

ORDINANCE NO. 17691

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II, DOGS, DIVISION 2, SECTIONS 6-32, 6-33 & 6-34 OF THE CITY OF JOLIET CODE OF ORDINANCES (Replacing Division 2 and repealing Division 3)

WHEREAS, the Mayor and City Council of the City of Joliet has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, to protect the health, safety and welfare of the residents of the city and pursuant to Sections 11-5-6, and 11-60-2 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-6 and 65 ILCS 5/11-60-2) the City has the power and authority to regulate the treatment of animals and prevention of nuisances; and

WHEREAS, the Mayor and City Council have seen fit to regulate certain activities within the City of Joliet in order to promote health and welfare; and

WHEREAS, the Mayor and City Council recognize that the benefits of health and welfare should not be limited to people, but should include dogs as well; and

WHEREAS, the Mayor and City Council recognize that the practice of breeding dogs in unsavory conditions should be curtailed; and

WHEREAS, the Mayor and City Council recognize that the practice of safe and responsible breeding of dogs should be encouraged; and

WHEREAS, the Mayor and City Council recognize that the Code of Ordinances should be amended from time to time; and

WHEREAS, the City of Joliet is a home rule unit of local government.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS,
PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:**

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Chapter 6, Article II, Division 2, shall be renamed Sales, Transfer and Breeding and replaced with the following:

DIVISION 2. SALES, TRANSFER, AND BREEDING

Sec. 6-32. Definitions.

As used in this Division:

Puppy mill means a dog breeding operation in which the health of the dogs is disregarded in order to maintain a low overhead and maximize profits.

Unlicensed breeder means any person who is engaged in the commercial breeding and distribution of dogs who is not in compliance with 225 ILCS 605/1, et al.

Sec. 6-33. Restrictions on transfers or sales.

- (a) No business or individual who is engaged in the commercial resale of dogs shall purchase, acquire, or otherwise accept a dog for resale in a manner inconsistent with 225 ILCS 605/3.8.
- (b) No individual shall transfer, sell, or in any way separate any dog from its mother until that dog has attained the age of 8 weeks.

Sec. 6-34. Offenses.

- (a) It shall be a violation of this Code for any individual to operate or participate in the operations of any puppy mill.
- (b) It shall be a violation of this Code for any individual to operate as an unlicensed breeder.

Secs. 6-35-49. Reserved (Deleting Division 3, Licenses).

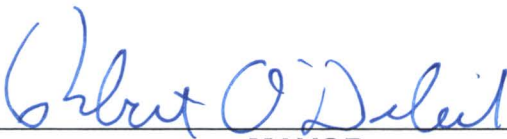
SECTION 3: In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 21st day of November, 2017



MAYOR



CITY CLERK

VOTING YES: Councilman Dickinson, Councilwoman Gavin, Councilmen Gerl, Hug, Morris, Mudron, and Turk.

VOTING NO: Councilwoman Quillman.

NOT VOTING: Mayor O'Dekirk.

**OFFICE OF THE CITY MANAGER
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**150 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60432-4158**

DATE: November 21, 2017

TO: Mayor and City Council

FROM: Martin J. Shanahan, Interim City Manager

SUBJECT: Ordinance amending Chapter 6, Animals and Fowl, Article II, Dogs, Division 2.

BACKGROUND:

There has been much discussion regarding the form and content of proposed legislation regarding dogs (and cats). The majority of these discussions have taken place at committee level; no final resolution was obtained. At the last Land Use and Legislative Committee meeting, it was decided that 2 versions of proposed legislation be presented to the full City Council.

Solely as a point of reference, the versions shall be referred to as "A" and "B."

Version A is essentially a restatement of the Ordinance which was recently adopted by the City of Chicago. In very basic terms, it requires pet stores to acquire dogs which they intend to sell from rescue operations, public pounds, humane societies, and similar operations.

Version B defines and bans puppy mills, defines and bans unlicensed breeders, sets a minimum age at which a puppy can be separated from its litter, and incorporates the state statute which regulates from whom a pet store can obtain a dog for resale. In very basic terms, it requires pet stores to only obtain dogs from a USDA licensed breeder, a humane society or rescue, or a hobby breeder who is not required to be licensed by the USDA.

Whichever version, if any, is adopted, it will replace Division 2 of Article II of Chapter 6, which contains obsolete provisions regarding a city animal control officer and Division 3, which contains obsolete provisions on an annual license tax for harboring or keeping a dog.

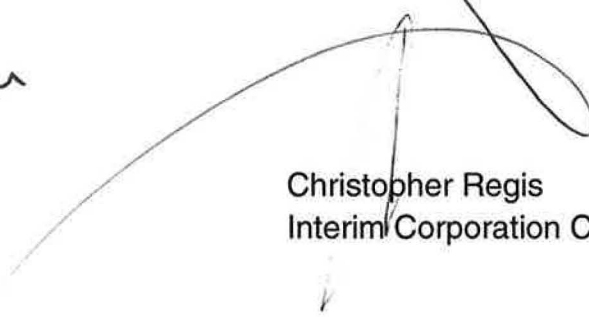
RECOMMENDATION OF THE ADMINISTRATION:

The Administration recommends that one of the two versions be adopted.



Martin J. Shanahan
Interim City Manager

Respectfully submitted,



Christopher Regis
Interim Corporation Counsel