

4/13/2020

**53-O-20**

**AN ORDINANCE**

**Amending City Code Title to 9, Chapter 4 "Dogs, Cats, Animals and Fowl" to Define "Animal Care Facility," "Animal Rescue Organization," and "Pet Store"**

**WHEREAS**, the City of Evanston seeks to amend Title 3 restricting the sale of dogs, cats and rabbits in pet stores; and

**WHEREAS**, the City seeks to end inhumane practices of over-breeding, in-breeding, inadequate veterinary care, and other negative consequences of irresponsible commercial breeding and sales; and

**WHEREAS**, Title 9, Chapter 4, Section 1 does not define "Animal Care Facility" and "Animal Rescue Organization;" and

**WHEREAS**, to be consistent with the amendment to Title 3, Title 9, Chapter 4, Section 1 must also amend the definition of "Pet Store;" and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are hereby found as fact and incorporated herein by reference.

**SECTION 2:** Title 9, Chapter 4 "Dogs, Cats, Animals and Fowl," Section 1 of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

**CHAPTER 1 – DEFINITIONS.**

As used in this Chapter the following terms mean:

<b>ANIMAL:</b>	Any nonhuman living creature, domestic or wild.
<b>ANIMAL CONTROL WARDEN:</b>	The Chief of Police shall be ex officio animal control warden for the City. Provision shall be made for the appointment of such deputies as may be necessary.
<b>ANIMAL SHELTER:</b>	Any premises designated by City administrative authority for the purpose of impounding and caring for animals held under authority of this Chapter.
<b><u>ANIMAL CARE FACILITY:</u></b>	<u>An animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.</u>
<b><u>ANIMAL RESCUE ORGANIZATION</u></b>	<u>Any not-for-profit organization which 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 animals in permanent homes. This term does not include any entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.</u>
<b>CIRCUS:</b>	A nonresident variety show which features animal acts.
<b>KENNEL:</b>	Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes.
<b>OWNER:</b>	Any person, partnership or corporation owning, keeping or harboring animals.

<b>PERSON:</b>	An individual, partnership or corporation owning, keeping or harboring animals.
<b>PET SHOP:</b>	<del>Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.</del> <u>A retail establishment where dogs, cats or rabbits are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.</u>
<b>RESTRAINT:</b>	An animal shall be deemed to be under restraint if on the enclosed premises of its owner or upon a leash and under the control of a responsible person.
<b>THEATRICAL EXHIBIT:</b>	Any exhibition or act featuring performing animals.
<b>VETERINARY HOSPITAL:</b>	Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.
<b>WILD ANIMAL:</b>	An animal of a species not generally amenable to control or restraint.
<b>ZOOLOGICAL GARDEN:</b>	Any park or zoo operated by a person or private corporation.

**SECTION 3:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** This ordinance must be in full force and effect after its passage, approval, and publication in the manner provided by law.

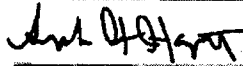
**SECTION 6:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: April 27, 2020, 2020

Approved:

Adopted: April 27, 2020, 2020

April 30, 2020

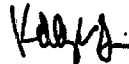


Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Eduardo Gomez



~~Deven Reid, City Clerk~~

Kelley A. Gandurski, Corporation Counsel

Eduardo Gomez, Deputy City Clerk