



AGENDA

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Community Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
September 8, 2014
7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF MEMBERS

IV. NEW BUSINESS

- A. Request for "Opt Out" from Cook County Animal and Consumer Protection Ordinance (Puppy Mill) from Happiness is Pets 15 W. Golf Road, Arlington Heights
- B. Consideration of recommending to the Liquor Commissioner the issuance of a Class "AA" Liquor License to Bottles & Barrels, Inc., dba Bottles & Barrels, located at 1609 W. Campbell (formerly Murphy's) in the Westgate Shopping Center.

V. OTHER BUSINESS

VI. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



Item: Request for "Opt Out" from Cook County Animal and Consumer Protection Ordinance (Puppy Mill) from Happiness is Pets 15 W. Golf Road, Arlington Heights

Department: Planning & Community Development

Request

Ronald Berning, owner of Happiness is Pets, submitted a letter asking the Village of Arlington Heights to adopt an "Opt Out" Ordinance exempting certain business from provisions of the Cook County Animal and Consumer Protection Ordinance (Puppy Mill).

Background

Mr. Berning claims that if he has to comply with the Cook County Ordinance, it would put his store out of business.

Cook County adopted the ordinance on April 9, 2014. The ordinance prohibits the sale of dogs, cats, and rabbits in pet stores unless they're acquired from animal shelters or small breeders who meet the County Ordinance requirement.

Recommendation

It appears that this is a difficult issue to balance the health and safety needs of the animals with the negative consequences for the existing business, their employees, and the economic impact on the owner of the shopping center. As a result if the Board were to consider the request to adopt an "Opt Out" Ordinance, Staff believes that including a sunset date and restricting to existing pet stores only would be one scenario to consider, unless the Board determines to decline this request.

ATTACHMENTS:

Description

Staff Report
Legal Department Update
Request from Happiness is Pets
Cook County Ordinance
Additional Background

Type

Report
Memorandum
Exhibits
Exhibits
Exhibits

MEMORANDUM

TO: Diana Mikula, Interim Village Manager

FROM: Charles Witherington-Perkins 
Director of Planning and Community Development

DATE: September 5, 2014

SUBJECT: *Request for "Opt Out" from Cook County Animal and Consumer Protection Ordinance (Puppy Mill) from Happiness is Pets 15 W. Golf Road, Arlington Heights*

Request

On May 15, 2014, Ronald Berning, owner of Happiness is Pets, submitted a letter asking the Village of Arlington Heights to adopt an "Opt Out" Ordinance exempting certain business from provisions of the Cook County Animal and Consumer Protection Ordinance (Puppy Mill). Attached is the letter and background material submitted by Mr. Berning.

Background

On April 7, 2014, I received a call from Ronald Berning of Happiness is Pets, located at the southwest corner of Arlington Heights Road and Golf Road. Mr. Berning owns the pet store and voiced concerns about a proposed Cook County ordinance regulating pet stores and their ability to sell puppies, cats and rabbits. This ordinance has been referred to as a "puppy mill" ordinance. Mr. Berning claims that if he has to comply with the Cook County ordinance, it would put his store out of business.

Cook County adopted the ordinance on April 9, 2014 and the adopted ordinance is attached. The ordinance prohibits the sale of dogs, cats, and rabbits in pet stores unless they're acquired from animal shelters or small breeders who meet the County Ordinance requirement. The Ordinance includes an "Opt-out" provision that states as follows:

(E) Applicability of this section: This section shall apply to all areas within Cook County, Illinois except those areas which are governed by an Ordinance of another governmental entity. (which by law may not be superseded by this section)

On April 21, I received a call from the owner of the shopping center where Happiness is Pets is located, indicating his concern about the economic impact on the shopping center should Happiness is Pets close. I was advised that the lease term for Happiness is Pets ends August 31, 2017.

On April 23, an update on this issue was provided to the Board.

In late May, Staff learned that Cook County had the Ordinance on its agenda for possible modifications. As a result, the Village Board's consideration of this matter was deferred. On June 17, Cook County deferred the matter and now it appears that there will be no further consideration. The County Ordinance takes effect October 1, 2014.

Issues/Analysis

According to the Health Department, Health inspectors have received several complaints over the years from customers at Happiness is Pets. Due to the fact that the Illinois Department of Agriculture inspects such businesses, these complaints were forwarded to that organization. The Health Department contacted the Department of Agriculture in an attempt to obtain more specifics regarding such complaints. The Police Department indicated several reports were filed for stolen puppies from the establishment.

Through the submittal of a Freedom of Information request, the Health Department has obtained records from the Illinois Department of Agriculture on Animal Welfare docket reports for Happiness is Pets. The reports obtained were from the years 2000 through April 2014. Over the past 14 years, 32 complaints were filed with the Illinois Department of Agriculture. The majority of the complaints (26) were between 2000 and 2004. There have been six complaints filed since 2005. For the most part, the complaints dealt with warranty issues, animal health, and cleanliness of the store. The copies of the complaints received from the Illinois Department of Agriculture were provided to the business owner, who has incorporated his analysis of and responses to such complaints in his letter. Mr. Berning notes that inspections by the Illinois Department of Agriculture were conducted in a timely manner and there were no instances of his business being in violation of the Illinois Animal Welfare Act.

Attached is a memo from Staff Attorney Lisa Farrington outlining what some communities have considered with regard to the County ordinance.

Options

The following are some options that may be considered by the Board:

1. Decline to pass an "Opt-out" Ordinance, so that the County ordinance takes effect on October 1, 2014.
2. Adopt an "Opt-out" Ordinance with a sunset date to allow the shopping center owner time to market and seek a new tenant for the space and also allow the owner of the business time to transition.
3. Adopt an "Opt-out" Ordinance applying to existing pet stores only.
4. Adopt a simple "Opt-out" Ordinance without any limitations, but direct Staff to propose additional licensing requirements for consideration within 60 days.

Recommendation

It appears that this is a difficult issue to balance the health and safety needs of the animals with the negative consequences for the existing business, their employees, and the economic impact on the owner of the shopping center. As a result if the Board were to consider the request to adopt an "Opt Out" Ordinance, Staff believes that including a sunset date and restricting to existing pet stores only would be one scenario to consider, unless the Board determines to decline this request.

C: Gerald Mourning, Chief of Police
James McCalister, Director of Building & Health Services
Robin Ward, Assistant Village Attorney
Lisa Farrington, Staff Attorney



9-4-14

Memo

To: Charles Witherington Perkins, Director of Planning & Community Development

From: Lisa A. Farrington, Staff Attorney *LAF*

Date: September 4, 2014

Re: Cook County Companion Animal and Consumer Protection Ordinance Update

The Cook County Companion Animal and Consumer Protection Ordinance becomes effective on October 1, 2014. I contacted the eleven other municipalities identified in a Daily Herald article as home rule municipalities that could be impacted by the Cook County ordinance. I received responses from seven.

Bridgeview has adopted a simple “opt out” ordinance (a copy is attached) and Orland Park is considering an “opt out” ordinance with more comprehensive municipal regulation (a draft copy is attached).

Based on information from Arlington Heights staff members, I contacted Hoffman Estates to ask specifically if they have a location that will be affected by the County ordinance. They do believe they have one store that will be impacted but they are not taking any action on this issue. The other four communities have not taken any action.

C: Robin Ward, Assistant Village Attorney

ORDINANCE NO. 14-28

**AN ORDINANCE AMENDING CHAPTER 9, HEALTH
REGULATIONS, BY ADDING SECTION 9-3-23,
PREEMPTION OF COOK COUNTY CODE SECTION 10-13,
TO THE MUNICIPAL CODE OF BRIDGEVIEW**

STEVEN M. LANDEK
Mayor

JAMES A. CECOTT
PATRICIA A. HIGGINSON
NORMA J. PINION
MICHAEL J. PTICEK
CLAUDETTE STRUZI
MARY M. SUTTON
Trustees

JOHN C. ALTAR
Village Clerk

Prepared by
LOUIS F. CAINKAR, LTD.
Village Attorney

ORDINANCE NO. 14-28

AN ORDINANCE AMENDING CHAPTER 9, HEALTH REGULATIONS, BY ADDING SECTION 9-3-23, PREEMPTION OF COOK COUNTY CODE SECTION 10-13, TO THE MUNICIPAL CODE OF BRIDGEVIEW

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Bridgeview, Cook County, Illinois, as follows:

Section 1

That Chapter 9, Health Regulations, of the Municipal Code of Bridgeview be amended by adding Section 9-3-23, Preemption of Cook County Code Section 10-13, to read as follows:

9-3-23: PREEMPTION OF COOK COUNTY CODE SECTION 10-13:

Sec. 10-13 of the Cook County Code shall be inapplicable and of no effect in the Village of Bridgeview.

Section 2

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 3

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of Bridgeview.

Section 4

This ordinance shall be immediately in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Bridgeview this 16th day of April, 2014.

JOHN C. ALTAR, Village Clerk

APPROVED by me this 16th
day of April, 2014.

STEVEN M. LANDEK, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Bridgeview, in accordance with law, this 16th day of April, 2014.

JOHN C. ALTAR, Village Clerk

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

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.

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: OPERATION.

Every Pet Shop Operator, shall at all times operate the establishment in full compliance with the Illinois Animal Welfare Act and this Village Code Section as said Act, and this Code Section shall be amended from time to time.

7-3-12-3: 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; as well as on any web site maintained by the establishment. 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, 26-50, 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 website 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, and 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 7-3-12-3 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.

(d) The restrictions on Pet Shop Operators set forth in Subsections 7-3-12-2 (a), (b) and (c) of this Section 7-3-12 shall not apply to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004 (225 ILCS 115) or to any animal control or care facility, kennel, pound or animal training facility operated by any subdivision of a local, state or federal government, or to any humane society or animal rescue organization.

7-3-12-4: LICENSING.

Each Pet Shop Operator must have a business license issued by the Village of Orland Park.

7-3-12-5: 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) 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.

7-3-12-6: SUSPENSION OR REVOCATION OF BUSINESS LICENSE.

In addition to the penalties set forth in Subsection 7-3-12-5 above, the Village business license 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.”

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.



HAPPINESS IS PETS

— A BREED APART —

Regarding the Cook County Animal and Consumer Protection Ordinance

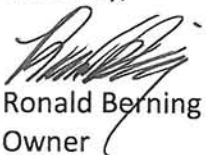
The notion that pet store puppies are diseased and ultimately end up costing the consumer money is false. Illinois has one of the most stringent consumer protection laws in the country regarding puppy sales from pet stores. Under Illinois law, pet stores must stand behind the health of every puppy sold for at least 1 year from the date of sale for congenital defects. We are also obligated to reimburse for veterinary expenses up to the cost of the dog for any ailment that the puppy was diagnosed as existing at the time of sale; this technically is a 1 day warranty. We are so confident in the health of our puppies, that we actually double the length of the state warranty to 2 years and offer free veterinary care, if necessary, for 30 days after purchase, regardless of when the illness began. Also, the veterinarians we partner with offer free neutering and spaying for the puppies we sell. All pet stores in Illinois also disclose the name of the breeder for each puppy available for sale, thus allowing consumers to conduct any research they deem necessary in order to make an educated decision. *There is no other source (breeders, shelters or rescues) for puppies in this state that offers a warranty that is remotely comparable to this. In fact, pet store puppies have the highest level of veterinary care versus any other source because of current Illinois law.*

There will always be a demand for pure bred puppies. With the passage of this ordinance you will see an increase in unlicensed breeders emerge to fill the demand from lack of pet stores. Consumers will purchase from unregulated sources (backyard breeders, online, etc.) and have no recourse whatsoever in the event their puppy becomes ill. The current "puppy lemon law" that everyone worked so hard on together that was passed last year will now be irrelevant. What happened to the consumers everyone wanted to protect?

I have included a sampling of pictures of some of our breeder's kennels for your review and to quell any reservations you may have regarding the origins of our puppies. These pictures prove these breeders do not fit the ASPCA's and HSUS' definition of a "puppy mill" ("an operation that sells dogs for money and fails to breed them appropriately or provide adequate housing, shelter, staffing, nutrition, socialization, sanitation, exercise and veterinary care.")

I kindly request that the village of Arlington Heights enact its home-rule authority to allow me to continue to offer healthy, happy, warranted puppies from responsible breeders to the public. I would be grateful for the opportunity to work along with village trustees to craft an ordinance that would further protect dogs in breeding kennels and allow me to stay in business. Without your assistance, I will be forced to close after 16 years of operation in this village, as we simply cannot afford to remain in business by offering "shelter" dogs. Non-profit organizations use a business model that is dependent on public contributions and subsidized goods and services. This simply will not work for a business, as I cannot compete with that. The village will lose income tax from a legitimate, family-run business; a business that can boast an A+ rating with the Better Business Bureau and a business that is happy to report that half of its sales are from repeat and referral customers. Along with the closing of my doors, there will be 11 employees without jobs; some of whom are Arlington Heights residents. I thank you for your time and consideration.

Sincerely,


Ronald Berning
Owner

RECEIVED

MAY 15 2014

PLANNING & COMMUNITY
DEVELOPMENT



HAPPINESS IS PETS

A BREED APART

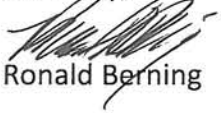
Re: Response to Illinois Department of Agriculture Inspections

After reviewing the 32 complaints received by the Illinois Department of Agriculture, I have noticed that quite a few of the complaints were regarding the general cleanliness and care of the dogs. The best response I have is that you will notice that the inspector conducted a complete inspection in a timely manner and found there were no instances of anyone in violation of the Illinois Animal Welfare Act and that in every instance the claims were unfounded. In fact, many inspection reports state the opposite; docket number 2010-0992 states that "I found the store to be very clean and all the puppies appeared to well cared for and healthy." Docket number 2011-0298 states that "All the puppies in the store appear to be active and healthy."

The remainder of the inspection reports stemmed from customer disputes of varying sorts. I have attached a copy of the warranty that the customer would have signed at the time of purchase. We fulfill each and every term of our obligation of the warranty, as it is a legal binding contract. Not in any instance did the inspector find us to be in any violation of our warranty. However, there were instances where we exceeded the terms of the warranty in an attempt to amicably resolve the situation.

I hope this response is sufficient, as 24 of the 32 complaints are more than 10 years old and it is rather difficult to go back that far to address unsubstantiated claims. Please let me know if I can offer any further clarification on an specific Docket Number. Thank you.

Sincerely,



Ronald Berning

Happiness Is Pets

LIMITED PUPPY WARRANTY

30 DAY HEALTH WARRANTY INCLUDING FREE VETERINARY VISIT AND CONTINUING VETERINARY CARE AND EXPENSES.

Yes, I understand that Happiness Is Pets warranties the health of this puppy for the first 30 days after purchase. **All veterinary care must be done at one of our approved veterinary clinics.** You will receive an initial free vet exam within 7 days of purchase and any necessary medications, if needed, will be provided at no charge, except any normal and routine puppy shots. Happiness Is Pets will continue to provide any required veterinary care, except normal and routine puppy shots, for a total of 30 days after purchase. Happiness Is Pets will extend this care for any routine ailment that arises during this first 30 day period until such time as that ailment is corrected. This excludes any non routine treatment due to a congenital or heredity condition. This situation would be covered under our warranty against life threatening congenital or hereditary defects.

LIMITED 2 YEAR WARRANTY AGAINST LIFE THREATENING CONGENITAL DEFECTS

Yes, I understand that if within 2 years of the date of birth of my puppy he/she is diagnosed by a veterinarian as having a life threatening congenital defect and this information is reported to Happiness Is Pets within that 2 year period I will receive a replacement puppy of equal value or one half (½) of the purchase price of the puppy. You must provide a veterinary letter with the diagnosis and must surrender the kennel club registration papers when applicable. This only applies to those conditions that will not self-correct during the first year. In some cases Happiness Is Pets will require a diagnosis of another veterinarian, which would be at the expense of Happiness Is Pets. In the event of an undescended testicle Happiness Is Pets sole responsibility will be to provide for neutering at one of our approved veterinarian clinics with the prior approval of Happiness Is Pets. While not considered "life threatening," Happiness Is Pets will warranty against "moderate" and "severe" hip dysplasia for 2 years from the date of birth with the above mentioned remedy of one half (½) purchase price refunded or a replacement puppy of equal or lesser value. **Happiness Is Pets does not require relinquishment of your puppy to us in the event of a life threatening congenital defect warranty claim.**

NONAPPROVED VETERINARY CARE AND EXPENSES

Yes, I understand that Happiness Is Pets will not pay for any veterinary care, for any reason whatsoever, other than at a Happiness Is Pets approved clinic. **Should you, for what ever reason, decide to use the services of a veterinary clinic other than an approved Happiness Is Pets clinic you do so at your expense. The exception to this is for emergency care which is covered below.**

EMERGENCY VETERINARY CARE

Yes, I understand that in the event my puppy requires emergency veterinary care within the first 7 days of purchase, Happiness Is Pets will reimburse me for 25% of the base expense, with the following provisions. This is limited to one day only and only with the provision that one of our approved veterinary clinics was not open. Our experience has been that 95% of emergency veterinary visits are unwarranted. We would like to point out that if you do feel the need to visit an emergency clinic to have them do supportive care only and wait for any testing until you can get the pup to one of our approved clinics the next day. We do not reimburse for the treatment of kennel cough. Happiness Is Pets will not reimburse for an emergency veterinary visit that was a direct result of an accident or negligence.

AN EXPLANATION OF KENNEL COUGH AND COCCIDIA

Yes, I understand that Happiness Is Pets strives for the healthiest puppies possible, however, despite our best efforts my puppy may come down with kennel cough (an upper respiratory infection) and that my puppy may have coccidia (a microscopic parasite) and although rare my puppy may come down with a more severe infection. Kennel cough is characterized by a gagging cough and is nothing to be alarmed about. Do get the puppy to one of our vets as soon as possible. Coccidia is characterized by soft stools and your puppy may even pass a drop of blood or two. Again, get the pup to one of our vets for treatment.

REGARDING REGISTRATION PAPERS

Yes, I understand that my puppy's registration papers, when applicable, will be mailed to me within six to eight weeks after purchase.

REGARDING LUXATING PATELLAS

Yes, I understand that in the unlikely event that my puppy is diagnosed with having a Grade 3 or higher luxating patella by our veterinarian within 2 years from the date of birth and with the surrender of any kennel club registration papers I am entitled to a refund of \$250 per affected knee or one half (1/2) of the purchase price, whichever is less.

REGARDING MICROCHIP REGISTRATION

Yes, I understand that Happiness Is Pets makes no warranty or guarantee of the products, services or future fees of the microchip company

HAPPINESS IS PETS NETWORK OF APPROVED VETERINARY CLINICS

Yes, I understand that Happiness Is Pets network of "approved veterinary clinics" are as follows:

- Naperville Animal Hospital. 1023 E. Ogden Ave. Naperville, IL 60563 (630) 355-5300
- Springbrook Animal Care Center. 2759 Fergie Dr. Naperville, IL 60564 (630) 428-0500
- Elmhurst Animal Care Center. 850 S. Riverside Dr. Elmhurst, IL 60126 (630) 530-1900
- Wheaton Animal Hospital. 266 Roosevelt Road, Glen Ellyn, IL 60137 (630) 665-1500
- Midwest Animal Hospital. 1205 183rd Pl. Orland Park, IL 60467 (708) 478-7788
- Forest South Animal Hospital. 24341 Western Ave. University Park, IL 60484 (708) 672-6166
- Animal Care Center of Chicago. 1248 W. Washington Blvd. Chicago, IL 60607 (312) 243-6655

DISCLAIMERS

1. This warranty applies to the original purchaser only and is not transferable.
2. Happiness Is Pets offers no warranty against hypoglycemia, seizures or demodectic mange.
3. Happiness Is Pets does not guarantee the breedability of any puppy.
4. Due to various external and environmental factors beyond the control of Happiness Is Pets, it is understood that Happiness Is Pets does not guarantee temperament or trainability of any dog.
5. While we do our best to help give an estimated full size of a puppy, it is understood that it is in no way a guarantee.

YES, I UNDERSTAND THAT ALL PUPPY SALES ARE FINAL AND THAT HAPPINESS IS PETS DOES NOT GIVE REFUNDS.

DO NOT MAKE THIS PURCHASE IF YOU HAVE
NOT GAINED THE APPROVAL OF YOUR
LANDLORD, SPOUSE,
PARENTS OR SIGNIFICANT OTHER

**By Initialing Every Paragraph and Signing This Document
I Agree That I Understand It and Will Abide With Its Terms.**

PURCHASER

FOR HAPPINESS IS PETS TAG #

DATE

Pine Creek Kennel 32-A-0367



LaGrange Veterinary Clinic

*Robin P. Bollinger, D.V.M.
1005 North Detroit Street
LaGrange, IN 46761*

Rodney L. Bauermeister, D.V.M.

*Hilary C. Reinhold, D.V.M.
Phone # (260) 463-2157
Fax # (260) 463-2165*

To whom it may concern:

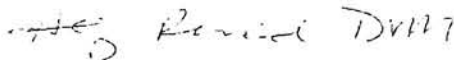
I have worked with Pine Creek kennels for the last 6 years. They are very dedicated to the health and well being of their dogs as well and raising quality puppies. Over the last 6 years we have worked together to improve all aspects of their professional breeding program.

These improvements include having veterinary behaviorist Dr Roland Tripp working on a socialization and enrichment program for puppies as well as adult dogs; designing and building a brand new building that allows all the dogs even more available space; the choice to be either inside or outside and on solid surface flooring at all times; and access to a variety of both toys and surfaces to rest on. Play yards are also being designed and built to allow even more environmental enrichment for the dogs.

Producing only the most high quality puppies has also been an important part of Pine Creek kennels. All of the parents have OFA certified hearts and patellas. Breeding animals are selected from the highest quality parents with everything including personality taken into careful account.

As their veterinarian, I am at the kennel once a month to address any health concerns. If there is a health concern that cannot wait for the monthly kennel visit patients also come into the clinic for care. Several times a year we also provide dental care for animals in need of dental cleaning or tooth extraction. This goes along with a very complete schedule of vaccinating and deworming to ensure the good health of all of the dogs.

Sincerely,



Hilary Reinhold, D.V.M.







Lavern Whetstone 32-A-0370







Oceanside rejects 'puppy mill' ban

Council votes 3-2 against proposal to outlaw retail sale of puppies from breeders

By [David Garrick \(/staff/david-garrick/\)](#) 11:56 p.m. Sept. 25, 2013 Updated 9:55 a.m. Sept. 26, 2013



Belinda Rachman, front, and Gigi Flick, back, are members of local animal rights groups protesting outside an Oceanside pet store because it sells puppies bred at commercial facilities they call "puppy mills." — *Edward Sifuentes*

OCEANSIDE — Oceanside City Council members voted 3-2 Wednesday night against a proposal to ban pet stores that sell puppies bred in facilities that activists call "puppy mills."

Mayor Jim Wood and Councilwoman Esther Sanchez praised the proposal as a way to help reduce the number of pets treated inhumanely and to simultaneously encourage the adoption of more animals from shelters and rescue groups.

But Councilmen Jerry Kern, Gary Felien and Jack Feller said they didn't have enough information about what constituted unethical breeding to move forward with changing the city's laws.

Wood and Sanchez criticized their colleagues as overly cautious, noting that similar bans have been passed recently by Los Angeles, San Diego, Chula Vista and more than two dozen other cities across the country.

Carlsbad City Council members last week decided they'll also pursue a ban this fall.

The Oceanside council's vote came after four hours of emotional testimony.

Supporters of the ban showed videos of puppies trapped in tiny cages at so-called puppy mills. They said the Hunte Corp. — the world's largest pet distributor and the supplier for a local store called Oceanside Puppy — is such a breeder.

However, a representative of Hunte, which is based in Missouri, said the company only purchases animals from top breeders and supports the shutdown of any unethical breeders.

Activists said forcing retail pet stores to close will shrink the market for puppies bred that are bred in poor conditions. They also said that many puppies in shelters die without being adopted, making it foolish to give people the option of buying pets in retail stores.

Opponents called such criticisms propaganda and said the ban would limit consumer choice, threaten the long-term viability of dog breeding and encourage the "underground" sale of dogs.

David Salinas, owner of Oceanside Puppy, said the ordinance would put him out of business and cost his employees their jobs.

Salinas opened his Oceanside store this summer shortly after San Diego passed its ban, which threatens the future of a pet store he owns just east of Qualcomm Stadium in Grantville.

Since Salinas opened his store on Oceanside Boulevard, protesters have frequently gathered in front of it. It's the only store in Oceanside that would be affected by the ban.

Salinas said he is being unfairly singled out. He says he loves dogs and that he's confident Hunte uses only ethical breeders.

"We do everything right — please don't punish us," he told the council. "I sell quality, registered pedigree puppies."

Salinas said his stores wouldn't survive without revenue from pet sales.

"I can't make a profit selling nail clippers and dog leashes," he said.

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NEWS

San Clemente rejects ban on pet sales

On a 4-1 vote, the City Council decides that prohibiting sales of dogs and cats in local pet stores would go too far. The majority says it could support some means of verifying that any dogs sold in a store aren't from mass-breeding 'puppy mills.'

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By FRED SWEGLES / THE ORANGE COUNTY REGISTER

Published: April 18, 2012 Updated: Aug. 21, 2013 1:17 p.m.



DAVID BRO, REGISTER FILE PHOTO

Calling the proposal heavy-handed, San Clemente's elected leaders Tuesday night rejected a request from city staff to ban the sale of dogs and cats at local pet stores.

The City Council vote was 4-1, with member Lori Donchak casting the only supporting vote.

San Clemente has no pet stores that sell cats or dogs, but city staff proposed the ban, saying pets are overpopulated in Southern California and that some puppies raised for commercial sale are treated inhumanely through mass-breeding operations known as puppy mills.

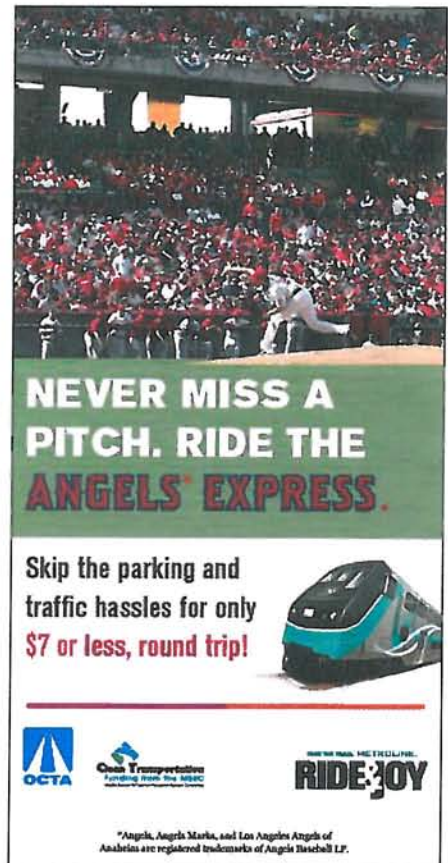
Staff also noted that dogs and cats are readily available for adoption at animal shelters like the one in San Clemente.

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Dana Point, San Clemente's partner in the [shelter](#), adopted a ban on dog and cat retail sales this year.

San Clemente's proposed ordinance would have exempted licensed local dog breeders and animal-rescue operations.



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Three San Clemente council members – Bob Baker, Jim Dahl and Mayor Jim Evert – said they have purchased dogs from pet stores and felt an outright ban would go too far.

"Perfectly acceptable dogs come from pet stores," Baker said.

"How can we establish things to force people to go to the pet shelter?" Evert said. "It just doesn't seem American to me. A puppy mill is a breeder that puts out a lot of puppies. It could be any breeder.

"I don't have a problem with regulations to prevent puppy mills, but I do have a problem with restricting how you can purchase a puppy," Evert said. "I don't see a difference in purchasing from a breeder vs. purchasing from a store."

The council majority felt that the [Coastal Animal Services Authority](#) – which runs the local shelter and provides animal-control services in San Clemente and Dana Point – could inspect and regulate any San Clemente pet stores that sell dogs or cats.

"We got a great dog from a pet store," Dahl said of a pet that came with [American Kennel Club](#) papers. Dahl said another dog he got from a breeder was an "angry dog."

San Clemente's council was the second in two nights in Orange County to balk at banning dog and cat retail sales. On Monday, Huntington Beach delayed a similar law while choosing to promote adoptions.

Irvine enacted a ban last year, and Laguna Beach is preparing an ordinance.

Donchak supported the proposed San Clemente ordinance as a "way to recognize the overpopulation of stray animals and the potentially inhumane practices of the puppy mills."

"None of you guys are adopting from the San Clemente animal shelter, where there are dozens and dozens of animals desperate for homes," Donchak told her colleagues.

"We tried," Baker said.

Councilman Tim Brown suggested the Coastal Animal Services Authority could verify or certify that any pet store selling dogs in town isn't buying from a puppy mill. He said an outright ban is overreaching.

Donchak said the ordinance would be a way for local government to speak out to large puppy mills, "saying no, we don't support this kind of breeding, and the way we do it is we get our animals from other sources."

"We're all opposed to puppy mills," Baker said. "But to send a message that says you can't buy a dog ... an AKC-registered dog in a pet store ... it doesn't compute."

Contact the writer: fswegles@ocregister.com or 949-492-5127

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Council rejects call for ban on all pet store animal sales



By Burnaby NewsLeader

Published: **November 27, 2013 02:00 PM**

Updated: **November 27, 2013 02:372 PM**

After weeks of delegations from both sides of the issue, Burnaby council decided against banning the sale of most animals at pet stores in the city.

The lone exception is turtles, which will no longer be allowed to be sold in Burnaby pet stores as a way to protect local wetland environments.

The decision came after two delegations vehemently opposed banning animal sales—pet store owner Katherine Kinman of King Ed Pet Centre and Richmond resident John Crocock—and one, Maria Soroski of Vancouver Orphan Kitten Rescue, who refuted the claims made a week earlier of [Tom Peters, owner of Pet Habitat Metrotown](#), that his animals are sourced from U.S.-government inspected kennels without animal welfare violations.

In the end, council approved the [recommendations of city staff](#) to establish regulations for pet stores which don't currently exist, ban turtle sales and require that rabbits be sterilized before they're sold.

It wasn't unanimous, with approval coming after a 7-1 vote. Coun. Sav Dhaliwal preferred an outright ban on animal sales but was away at a Federation of Canadian Municipalities meeting in Ottawa and couldn't vote by proxy, said Mayor Derek Corrigan.

That left Coun. Dan Johnston the lone council member opposed, saying that pet stores encourage impulse buying of animals.

"Puppies and kittens should come from a nurturing environment that is safe and healthy," Johnston said. The idea of breeding such pets in cages stacked high followed by unsupervised children banging on windows as the animals sit in a pet store "doesn't sound like a nurturing environment to me."

He also cited the "abysmal" record of Pet Habitat Metrotown's supplier, the U.S.-based Hunte Corporation, in his decision, adding that PetSmart and Tisol in Burnaby don't sell dogs and cats and yet have thriving businesses.

Coun. Colleen Jordan stressed that Burnaby only has control over what happens to such animals after they arrive at pet stores in the city, so would have no way to regulate against puppy mills.

Jordan didn't agree with a complete ban on animal sales as that would essentially shut down a business, which is what happened when dog sales were banned in Richmond. **A ban would only send the business underground where there would be no regulations at all.**

Coun. Paul McDonnell wasn't convinced that pet stores encourage impulse buying, noting he observed the average price of a puppy at Pet Habitat Metrotown is \$2,500.

"I'm not poor, but I'm certainly not impulse buying at 2,500 bucks."

Corrigan said the addition of pet store regulations to the city's animal control bylaw is significant progress, regardless of a ban, as it would be "holding pet stores to the light of day in regard to their practices."

City manager Bob Moncur said as staff draft the bylaw changes they will look into the feasibility of requiring cats be sterilized before they're sold, as suggested by Corrigan, and Coun. Pietro Calendino's suggestion that stores be restricted from selling animals bred

Carlsbad repeals pet sales ban

City reverses course, saying unscrupulous breeders are the problem instead of pet stores

By [David Garrick \(/staff/david-garrick/\)](#) 1:24 a.m. Nov. 6, 2013

CARLSBAD — Four weeks after banning pet stores from selling dogs and cats because of concerns over “puppy mills” and “kitten factories,” Carlsbad City Council members reversed course Tuesday and repealed the short-lived ban in a 3-2 vote.

The Oct. 8 vote to ban retail pet sales added Carlsbad to a long list of cities across the nation that have recently passed legislation aimed at so-called puppy mills, where profit-focused breeders allegedly neglect and mistreat animals.

That list includes the city of San Diego, which passed a ban similar to Carlsbad's in July.

Animal rights groups have been successfully lobbying cities to pass legislation by presenting evidence that most dogs and cats sold at pet stores are mass produced at profit-driven breeding facilities in the Midwestern U.S.

The activists say the animals are trapped in small cages and deprived of veterinary attention. They also say the U.S. Department of Agriculture doesn't do enough to regulate breeders or correct problems.

Eliminating pet stores would force more people to adopt dogs and cats from shelters and rescue organizations, putting the puppy mills out of business, the activists say.

Carlsbad council members called those arguments persuasive last month, but agreed to revisit the issue a few weeks later because they couldn't decide whether to exempt the city's lone pet store — California Pets at Westfield Carlsbad mall.

On Tuesday, the council decided to broaden its debate beyond whether California Pets should be exempt and eventually voted to repeal the ban entirely. They said unscrupulous breeders are the problem, not pet stores.

Mayor Matt Hall, Councilman Mark Packard and Councilwoman Farrah Douglas voted to repeal the ban. Councilman Keith Blackburn and Councilwoman Lorraine Wood wanted to maintain at least some sort of legislation.

“It's not the pet stores who are troublemakers, it's the breeders,” said Douglas, noting that only a small number of breeders appeared to be unethical.

When animal rights activists urged the Carlsbad council not to exempt California Pets last month, they said the store was notorious for selling sickly animals and had been sued many times.

City officials said Tuesday that research during the last month shows those claims were exaggerations.

Fiona Everett of the Carlsbad Police Department said six complaints against the store had been determined to have merit since 2002. She also said California Pets, which operates a second store in Escondido, had been sued three times since 1997.

Douglas said she was frustrated the activists had trumped up claims against the store to further their own mission.

Blackburn said he was worried repealing the ordinance might allow more pet stores to open in Carlsbad, but Douglas said it wouldn't be appropriate for the city to create a monopoly by allowing only one pet store to operate.

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Huntington Beach Amends Ban on Dog and Cat Store Sales

Posted: Wednesday, April 18, 2012 7:16 am

After a flood of public comments, including impassioned pleas from owners of pet stores and animal rights activists, the Huntington Beach City Council decided early Wednesday to rework a proposed ban on the retail sale of dogs and cats.

Instead of immediately banning dog and cat sales at stores, the 4-3 council majority now wants to phase in the measure over the next two years so pet shops have time to adapt to an adoption model.

"This has been one of my most horrible weeks that I've had to deal with on the City Council," said Councilman Joe Shaw, who proposed the two-year phase-in. "I'm very torn between the feelings I have about us possibly putting a small business owner out of business" and concern for how animals are treated.

The council majority's efforts are driven by the cramped and unsanitary conditions at so-called "puppy mills." Animal rights groups say the facilities produce many of the dogs sold in Orange County.

The decision to change the proposal came after more than two hours of passionate public comments on the issue.

Owners of Pets Pets Pets and Animal Kingdom — the two shops affected by the proposal — asserted that none of their dogs came from puppy mills. But some city leaders and animal rights activists called that into question, saying that Hunte Corp., the broker used by Pets Pets Pets, is the leading distributor of puppy-mill dogs.

But not every council member was convinced.

"I haven't seen the proof that these particular establishments are selling puppy-mill dogs," said Mayor Pro Tem Devin Dwyer. "I think that would need to be established" before moving forward with a ban.

Councilman Matthew Harper suggested the ban on dog sales at stores could ultimately lead to a prohibition on gas cars and meat.

"Is the next move 'sorry, can't sell meat, can't sell steak'? Can we maybe get a situation where 'sorry, we're not going to have gasoline-powered engines for cars on Beach Boulevard?'"

Harper added that he didn't understand the focus on dogs and cats.

"Why dogs and cats, and what's the difference between rabbits, fish, turtles and everything else? Because they're not as cute?" asked Harper. "Because there isn't this much of a political

constituency behind these other animals?”

Councilwoman Connie Boardman, however, responded that there's a clear reason to focus on dogs.

“I think one reason we're addressing puppies, Council Member Harper, is because there's extraordinarily well-documented abuses in puppy mills,” said Boardman. “Extraordinarily.”

The city staff will rewrite the proposed ordinance after conferring with animal rights supporters and the two businesses affected by the measure, then bring it to the council for a vote.

The decision came on a 4-3 vote, with Harper, Dwyer and Mayor Don Hansen opposing.

— NICK GERDA

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**THE COOK COUNTY COMPANION ANIMAL AND CONSUMER
PROTECTION ORDINANCE**

WHEREAS, pet stores selling live animals have traditionally been a sales outlet for young dogs, cats, and rabbits bred commercially in puppy mills, kitten mills, and rabbit mills both within the United States and abroad; and

WHEREAS, according to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that nearly all pet store puppies, kittens and many pet store rabbits come from puppy, kitten and rabbit mills, respectively; and

WHEREAS, puppy mills are mass breeding facilities that churn out puppies with an emphasis on profit over welfare. These mills usually house dogs in overcrowded and unsanitary conditions without adequate veterinary care, food, water and socialization. Puppy mill dogs do not get to experience treats, toys, exercise or basic grooming; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues as well as congenital and hereditary illness and disease. Puppy mill puppies often arrive in pet stores and their new homes with various diseases including giardia, parvovirus kennel cough, heartworm and distemper. These diseases can lead to excessive veterinary costs both upfront and down the line; and

WHEREAS, rabbits are often treated inhumanely in the breeding mills and because rabbits can multiply every 28 days, rabbit mills are particularly prone to problems of overcrowding. These animals are often viewed as disposable, and after the Easter holiday it's estimated that as many as 80% of rabbits sold as Easter or springtime pets are abandoned by their owners; and

WHEREAS, the lack of enforcement resources at local, state and federal levels allow many inhumane puppy, kitten, and rabbit mills to operate with impunity. According to a spokesman from the United States Department of Agriculture, due to budget constraints, the Illinois Department of Agriculture employs only seven inspectors that are charged with overseeing more than 1,300 dog dealers, kennel operators and pet shop operators; and

WHEREAS, every year millions of cats and dogs are euthanized in our nation's animal shelters because there are more pets than there are responsible homes for them. Puppy and kitten mills contribute to pet overpopulation and cause countless animals lifetimes of suffering in squalid wire cages; and

WHEREAS, according to information obtained from the Illinois Department of Agriculture regarding publicly run animal care and control facilities located within Cook County, in 2011 these facilities impounded 19,442 dogs and cats that were not reclaimed by the owner, and euthanized 6,618 of these animals (roughly 34% of total). In 2012 these facilities impounded 22,679 dogs and cats that were not reclaimed by the owner, and euthanized 8,035 of these animals (roughly 39% of total); and

WHEREAS, between 2011 and 2012 there was an increase of 3,237 dogs and cats impounded and not reclaimed by the owner and a 5 percent increase in the rate of euthanasia; and

WHEREAS, this Ordinance specifically addresses the retail sale of dogs, cats and rabbits in pet stores and will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breeder, a breed specific rescue organization or a shelter; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets in need of a forever home; and

WHEREAS, on March 5, 2014, the Chicago City Council overwhelming approved a similar ordinance that allows for the commercial sale of dogs, cats and rabbits in the City of Chicago only if they are sourced from shelters and other humane adoption centers, effectively ending the sale of pets from animal mills in the interest of the health and well-being of animals and local consumers alike; and

WHEREAS, in the United States and Canada alone, over 40 cities have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including: Chicago, Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Brick, New Jersey and Toronto, Canada; and

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

WHEREAS, the Cook County Board of Commissioners believes it is in the best interests of the County to adopt reasonable regulations to protect the citizens of the County who may purchase dogs, cats or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the County.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 10 Animals, Article I, In General, Sections 10-1 through 10-3 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 10-1. Purpose.

The purpose of this chapter is to provide harmonious relationships in the interaction between man and animal by:

- (1)Protecting the citizens of the County from rabies by specifying such preventive and control measures as may be necessary;
- (2)Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
- (3)Providing security to residents from annoyance, intimidation, and injury from cats, dogs and other animals;
- (4)Encouraging responsible pet ownership;
- (5) Promoting community and consumer awareness of animal control and welfare; and
- ~~(5)~~ (6) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter;

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the licensed veterinarian appointed by the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.

Animal means any live vertebrate creature except man.

Animal capable of transmitting rabies means all animals classified as mammals.

Animal control warden means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.

Bird means any flying vertebrate that is covered with feathers.

Bite means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

Cat means all members of the classification, *Felis catus*.

Confined means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

Control means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

Dangerous or vicious animal means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.

Dog means all members of the classification, *Canis familiaris*.

Domestic animal means any animal which has been domesticated by man so as to live and breed in a tame condition.

Guard dog means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

Inoculation against rabies means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

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.

Owner means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.

Pet shop operator means as provided in 225 ILCS 605/2 of the Animal Welfare Act

Pound means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

Rabbit means all members of the classification, *Oryctolagus cuniculus*.

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.

Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Stray animal means any owned animal that is not controlled.

Tethering means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.

Tow chain or log chain means any chain that is more than one-quarter of an inch in width.

Sec. 10-3. Violations.

- (a) Any person violating any provision of this chapter or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this chapter is guilty of a misdemeanor punishable by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this chapter is committed or permitted to continue and shall be punished as provided in this chapter. Any person violating or failing to comply with Sec. 10-13 of this Chapter shall be subject to a fine of \$500.00 for each violation. Each sale or act in violation of Section 10-13 shall constitute a separate and distinct violation. Violations of Sec. 10-13 shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.
- (b) The Administrator or State's Attorney or any citizen of the County may maintain a complaint in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave their premises when not under the control of a leash and muzzle or other recognized methods of physical restraint.
- (c) If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
- (d) If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 10 Animals, Article I, In General, Section 10-13 of the Cook County Code is hereby enacted as follows:

Sec. 10-13. Prohibiting the sale of Commercially Bred Dogs, Cats and Rabbits in Pet Shops.

(a) A pet shop operator may offer for sale only those dogs, cats or rabbits 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) animal obtained from breeders. No pet shop operator may offer for sale any dog, cat or rabbit obtained from a breeder unless the following requirements are met:
 - (i) the breeder holds a valid USDA class "A" license as defined by the Animal Welfare Act, as found in the Code of Federal Regulations, listing all site addresses where regulated animals are located; and
 - (ii) the breeder owns or possesses no more than five (5) female dogs, cats or rabbits capable of reproduction in any twelve (12) month period; and
 - (iii) no more than five (5) female dogs, cats or rabbits capable of reproduction are housed at the site address where the retail animal was born or housed, including animals owned by persons other than the breeder; and
 - (iv) in addition to any disclosures required by subsection (c) or otherwise required by law, the following information shall be maintained and provided for each animal:
 - (a) the active USDA license number(s) of the animal's breeder;
 - (b) any previous USDA license number(s) held by the animal's breeder in the last five (5) years;
 - (c) the name, mailing and site address location(s) of the breeder as they appear on the breeder's active USDA license;
 - (e) all names the breeder is doing business as;
 - (f) the total number of female dogs, cats or rabbits capable of reproduction owned or possessed by breeder;
 - (g) the sire and dam of the animal;
 - (h) the name and address of the location where the animal was born; and
 - (i) the name(s) and address of any other location(s) where the animal was housed by the breeder after birth.

(b) Exemptions. The restrictions on pet shop operators set forth in subsection (a) of this section shall not apply to any entity listed in paragraphs (1) or (2) of Subsection (a) 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.

(c) Disclosures required. Any pet shop operator that offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

- (1) for each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and
- (2) 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 pet shop operator; (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.

(d) The disclosures required under this Subsection (c) 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. The pet shop operator shall retain the original copy of such disclosure and acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized Administrator or Animal control warden, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized official. The pet shop operator shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law.

(e) Applicability of this Section. This Section shall apply to all areas within Cook County, Illinois, except those areas which are governed by an Ordinance of another governmental entity (which by law may not be superseded by this Section).

(f) Enforcement, Department and Sheriff. The Department of Animal Control is authorized to enforce this Section, and the Sheriff is authorized to assist the department in said enforcement.

Effective date: This Ordinance Amendment shall be in effect on October 1, 2014

APPROVED AS AMENDED

14-2386

Presented by: TIMOTHY O. SCHNEIDER, Cook County Commissioner

PROPOSED TRANSFER OF FUNDS

Department: Commissioner Timothy O. Schneider

Request: Approval of transfer of funds

Reason: Additional employee

From Account(s): 095-289, \$17,000.00

To Account(s): 095-110, \$17,000.00

Total Amount of Transfer: \$17,000.00

Daily Herald

Big Picture . Local Focus

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Article updated: 4/21/2014 12:38 PM

Arlington Heights girls' puppy mill bill passes House

By

A group of girls from Patton Elementary School in Arlington Heights may seem like any other third graders, but don't be fooled.

This month, they've taken on the role of lobbyists and they are taking the state Legislature by storm.

Just last week, Claire Hackmann, Maddie O'Dell and Brooke Martin, all of Arlington Heights, wrote to State Sen. Pam Althoff. She will be sponsoring a bill -- originally written by State Rep. David Harris of Arlington Heights -- before the Illinois State Senate. It has already passed the House.

Their issue? Banning puppy mills and putting some teeth into the penalties for offenders.

It started out innocently enough, when the girls read the book, "Chewy and Chica," by Ellen Miles. It tells the story of two students who rescue Chihuahua puppies from a puppy mill, which prompted the girls to research just what puppy mills were.

"We learned that puppy mills are really bad places," says Maddie, as her friends describe the conditions and treatment of puppies churned out by some large-scale breeders supplying the retail market. "From there, we dug deeper."

They approached their school librarian, Idelle Melamed, with ideas on what they could do to put an end to puppy mills.

"They wanted to write to President Obama," Melamed said. "I suggested they stay more local, and write to our local representatives."

Consequently, they wrote to U.S. Rep. Jan Schakowsky and to Harris, who was so impressed with their letter, he introduced House Bill 4410, which doubles the penalty for the mistreatment of animals that occurs at places like puppy mills.

His bill came after the city of Chicago banned puppy mills and before Cook County officials adopted the same measure. The girls are hoping for a statewide crackdown.

Harris advised the third graders to gather more support for the bill, which he thought might help advance their case in Springfield.

The girls sprung into action. Gaining approval from their principal, Eric Olson, they made a presentation to their classmates at an all-school assembly and to members of the faculty.

Next, they gathered signatures on posters they made at a school movie night and later at the Arlington Heights Memorial Library. They also appeared before members of the Arlington Heights Elementary District 25 school board.

Their biggest date was yet to come. Late last month, Harris invited the girls to come to Springfield and testify in person before the House Agriculture Committee, which they did.

"They did just an outstanding job," Harris said. "I think it was a wonderful educational experience for them. The girls had their testimony well-rehearsed, and they gave it flawlessly."

Before they testified, they were introduced to the floor of the General Assembly. They also had to fill out official witness slips before making their passionate plea before the 14 members of the committee.

"The bill passed unanimously," Claire says proudly.

Then on March 27, the bill passed the full House in a vote of 104 to 6.

They're not done yet. As they wait for the bill to come before the Senate, the girls are continuing to raise awareness. They have a website, which they update regularly at sites.google.com/a/student.sd25.org/stop-puppy-mills.

All of which has their teachers, administrators and parents quite proud. But Maddie's mother, Mary Beth O'Dell voiced a concern that all three families share.

"Now, that they've done all this research on the treatment of puppies," O'Dell said, "we're getting hard-core pressure to get a dog."

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Puppy Mill' Ban Will Put Local Pet Stores Out of Business: Cook County Commissioners

Commissioners Liz Gorman and Joan Patricia Murphy think the ordinance needs to be reevaluated to weigh the economic impact on local pet stores, and then tweaked.

Posted by Lauren Traut (Editor) , May 29, 2014 at 02:44 AM

A ban on the sale of animals from commercial breeders needs to be further discussed and tweaked to stop "bad" breeders—but also to prevent putting local pet stores out of business, Cook County Commissioners said Wednesday.

Cook County Commissioners Elizabeth Doody Gorman and Joan Patricia Murphy, along with veterinarians, held a conference at the George W. Dunne Cook County Office Building in Chicago to discuss the recently proposed amendment to the Cook County Companion Animal and Consumer Protection Ordinance—the 'Puppy Mills' ordinance.

Sponsored by Gorman and Murphy, the amendment states that a pet store can sell dogs, cats and rabbits from any USDA licensed breeder as long as the breeder hasn't received any major violations in the last two years.

The commissioners said they believe their amendment addresses bad breeders as well as strengthens the health and well-being of pets "without our local pet stores being put out of business and jeopardizing the jobs of our constituents through regulatory overreach."

The proposed amendment was sent to the Legislation Committee for discussion.

The committee process will allow the board time to closely examine the real economic impact of the ordinance, which was not originally done, Murphy told WGNRadio. The process allows legislators to discuss proposed legislation and ask questions, and Murphy still has some about the ordinance, she said.

"The future of Happiness is Pets, a local pet store and long-time business in Orland Park, will most certainly have to close its doors and put people out of work. This will be the end result of the current ordinance if not amended," said Gorman.

Both commissioners highlighted the importance of local pet stores to the Cook County economy, and "the need to be fair and equitable in the county's approach to regulating the pet industry."

The amendment is scheduled to be heard on June 17, 2014.

Orland Park Still Mulling Ban on Sales from Puppy Mills

Orland Park officials are still contemplating how to handle a Cook County ban on sales from commercial breeders, but Cook County Commissioners said the ordinance needs some work—and maybe even reversal.

Posted by [Lauren Traut](#) (Editor) , May 29, 2014 at 12:47 AM

Orland Park trustees May 19 asked for more time to contemplate a potential ban on the sale of pets from commercial breeders, saying they want to "get it right."

Two days later, Cook County Commissioners proposed changes to—and possible reversal of—the county ban, suggesting the ordinance as it stands would put local pet stores out of business.

Public Safety Committee members at the meeting heard from activists and pet owners pleading with the group to support a ban on the sale of animals from puppy mills.

The issue came onto Orland Park's agenda after the Chicago City Council in March approved a ban on puppy mills as vendors within city limits. The Cook County Board in April unanimously approved a similar ban on puppy mills in suburban Cook County. The Cook County ban as passed in April requires pet stores acquire animals from federally licensed breeders with no more than five reproducing female animals.

However, Cook County Commissioners May 21 proposed amendments to the ordinance, which would allow a pet store to sell dogs, cats and rabbits from any USDA licensed breeder as long as the breeder hasn't received any major violations in the last two years.

As a home rule municipality, Orland Park can follow the county's ordinance, quash it entirely or tweak it for local use.

Committee members said they largely support a ban, but think the village should use the county's ordinance as guidance to write its own. An Orland-specific ordinance would make it easier for the village to enforce, Trustee Dan Calandriello said, but that would also require hiring a part-time code enforcement officer at a cost of \$27,000.

Following the county's ordinance would leave enforcement to the county.



Raining Cats and Dogs

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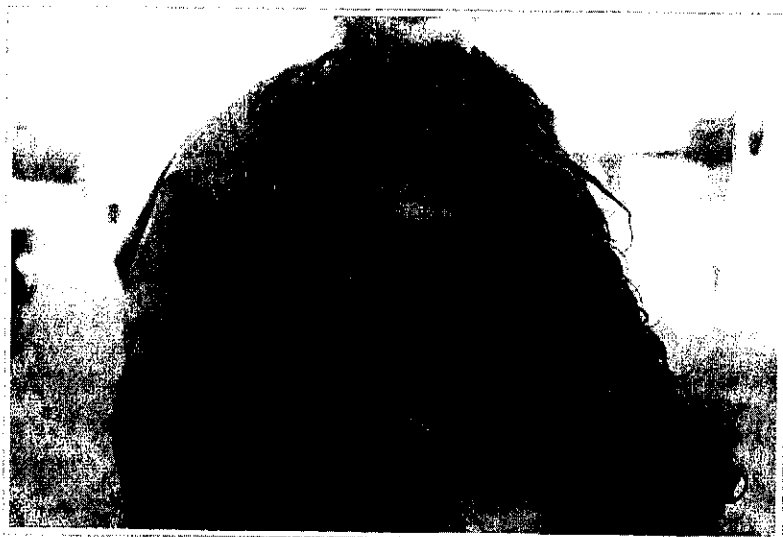
Illinois aims to ban the sale of puppy mill dogs in pet stores

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By Raining Cats and Dogs, May 1, 2014 at 9:50 pm



This dog was rescued from an Illinois puppy mill by The Puppy Mill Project last year. New legislation proposed in Illinois would ban the sale of commercially bred dogs and cats in pet stores.

The ban on the sale of commercially bred cats and dogs in pet stores could be going statewide...at least if Governor Quinn and some Illinois Lawmakers have their way. State Senator Dan Kotowski (D-Park Ridge) and State Representative Dan Burke (D-Chicago) have [introduced legislation](#) that would ban the sale of puppy mill dogs and kitten mill cats in the state pet stores.

The move comes on the heels of the approval of a measure in [Chicago in February](#) and [Cook County in March](#) outlawing the sale of commercially bred pets in pet stores. Like the city and county law, the new Illinois measure would require pet stores to obtain their dogs and cats from shelters, rescues and animal controls.



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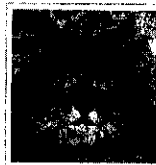
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Raining Cats and Dogs

I am a crazy cat lady and puppy mill warrior that blogs to advocate and educate about pet issues. In American animal controls, millions of pets are abandoned each year and an estimated 4 million die just because there are not enough homes. It truly seems like it's Raining Cats & Dogs.



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"This proposal will help end inhumane puppy mills, protect pet owners and help shelter animals find loving homes," Governor Quinn said. "Cook County will soon offer this humane protection and together we can build on that momentum for families across Illinois."



Dogs rescued from a puppy mill.

The move today is part of Governor Quinn's larger agenda to improve animal welfare statewide. It builds on the so-called "puppy lemon law" passed last year that gives consumers protection for pet purchases and holds pet stores more accountable for selling unhealthy pets and misrepresenting the origin of pets sold in pet stores. It is part of a national trend to ban the sale of puppy mill dogs and commercially bred cats in pet stores.

"I would love to see the ban on the sale of cats and dogs go statewide," says Cari Meyers of The Puppy Mill Project. "We've been working for years to educate consumers about the pet store-puppy mill connection and many people still have not connected the dots. Pet store puppies are bred in the cruelest conditions you can imagine with no regard for the health and welfare of the dogs. Also banning the sale of puppy mill dogs in Illinois pet stores will cut off the pipeline to hundreds of Midwest puppy mills."



"This measure ensures safer and more humane treatment of pets and will also guarantee that people will be able to purchase healthy dogs and cats," Senator Kotowski said in a state issued press release.

"Pets are a part of many families, and this legislation will help when choosing one of these new family members," Representative Burke said. "It will also reduce the number of shelter animals and bring more healthy pets into Illinois homes."

Like the measure passed in Chicago and Cook County, the sole aim of the legislation is to prevent the sale of commercially bred dogs (puppy mill dogs) and cats from pet stores. Small scale breeders that sell directly to consumers are exempt. If passed, this would be the first statewide ban of pets in pet stores in the United States. Illinois already has some of the toughest animal welfare laws in the country.

"We would love to work with more stores to help them go humane by offering pets obtained from animal controls, rescue groups and humane societies up for adoption," adds Meyers. "If you look at the work done by Dog Patch Pet and Feed in Naperville, you'll see that it can be done. Dog

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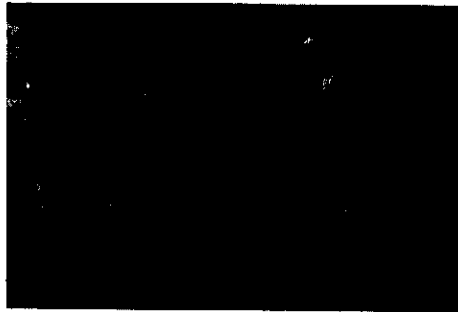
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Patch has saved so many lives since it's stopped selling dogs...it's a true success story."

The Pet Industry Joint Advisory Council (PIJAC) has already started to stir up opposition to the bill. This is the same group that vouched for the origin of the pets sold in Chicago's pet stores claiming they came from good breeders when USDA records showed that those dogs and cats came from breeders with massive violations or those not licensed at all. (See previous story - Zero tolerance for bad, out of state breeders.)



Dogs on a transport after a puppy mill rescue.

Here are some background stories on the Chicago and Cook County measures:

- [Chicago moves to ban the sale of pets in pet stores](#)
- [Could puppy mill ban extend to Cook County](#)
- [Chicago Expected to ban pet store sales](#)

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updated: 9/3/2014 5:37 AM

Naperville delays action on regulating puppy sales

Naperville residents listen to various speakers address the Naperville City Council asking about proposed legislation limiting the sale of puppies from so-called puppy mills.

Naperville Mayor George Pradel, right, listens to a resident address the city council about proposed legislation limiting the sale of puppies from so-called puppy mills. At left is Douglas Krieger, city manager.

Puppies will continue to be on the minds of the Naperville City Council and city staff members as they research whether the city should limit the sale of dogs from so-called puppy mills.

The council took no action toward creating any regulations Tuesday night and tabled further discussion to a meeting Oct. 7.

Council members did, however, listen to 21 speakers on the topic. Many of them were asking for Naperville to ban the sale of dogs from puppy mills, which they defined as large-scale commercial dog breeders that put profits ahead of the health of animals and fail to provide proper veterinary care.

"We are not crazy animal activists; we simply want Naperville to continue its fine reputation of excellence and local compassion without the blemish of the puppy mill business," Naperville resident Tracey Rees said.

Options the council could consider include creating local restrictions on dog sales, waiting to see if the state creates such a law or participating in a Pet Advocacy Task Force recently created by Gov. Pat Quinn. Even though the discussion will continue in a month, City Manager Doug Krieger said Naperville will participate in the state task force by recommending Senior Assistant City Attorney Kristen Foley to become a member of the group.

"Absent any additional direction not to do that from the council, that is our plan," Krieger said.

Council members Robert Fieseler and David Wentz frequently asked questions of the anti-puppy mills speakers, many of them focusing on how the city would enforce a restriction on the sources from which dogs can be sold.

"If we have an ordinance, we need to have enforcement and citation mechanisms," Fieseler said. "The principle of protecting against the mistreatment of puppies or dogs or animals in general, I concur with that."

Attorneys and representatives of animal activist groups, including the Puppy Mill Project and the Companion Animal Protection Society, offered to help Naperville leaders draft a local regulation that would prevent the sale of dogs from breeders who do not maintain specified health and sanitation standards.

"We would ask the council to consider a humane model ordinance to specify where dogs and cats can come from," said Sherri Oslick, a Naperville resident and attorney.

Owners of three Naperville pet stores -- two of which sell puppies -- joined the conversation as well.

Adam Stachowiak, owner of Petland in Naperville at 720 S. Route 59, said part of the problem is no one can agree on the definition of a "puppy mill."

"There's no need for consumers to be stripped of their choice of where they purchase a puppy, and there's no reason to close down businesses that employ members of the community," Stachowiak said.



Item: Consideration of a Liquor License - Bottles & Barrels

Department:

Consideration of recommending to the Liquor Commissioner the issuance of a Class "AA" Liquor License to Bottles & Barrels, Inc., dba Bottles & Barrels, located at 1609 W. Campbell (formerly Murphy's) in the Westgate Shopping Center.

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