(Omitted text is unaffected by this ordinance)*

#### **4-384-18 Consumer Protections on Pet Purchases.**

- (a) No person, retailer, or dealer shall sell, transfer, or adopt any dog, cat or rabbit that is less than eight (8) weeks old.
- (b) A consumer is entitled to a remedy if within seven days after the purchase from any person, retailer, or dealer, a veterinarian states that the dog, cat or rabbit has become ill or has died as a result of a disease, illness or condition adversely affecting the health that existed before or at the time the consumer acquired the dog, cat or rabbit. The consumer may choose from one of the following remedies, which must be provided within 10 days after the retailer receives a notice from the consumer's veterinarian:
  - 1. Return the dog, cat, or rabbit to the retailer or dealer for a full refund of the purchase price.
  - 2. Exchange the dog, cat, or rabbit for another of equivalent value.
  - 3. Retain the dog, cat, or rabbit and receive reimbursement of reasonable veterinary expenses. The reasonable amount of veterinary expenses shall not exceed the purchase price of the dog, cat, or rabbit.
  - 4. If the dog, cat, or rabbit has died, receiving a replacement dog, cat, or rabbit of equivalent value and receiving reimbursement of expenses (including, but not limited to, reasonable costs incurred in burying, cremating), but expenses shall not exceed the purchase price of the dog, cat, or rabbit.

The burden of establishing whether veterinary costs are reasonable lies with the seller.

The person, retailer, or dealer must provide a report to Chicago Animal Care and Control (on a form provided by the department) detailing the date of sale, the date of the

- veterinarian's determination, the remedy selected, and the date the remedy was provided.
- (c) If a consumer believes they are entitled to a remedy, they must, within seven days of purchase, obtain a veterinarian diagnosis and provide the person, retailer or dealer with the notice, including the name and phone number of the veterinarian. The report must include the name and address of the consumer; date of veterinary examination; sex, color, and any distinguishing marks; the breed and age of the animal (if known); and affirmation that the animal is clinically ill or has symptoms of a disease or illness that existed before or at the time the consumer acquired the animal (including copies of lab reports and test results, and a copy of the itemized bill).
  - (d) A person, retailer or dealer may dispute responsibility and choose a veterinarian and have the animal examined at their expense. If the consumer and seller are unable to settle the dispute within 10 days after the consumer receives the findings from the seller's veterinarian, or if the seller fails to take the animal to a veterinarian within 7 days after receiving the notice from the consumer's veterinarian, then action may be taken in court. The prevailing party may be awarded reasonable attorney fees and costs.
  - (e) If a retailer or dealer offers its own warranty on a pet, a customer may choose to waive the remedies provided under this Section in favor of choosing the warranty provided. If a customer waives the rights provided by this Section, the only remedies available to the customer are those provided by the warranty. For the statement to be an effective waiver of the customer's right to refund or exchange the animal under this Section, the retailer or dealer must provide, in writing, a statement of the remedy under this Section that the customer is waiving as well as a written copy of the warranty. The warranty offered by a retailer or dealer must exceed the protections afforded under this Section.
  - (f) If the dog, cat, or rabbit sold or adopted has not been spayed or neutered, the person, retailer or dealer must include a notice of the benefits of sterilization and the owner's responsibilities to obtain a pet license under 7-12-150 of this Code.

**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, rescue organization, veterinary hospital or permanent animal exhibition without having first obtained an animal care license under this chapter; provided, however, that an animal care facility may, under that license, (1) buy or sell cats or dogs without a pet shop license; or (2) groom cats or dogs without a grooming facility license.

*(Omitted text is unaffected by this ordinance)*

**4-384-025 Qualified Commercial Breeder Standards**

A qualified commercial breeder, as defined in this Section, shall maintain records certifying it adheres to the following requirements regarding primary enclosures, breeding standards, adequate housing, shelter, staffing, nutrition, socialization, sanitation, exercise, and veterinary care:

(A) Building and premises for cat and dog breeders. All buildings and premises shall be maintained in a sanitary condition and the licensee shall:

(1) Have covered, leak-proof containers available for the storage of waste materials before disposal to control vermin and insects. The containers shall be maintained in a sanitary condition. Waste must be handled and disposed of in a manner that poses minimal hazards to dogs and personnel, and reduces the likelihood of contamination of the soil or ground water with chemicals and/or microorganisms.

(2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act pursuant to administrative rule or the Companion Animal Cremation Act. Compliance with these Acts shall not exempt a licensee from compliance with local ordinances.

(3) Take effective control measures to prevent the infestation of animals and premises with external parasites and vermin. An effective program for the control of insects, external parasites affecting dogs, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the dogs and reduce contamination by pests in dog areas.

(4) Provide water from a source having sufficient pressure to properly sanitize and clean the facility and equipment. This subsection (a)(4) does not apply to equine shelters.

(5) Provide hand washing facilities.

All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for isolation of diseased animals and their waste to avoid exposure to healthy and salable animals.

Floors of buildings that have or display animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable.

Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt, or waste.

Enclosures shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing. The floors of the enclosures must be constructed of a material that does not sag, bend, or bounce, and shall meet all of the following requirements:

(1) The enclosures must be cleaned and sanitized at least once daily, or more often if necessary. Hard surfaces with which the dogs come in contact must be spot-cleaned daily and sanitized at least once every 2 weeks and more often if necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards. When steam or water is used to clean the primary enclosure, whether by hosing, flushing or other methods, dogs must be removed, unless

the enclosure is large enough to ensure the dogs will not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and dogs in other primary enclosures must be protected from being contaminated with water and other wastes during cleaning.

(2) All empty enclosures shall be kept clean at all times.

(3) Enclosures shall be of sufficient size to allow the animal to comfortably stand, sit, lie, turn in a complete circle, and offer freedom of movement.

(4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2) shall be maintained for warm-blooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.

(5) The following requirements shall apply on or after December 31, 2021, for all enclosures that contain dogs and cats:

(A) Housing for dogs and shall provide adequate space appropriate to the age, size, weight, and breed of the dog, and that allows the dog to engage in normal body movements, including the ability to sit, stand up, turn about freely, or lie fully recumbent in a natural position. The primary enclosure shall provide at least partial solid flooring. Nonsolid flooring must be safe for the breed, size, and age of the dog; be free from protruding sharp edges; and be designed to that the paw of the dog is unable to extend through or become caught in the flooring. Enclosure flooring must consist of a solid surface, slats or coated wire (PVC or vinyl) to decrease and prevent injury and decrease the detrimental health effects on the enclosed animals. Slats shall be appropriately spaced for the species and size of the animal and shall be constructed in a manner which prevents the animal's feet from getting trapped or injured.

1. For nonbreeding dogs housed together, the primary enclosure shall provide 100 percent of the required space for each dog, if maintained separately.
2. Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accord with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than five (5) percent of the minimum requirement for the bitch, such housing must be approved by a licensed veterinarian.

3. The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(B) Enclosures shall not be stacked on top of each other.

(C) Enclosures that are located indoors must be placed in facilities with adequate light and ventilation.

(6) On or after December 31, 2021, outdoor enclosures for dogs and cats must meet the following additional requirements:

(A) If climatic or ambient temperatures pose a threat to the health and welfare of the dog or cat, effective measures must be taken to eliminate the threat.

(B) An outdoor enclosure shall not be used if the dog or cat is unable to tolerate the prevalent temperatures within the animal's thermoneutral zones.

Runs shall be constructed of material of sufficient strength and design to confine the animals. Runs shall meet all of the following requirements:

(1) A run shall be kept in good repair and condition.

(2) The surface of the run shall be designed to permit the surface to be cleaned, disinfected, and kept free from excessive accumulation of animal waste.

(3) Provisions must be made for adequate drainage. Adequate drainage must include gutters and provide for the discharge of any fluid or content into a sewer, septic tank, or filter field. The drainage system shall comply with any local zoning.

If animals are group-housed, the animals shall be maintained in compatible groups without overcrowding.

No female animal in estrus shall be placed in a pen with male animals, except for breeding purposes.

Upon an inspection of a licensee or applicant by the Executive Director, the Executive Director may provide a Work Progress Form to the licensee or applicant if deficiencies are detected during the inspection. The licensee or applicant must make the improvements to correct the deficiencies listed in the form within the time period specified in the form.

(B) Breeding practices and veterinary care.

(i) Each animal shall receive an examination by a licensed veterinarian.

(ii) Annual veterinarian exams of each animal shall include, but are not limited to:



(a) a hands-on examination by a veterinarian, including a comprehensive physical examination and body condition scoring, at least once a year to ensure health problems are identified and treated;

(b) an assessment that a dam has received adequate rest between litters to allow for proper physical recovery and remains healthy enough to be bred prior to its next breeding cycle; and

(c) regular fur grooming and nail trimming as needed for the safety and comfort of the dog based on that dog's breed.

(iii) A dam shall not be bred after the eighth litter.

(iv) Cesarean sections and euthanasia are to be performed only by licensed veterinarians.

(v) Retention of veterinarian records detailing the program of care to ensure professional breeding facilities provide the necessary care routinely prescribed to companion animals.

(vi) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; 2006). In case of young animals, they shall be fed more than once daily.

(vii) The qualified commercial breeder shall comply with a vaccination and parasite control program that is approved by a veterinarian and that is consistent with recommendations of the American Veterinary Medical Association or the American Animal Hospital Association.

(C) Behavioral Requirements.

(i) All animals shall be provided an opportunity for daily exercise. Exercise may consist of a play area, time in run, or leash walks. A breeder must maintain a daily checklist documenting the exercise and socialization program approved and certified by a licensed veterinarian.

(ii) The play area should, at a minimum, be at least twice the amount of space required for the primary enclosure, and may be either indoors or outdoors.

(iii) All animals shall be provided daily socialization opportunities. Socialization includes, but is not limited to, daily petting, stroking, grooming, feeding, playing with, exercising, or other touching of the animal that is beneficial to its well-being.

(iv) The exercise and socialization programs must be approved and certified by a licensed veterinarian.

(D) Retirement.

After a veterinarian determines the animal is no longer healthy enough to be bred, the qualified commercial breeder shall retire the animal. If the qualified commercial breeder chooses not to keep the animal, the qualified commercial breeder must make all reasonable efforts to find placement of the animal. A retired animal must be spayed or neutered within 30 days of being sold or adopted, unless a veterinarian determines the procedure would negatively impact the health of the animal, and the qualified commercial breeder must retain a record of the procedure being performed.

(E) Recordkeeping.

(i) A qualified commercial breeder shall maintain all medical and animal care records for each animal for 5 years after ceasing to own the animal.

(ii) A qualified commercial breeder shall maintain all certified audit records for 5 years after ceasing to own the animal.

(iii) A qualified commercial breeder shall provide a copy of all medical records, audit records, and inspection reports upon the sale of any animal, or upon request by the Executive Director.

**4-384-040 License – Fee.**

The annual fee for an animal care license shall be as set forth in Section 4-5-010 of this Code; however, the fees set forth in Section 4-5-010 shall be reduced by 50% if those licensees provide documentation that at least 25% of animals sold or adopted in the prior year were sourced from Chicago Animal Care and Control.

**4-384-160 Violation – Penalty.**

(1) —Any person, retailer, or dealer who violates any of the provisions of this chapter, each violation shall result in a single written notice to the person, retailer, dealer, breeder, and seller responsible for the animal that is the subject of the violation. The notice shall set forth in detail the specific violation, the name and location of the pet store, the name and location of, or other identifying information regarding, the dealer, retailer, seller, or breeder responsible for the animal that is the subject of the violation, and any other information relevant to the violation. In addition, the notice shall include a direction to cease the specific activity found to be in violation of this section and state the time period (at minimum 30 calendar days) during which the violation must be corrected. ~~shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense. Each day that such violation exists shall constitute a separate and distinct offense.~~

(2) A failure to correct the violation described in the notice issued pursuant to paragraph (1) in the time period stated in the notice to correct shall be punished by a civil penalty ranging between \$1500 and \$3000. Each animal that is displayed, adopted, sold, or offered for sale or adoption in violation of subdivision (a), (b), or (c), as described in the notice, constitutes a separate violation.

(+)(3) A second or subsequent violation may also be punishable as a misdemeanor by

incarceration in the county jail for a term not to exceed six months.

A violation of any provision of this chapter or the rules or regulations promulgated thereunder shall constitute grounds for revocation or suspension of a license pursuant to the provisions of Section 4-4-280 of this Code.

**4-5-010 Establishment of license fees.**

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the Commissioner of Business Affairs and Consumer Protection.

(1)	Limited Business License (4-4)	\$250.00
(2)	Regulated Business License (4-6) – Other than Hotels and Booting of Motor Vehicles	\$250.00
(3)	Regulated Business License (4-6) – Hotels	\$250.00 plus \$2.20 per room
*(3.1)	Regulated Business License (4-6) – Booting of Motor Vehicles	\$1,000.00
* Editor's note – Coun. J. 1-17-18, p. 65175, § 2, numbered this entry as (3)(1); revised to (3.1) at the discretion of the editor.		
(4)	Ambulance (4-68) per year	\$600.00
(5)	Drain layers (4-28)	\$125.00
(6)	Public places of amusement (4-156)	
	<i>Public place of amusement license (Article III or VI of Chapter 4-156)</i>	
	The fee for each public place of amusement license shall be graded according to the licensed establishment's occupancy in accordance with the following schedule:	
	<i>Maximum Occupancy</i>	<i>Fee</i>
	350	\$770.00
	– 500	\$1,000.00
	– 750	\$1,650.00
	– 1,000	\$2,200.00
	01 – 2,000	\$3,300.00

	01 – 3,000	\$4,400.00
	01 – 4,000	\$6,600.00
	or 4,000	\$13,200.00
	When computing the occupancy of a public place of amusement, other than a performing arts venue, the total occupancy of all rooms or other occupancy areas of the premises of the business operating the amusement shall be calculated.	
	<i>Performing arts venue</i> (Article V of Chapter 4-156)	
	– 499 person occupancy	\$110.00
	00 plus person occupancy	\$2.00/person
	<i>Indoor special event</i> (Article IV of Chapter 4-156)	\$100.00/day
(7)	Animal care (4-384) Pet shop Humane Society Rescue Organization	\$275.00 750.00 500.00 500.00

#### 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.

All license fees shall be waived if the applicant is over the age of 55 or if the applicant is a current or retired member of the United States armed forces in good standing.

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

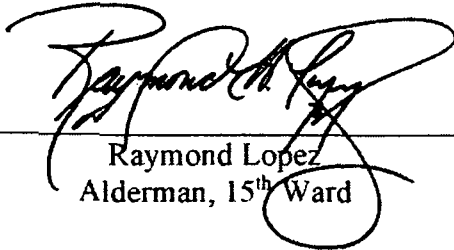
(4) whether the dog has been sterilized; and

~~(2)~~(5) whether the dog will be used for breeding.

(b) The City Clerk shall keep on file, for two years from date of issue, a copy, which may be an electronic copy, of each application or a copy of each license so issued on the basis of application.

(c) Any person who knowingly makes a false statement of material fact on any dog license application shall be subject to the provisions of Section 1-21-010 of the Municipal Code.

**SECTION 1.** This ordinance shall take into effect immediately upon passage by the City Council. If any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are declared to be severable.



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Raymond Lopez  
Alderman, 15<sup>th</sup> Ward

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*Signed Electronically*  
Stephanie Coleman  
Alderman, 16<sup>th</sup> Ward