

DRAFT

SUBSTITUTE ORDINANCE

WHEREAS, the City of Chicago is a home rule unit government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, eliminating brutal dog attacks, combating the phenomenon of dog fighting, improving the quality of life for domesticated dogs and cats and reducing the multitude of homeless pets in the City of Chicago are essential to protecting the public health, safety, morals, and welfare; and

WHEREAS, dog attacks across the City of Chicago create serious public health problems that inflict considerable physical and emotional damage on victims and immeasurable hidden costs to the City; and

WHEREAS, according to the Journal of the American Veterinary Medical Association, an estimated 4.5 million people fall victim to dog bites each year, approximately 334,000 people are admitted to U.S. emergency departments annually with dog bite-associated injuries, and another 466,000 are seen in other medical settings; and

WHEREAS, as noted by the Journal of the American Veterinary Medical Association, the demographics of typical dog bite victims are particularly troublesome since almost half are children younger than twelve (12) years old; and

WHEREAS, the overwhelming majority of dog bite incidents involve unneutered male dogs and the Journal of American Veterinary Medical Association reports that intact males are involved in seventy (70) to seventy-six (76) percent of dog bite incidents; and

WHEREAS, unspayed female dogs also contribute to preventable dog bite incidents since they attract free-roaming male dogs and thereby increase bite risk to individuals exposed to said unfamiliar dogs; and

WHEREAS, a consequence of the recent phenomenon of dog fighting has been a dramatic increase of dogs specifically bred, conditioned and trained to fight within the City of Chicago; and

WHEREAS, animals in dogfights are brutalized and consistently suffer severe, if not life threatening, injuries; and

WHEREAS, according to a 2008 University of Chicago Survey Lab Study, the average former dogfighter witnessed his first dogfight at the age of nine (9), consequently desensitizing Chicago's youth to violence and conveying that cruelty is acceptable; and

WHEREAS, a three-year Chicago Police department study found that sixty-five (65) percent of individuals arrested for animal abuse were also arrested for violent crimes against humans; and

WHEREAS, there is substantial empirical data indicating that sterilization can help reduce a dog's aggressiveness; and

WHEREAS, as reported in the Journal of American Veterinary Medical Association, a 1991 study of medically-attended dog bites concluded that sexually intact dogs are 2.6 times more likely to bite than neutered dogs; additionally, unneutered male dogs represent eighty (80) percent of the dogs presented to veterinary behaviorists for dominance aggression; and

WHEREAS, according to the American Veterinary Medical Association, sterilizing dogs and cats also eliminates undesirable behaviors associated with the mating instinct and provides improved long-term health benefits; and

WHEREAS, spaying female dogs and cats reduces the negative behaviors associated with their heat cycles and helps protect them from serious health problems later in life such as uterine infections and breast cancer; and

WHEREAS, neutering male dogs and cats can have a calming effect that makes them less inclined to roam and reduces the risk of prostate disease, testicular cancer and infections; and

WHEREAS, according to reported figures, in 2006 a minimum of 22,833 dogs and cats were euthanized in the City of Chicago by Chicago Animal Care & Control, the Animal Welfare League and the Anti-Cruelty Society; and

WHEREAS, the euthanizing of dogs and cats by Chicago Animal Care & Control causes not only the tragic and unnecessary loss of animal life, but also significant financial expenditure; and

WHEREAS, a study reported by the International City/County Management Association evaluating the financial impact of New Hampshire's comprehensive program to sterilize pets found that the state saved an estimated \$3.2 million in impounding and sheltering costs during the program's first six (6) years as a result of the reduction in impounded animals; now therefore

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

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 7-12 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language struck through as follows:

7-12-020 Definitions.

“Sterilization” or “sterilize” means the rendering of an animal unable to reproduce by altering the animal’s reproductive organs. Sterilization includes the spaying of a female dog or cat, and the neutering of a male dog or cat.

[Omitted Sections Are Unaffected]

7-12-064 Mandatory Sterilization

(a) No person shall own, harbor, or keep within the City of Chicago, a dog or cat over six (6) months in age which has not been sterilized.

(b) The following animals are exempt from the provisions of Section 7-12-064:

- (1) Dogs or cats certified by a licensed veterinarian as having a valid medical reason for not being sterilized. The owner of the dog or cat must provide a letter to the commission from a licensed veterinarian certifying that the animal’s health would be best served by spaying or neutering after a specified date, or that due to age, poor health, or illness it is unsafe to spay or neuter the animal, or that arrangements have been made to spay or neuter the dog or cat within sixty (60) days after the compliance deadline and the dog or cat is spayed or neutered within that sixty (60) day period. The letter shall include the veterinarian’s license number, the date by which the animal may be safely spayed or neutered and updated periodically as necessary. If the letter from the licensed veterinarian certifies that arrangements have been made to spay or neuter the dog within sixty (60) days from the date the dog reaches the age of six (6) months, and the dog is spayed nor neutered within the sixty (60) day period, the owner shall qualify for the lower license fee for an altered dog;
- (2) Dogs or cats having valid breeding permits issued to their owners in accordance with this Section;
- (3) Dogs or cats of breeds approved by and registered with a registry or association recognized by the commission whose programs and practices are consistent with the humane treatment of animals, and the dogs or cats are kept for the purpose of showing or competing in legitimate shows or

competitions hosted by or under the approval of the recognized registry or association;

- (4) Dogs that have earned or are actively being trained and are in the process of earning an agility, carting, herding, protection, rally, hunting, working, or other title from a registry or association recognized by the commission whose programs and practices are consistent with the humane treatment of animals;
- (5) Dogs being trained or having been trained and actively used as a service dog as defined in 510 ILCS 70/2.01c.;
- (6) Dogs owned by a guard dog service as defined in Section 4-384-010 of the Code;
- (7) Dogs being trained or actively used by law enforcement agencies or the military for law enforcement, military or rescue activities;

(c) No person shall cause or allow any dog or cat owned, harbored or kept within the City of Chicago to breed without first obtaining a breeding permit from the department of business affairs and licensing. Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for such permit shall pay an annual fee of \$100.00. A separate permit must be obtained for each owned dog or cat which is allowed to breed. All persons issued a breeding permit shall comply with the following requirements:

- (1) The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter in any household within the permit year. Notwithstanding this provision, the commission is authorized, upon application of a permittee, to allow on a onetime basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a year, if the permittee establishes, according to regulations promulgated by the commission, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permittee. In the event that a permittee is forced to euthanize a litter of dogs or cats, the commission may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;
- (2) No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight weeks;
- (3) No offspring may be sold or adopted until immunized against common disease. The sale or adoption of a dog or cat shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health and the animal's immunization history;

- (4) Any holder of a breeding permit who advertises the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts, or receives any animal from the permit holder and include the permit number on any receipt of sale;
- (5) Commercial establishments selling locally bred dogs or cats shall prominently display the breeding permit number(s) of the breeder(s) whose dogs or cats are sold in said establishments and any other pertinent information required by the commission. Commercial establishments selling dogs or cats not bred within the City of Chicago shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the commission;
- (6) Any breeding permit holder selling or otherwise transferring a dog or cat, whether for compensation or otherwise, shall submit to the commission the name, address, and telephone number of the animal's new owner within five days from the sale or transfer, on a form approved by the commission;
- (7) Any breeding permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner a City of Chicago application for a license as well as written information regarding the license requirements of the City applicable to such animal; and
- (8) Failure to comply with requirements (1) through (7) inclusive shall constitute grounds for revocation of a breeding permit by the Department of business affairs and licensing upon recommendation of the commission.

(d) All applicants for a breeding permit shall consent to a criminal history background check to be administered by the department of business affairs and licensing. Any and all applicants, including, but not limited to, officers, directors, managers, managing members, partners, general partners, limited partners of, or other individuals with control over an applicant entity, determined to have been convicted of dog fighting, 720 ILCS 5/26-5, or any section the Humane Care for Animals Act, 510 ILCS 70/1 et seq., shall be deemed ineligible for licensing.

(e) Any owner found in violation of this Section shall be given notice to comply and information regarding free and subsidized spay and neuter services. If the violation is not corrected within sixty (60) days, it shall be deemed a second violation and, in addition to correcting the violation, the person shall be fined an amount not exceeding \$100.00. Any owner's failure to comply and pay the \$100.00 fine within sixty (60) days thereafter, or any extension of that period granted by the commission, shall be deemed a third violation

punishable by a fine not exceeding \$500.00 and shall constitute grounds for impoundment by the commission.

7-12-065 Impoundment of dogs and cats – Compulsory sterilization and microchip implantation.

(a) Any dog or cat impounded under Sections 7-12-040, 7-12-080, ~~or~~ 7-12-290, or 7-12-064 shall prior to redemption:

(1) have a microchip implanted; and

(2) if the dog or cat is capable of reproduction, be sterilized, ~~unless, in the determination of the executive director, the sterilization would endanger the life or health of the animal.~~ the animal qualifies for exemption under Section 7-12-064(b).

(b) The implantation of a microchip in and the sterilization of the animal pursuant to this section shall be performed only after the owner, if known, is given notification either in person, or by first class mail, of the executive director's intent to implant a microchip in and sterilize the animal and informing the owner of his right to appeal such determination by filing a written request for a hearing within five days of service of the notice.

(c) If the owner requests a hearing, the administrative law officer shall be appointed by the executive director unless the department of administrative hearings has exercised jurisdiction in accordance with Section 2-14-190(c) of this Code, in which case the department of administrative hearings shall appoint the administrative law officer, who shall hold a hearing, at which all interested parties may present testimony and any other relevant evidence, within 15 days of the request. If the administrative law officer upholds the executive director's determination that the cat or dog is subject to the requirements of this section, then the executive director shall not sterilize or implant a microchip in the animal until seven days after the hearing; if the owner appeals to the circuit court during that time period, the order to sterilize and implant a microchip in the animal shall be stayed until resolution of such appeal.

(d) In addition to all other applicable fees, the cost of the sterilization and the implantation of the microchip shall be charged to the owner upon redemption.

[Omitted Sections Are Unaffected]

7-12-140 License required.

(a) It is the duty of the owner of each dog ~~four~~ six months of age or older to obtain from the city a dog license for the privilege of owning such dog, unless such dog shall be temporarily within the possession of a veterinary hospital, pet shop, animal care facility, or humane society. The license fee for each dog license shall be as set forth in Section 7-12-170.

7-12-150 License application forms.

(a) An application for a dog license shall be made to the city clerk on forms or in an electronic format as prescribed by the city clerk, and shall contain the owner's name, address, telephone number, e-mail address, information sufficient to identify the dog, and any other information as may be required by the city clerk.

As part of every dog license application, the owner shall attest to the following information for each dog for which an application has been submitted:

- (1) that the dog has a current certificate of rabies inoculation that complies with Section 7-12-200;
- (2) the number of the rabies inoculation certificate or tag referred to in subsection (a)(1) of this section, and the date the dog received the rabies inoculation;
- (3) the age of the dog's owner; and
- (4) ~~whether~~ that the dog has been sterilized or qualifies for exemption under Section 7-12-064(b).

7-12-440 Severability

If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, such judgment shall not affect other provisions or applications of this chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this chapter is severable, unless otherwise provided by this chapter. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

SECTION 4. This ordinance shall be in full force and effect one-hundred and eighty (180) days after its passage and publication.

Edward M. Burke
Alderman, 14th Ward

Virginia A. Rugai
Alderman, 19th Ward