




MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee

FROM: Jennifer Ganser, AICP, Assistant Director of Community Development 

MEETING DATE: September 14, 2020

SUBJECT: **Humane Animal Regulations – Supplemental Information**

Based on resident feedback at the December 5, 2019 Board of Trustees meeting, staff brought the subject of a Humane Animal Ordinance to the Economic and Community Development Committee (ECDC) in February 2020 for discussion. Attendees at the ECDC meeting expressed concerns about the retail sale of pets at stores within the Village of Lombard, in such cases where the pet's origins are from "puppy mills" or other breeding locations outside of Lombard that are generally believed to be inhumane in nature. While such breeding activities are not occurring at the store locations themselves, the request to the ECDC was to consider regulations or restrictions that would limit or prohibit the sale of animals that were from such establishments.

FEBRUARY ECDC MEETING

The matter was continued at the February ECDC so that additional information would be offered. Areas of question with comments included:

- Can the Village "grandfather" in a business, Happiness Is Pets, if a humane animal ordinance was approved in Lombard?

Staff Response: It is possible that "grandfathering" provisions could be enacted into an Ordinance for Village Board consideration. Such a provision would allow any lawfully established businesses to remain operating within the Village but any new business establishments would need to meet any subsequently adopted Village Code provisions. However, should this approach be considered, subsequent discussions will need to occur to determine the scope and magnitude of the grandfathering provision (i.e., does the restriction apply to the entire retail sale of animals, any reporting or tracking provisions associated with a Humane Care Ordinance, or other provisions).

- Committee members noted they would be interested in a Resolution of Support to the State or County relative to Humane Animal Care provisions as well as requesting that they take requisite steps to address the matter.

Staff Response: A sample ordinance is attached for discussion and consideration purposes.

- Committee members noted they would be interested in additional data, as the meeting presented many anecdotal stories.

Staff Response: Staff does not received data on puppy mills in Lombard, as there are none. However, per the ECDC directive, Trustee Puccio and staff met with County Board member Brian Krajewski as well as DuPage Animal Control Director Sheryl Markay, and Zoning Administrator Paul Hoss on March 6, 2020. Below are some of the representations by DuPage County:

- Several entities have adopted humane animal ordinances (Chicago, some suburbs, a few States)
- U.S. Department of Agriculture
 - DuPage County noted there are approximately 120 inspectors for the entire country
 - DuPage County noted the USDA did a department audit in 2010 and it showed they didn't have the resources to do proper inspections
- Some pet stores offer financing programs when purchasing animals from stores
- Purdue Canine Care – DuPage County Animal Control offered skepticism as to the relevance and effectiveness of the program
- DuPage County has discussed a bill to ban pet sales from puppy mills in the County in the past
- DuPage County said a model resolution to send to the County in support is in process
- DuPage County may review zoning of pet stores
- DuPage County Animal Controls receives approximately 2,000 animals (mostly dogs, cats, and rabbits) per year. About fifty percent of the animals they receive are strays while the other have are animals that are surrendered. Information regarding the origins of the animals (i.e., from breeders, pet stores, etc.) was not offered.

ADDITIONAL INFORMATION

Since the March meeting, staff also confirmed the following:

- DuPage Country has not taken any action relative to animal care – either in the form of additional business regulations or restrictions nor additional zoning actions.
- Noah's Puppies is located at 18W435 Roosevelt Road and is not located within the Corporate limits of the Village. As such, the business would not be subject to any direct actions being contemplated by the Village of Lombard.

- Beach for Puppies has closed at Yorktown Center, but Furry Babies (another pet store) is opening at 170 Yorktown Shopping Center. Happiness is Pets, the other pet store, remains open.
- Staff contacted the Illinois Department of Agriculture, Bureau of Animal Health and Welfare. It was noted that this department does inspections of pet stores and follow up if the Village receives complaints against pet stores.

Staff is also providing additional materials received by the Village for consideration by the ECDC:

1. An Ordinance adopted by the Village of Carpentersville, a home rule community, that established Animal Care business regulations on August 4, 2020. (Note: as of the time of adoption, there were no businesses that sold pets at retail within their jurisdiction).
2. A correspondence from Counsel for one of the business entities that could be subject to any actions undertaken by the Village. The correspondence, among other things, challenges Lombard's legal authority to regulate pet shops. This correspondence is currently under review by Village Counsel.
3. Additional correspondences from an interested party relative to animal care.

COMMITTEE ACTION REQUESTED

The ECDC is being requested to review the materials presented and offer its recommendations relative to the Animal Care Regulations. Four initial options were offered at the February meeting:

1. Keep Village regulation as-is and do not undertake any new actions.
2. Recommend an Ordinance that incorporates standards of care.
3. Recommend a Humane Animal Ordinance thereby prohibiting the sale of dogs/puppies (and possibly other animals) unless from a shelter, or
4. Recommend a Resolution of Support to the Village Board stating the Village's support of efforts by DuPage County and/or the State Department of Agriculture to limit or restrict actions pertaining to improper and unwanted care.

SAMPLE DRAFT RESOLUTION
R _____

A RESOLUTION SUPPORTING HUMANE ANIMAL CARE TO THE STATE OF ILLINOIS AND COUNTY OF DUPAGE

WHEREAS, the Village of Lombard (the “Village”) is a duly organized and validly existing non-home-rule municipality created in accordance with the Constitution of the State of Illinois and the laws of the State; and

WHEREAS, the Village has been monitoring legislation and litigation affecting pet stores and the sale of animals from “puppy mills” for several years; and

WHEREAS, in 2014 the Village approved an Ordinance that prohibited the commercial sale of animals when done as part of a temporary event, provides exceptions for humane associations to have animals on site if associated with outreach efforts, and requires businesses selling animals to have a lease of at least one year; and

WHEREAS, the Village recognizes the authority granted to the State of the Illinois Department of Agriculture in response to animal care; and

WHEREAS, the Village supports the Illinois Department of Agriculture and DuPage County in advancing future steps they may take to minimize and prevent the inhumane treatment of animals in regards to breeding and animal care; and

WHEREAS, this topic was discussed at the Economic and Community Development Committee (the “ECDC”) on February 10, 2020 and September 14, 2020; and

WHEREAS, the ECDC recommend the Village Board approve the following Resolution to the State and County;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the Village supports the State of Illinois and DuPage County in additional efforts to provide for the safe keeping of animals at breeding facilities and at pet stores. The Village supports the Illinois Department of Agriculture and their State granted power to enforce such rules.

Adopted this ____ day of _____, 2020.

Ayes: _____

Resolution No. _____
Humane Animal Care

Nays: _____

Absent: _____

Approved this _____ day of _____, 2020.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk



VILLAGE OF CARPENTERSVILLE
1200 L. W. Besinger Drive
Carpentersville, Illinois 60110
847-426-3439

Village President
John Skillman

Village Clerk
Kelly Mastera

Village Manager
Eric Johnson

Village Trustees
Bobbie Andresen
Jeff Frost
Humberto Garcia
Jim Malone
John O'Sullivan
Maria Vela

BOARD REPORT

TO: Eric Johnson

FROM: Brad Stewart

DATE: July 29, 2020

RE: Consideration of an Ordinance Amending Title 6, Animals, for Sourcing of Animals Sold by Pet Shop Operators

ANALYSIS

Staff, following the direction provided by members of the Village Board, drafted an ordinance to address pet shops and the sale of animals from "puppy mills." Because a significant number of dogs and cats sold at pet shops come from commercial breeding facilities where the health and welfare of the animals are not adequately provided for, the ordinance restricts the sale of dogs and cats to only those from (1) a duly incorporated humane society, animal welfare society, or other nonprofit organization whose purpose is to provide for and promote the welfare, protection, and humane treatment of animals; (2) an animal rescue organization; or (3) a state, county, or municipal animal control facility/shelter. The ordinance also requires a pet shop operator to keep records on the dogs and cats, provide those records to the Village, and display the records on the animals' cages. The ordinance follows the guidelines that other communities, such as Naperville, have recently adopted for the same reasons.

There is no immediate or direct impact of passing this ordinance on existing, licensed businesses within the Village, as the Village does not currently have any stores selling dogs or cats.

FISCAL IMPACT

There is no anticipated financial impact of limiting the sales of dogs and cats.

DEPARTMENT RECOMMENDATION

Recommendation: approve the Ordinance Amending Title 6, Animals, of the Carpentersville Municipal Code for Sourcing of Animals Sold by Pet Shop Operators.



ORDINANCE NO. 20-_____

**AN ORDINANCE AMENDING TITLE 6, ANIMALS, OF THE
CARPENTERSVILLE MUNICIPAL CODE FOR SOURCING OF ANIMALS SOLD BY
PET SHOP OPERATORS**

WHEREAS, the Village of Carpentersville, Kane County, Illinois (the “Village”) is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village has been monitoring legislation and litigation affecting pet stores and the sale of animals from “puppy mills” for several years; and

WHEREAS, a significant number of dogs and cats sold at pet shops comes from commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

WHEREAS, inadequate care and conditions at commercial breeders can lead to behavioral and health issues in the dogs and cats and ultimately lead to increased financial and emotional costs for the purchasing consumer; and

WHEREAS, restricting the retail sale of dogs and/or cats to only those sourced from shelters, humane or rescue organizations is likely to decrease the demand for dogs and cats bred at commercial breeders and is likely to increase the demand for animals from animal shelters and rescue organizations and protect consumers.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, pursuant to its home rule authority, as follows:

SECTION 1: The Recitals set forth above are incorporated herein in their entirety by reference.

SECTION 2: Title 6, Animals, Chapter 6.04, General Animal Provisions, Section 6.04.010, Definitions, of the Carpentersville Municipal Code shall be amended to add the following definitions and renumbered accordingly:

3. “Animal rescue organization” means 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 significant part, the rescue and placement of animals in permanent homes. This term does not include any entity which, is or is housed on the premises of, a breeder or broker, obtains dogs or cats from a breeder or broker in



exchange for payment or compensation, or resells dogs or cats obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

- ...
6. "Breeder" means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.
 7. "Broker" means a person that transfers a dog or cat from a breeder for resale by another person.
 - ...
 30. "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 may be amended, as well as any animal dealer or animal broker. Such definition shall not include an animal care facility or animal rescue organization.
- ...

SECTION 3: Title 6, Animals, of the Carpentersville Municipal Code is hereby amended to add a new chapter, Chapter 6.05, Sourcing of Animals Sold by Pet Shop Operators, which shall read as follows:

Chapter 6.05 - SOURCING OF ANIMALS SOLD BY PET SHOP OPERATORS

6.05.010 - Restrictions on the sale of dogs and cats.

- A. A pet shop operator may offer for sale only dogs or cats that the pet shop operator has obtained from or displays in cooperation with:
 1. a duly incorporated humane society, animal welfare society, or other nonprofit organization whose purpose is to provide for and promote the welfare, protection, and humane treatment of animals;
 2. an animal rescue organization; or
 3. a state, county, or municipal animal control facility/shelter.
- B. A pet shop operator shall not offer for sale a dog or cat that is younger than eight weeks old.

6.05.020 - Record keeping and disclosure.

A pet shop operator shall maintain records stating the name and address of the animal shelter, animal rescue organization, or state, county, or municipal animal control facility/shelter that each dog or cat was obtained from for at least two years following the date of acquisition. Such records shall be made available to the village upon request and submitted annually, and no later than May 1 of each year to the village. Each pet shop operator shall display on each cage a label stating the name and address of the animal shelter, animal rescue organization, or state, county, or municipal animal control facility/shelter of



each dog or cat kept in the cage.

SECTION 4: Title 6, Animals, Chapter 6.04, General Animal Provisions, Section 6.04.090, Penalties, of the Carpentersville Municipal Code shall be amended as follows:

6.04.090 - Penalties.

- A. Violation notices for violations of this title shall be issued, served, and resolved in accordance with the village's administrative hearing system or, if brought before a court of competent jurisdiction, pursuant to the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and such other rules that may apply to such court.
- B. Whoever violates Chapter 6.05 concerning the regulation of sourcing of animals sold by pet shop operators shall be subject to a fine of five hundred dollars (\$500.00) for the first violation, seven hundred fifty dollars (\$750.00) for the second violation, and no more than one thousand dollars (\$1000.00) for each additional violation. A separate offense shall be deemed committed for every dog or cat sold in violation of Chapter 6.05.
- C. Whoever violates Section 6.08.120 concerning the regulation of dangerous dogs shall be considered to have committed a misdemeanor and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each and every offense, and/or shall be imprisoned for not more than six months for each such offense.
- D. Whoever violates Section 6.08.130 concerning the regulation of vicious dogs shall be considered to have committed a misdemeanor and shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each and every offense.
- E. Any person who violates any provision of this title for which no other penalty is prescribed pursuant to this section, upon a finding of liability, shall be fined in an amount set forth in Section 20.06.030.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are provisionally repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.



Passed this 4th day of August, 2020 by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Jeff Frost	_____	_____	_____	_____
Trustee John O’Sullivan	_____	_____	_____	_____
Trustee Jim Malone	_____	_____	_____	_____
Trustee Maria Vela	_____	_____	_____	_____
Trustee Humberto Garcia	_____	_____	_____	_____
Trustee Bobbie Andresen	_____	_____	_____	_____
President John Skillman	_____	_____	_____	_____

APPROVED THIS 4TH DAY OF AUGUST, 2020.

Village President, John Skillman

(SEAL)

ATTEST: _____
Village Clerk, Kelly Mastera

Published: _____

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CERTIFICATION

I, Kelly Mastera, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the ____ day of _____ 2020, the foregoing Ordinance entitled, *An Ordinance Amending Title 6, Animals, of the Carpentersville Municipal Code for Sourcing of Animals Sold by Pet Shop Operators* as duly passed by the President and Board of Trustees of the Village of Carpentersville.

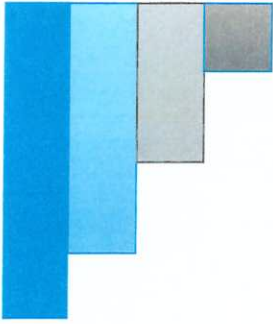
The pamphlet form of Ordinance No. 20-_____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the ____ day of _____, 2020, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this ____ day of _____, 2020.

Kelly Mastera, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)



THE FISH LAW FIRM P.C.

August 17, 2020

Keith T. Giagnorio, President
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148-3926

Re: Legal Analysis of Proposed Lombard Humane Animal Ordinance

Dear Mr. Giagnorio:

This law firm represents Happiness is Pets VI, Inc. (“Happiness”), which operates a pet store within the municipal boundaries of Lombard at 616 E. Roosevelt Road. It is our understanding that on September 14, 2020, Lombard’s Economic and Development Committee (the “Committee”) will be holding a hearing on a “humane animal ordinance” comparable to those passed by home-rule entities such as Downers Grove and Naperville . I am writing to give you Happiness’ assessment of Lombard’s ability to enact such an ordinance.


We have had the opportunity to review the well-reasoned memorandum prepared by the law firm of Klein, Thorp and Jenkins, Ltd. (which was included in the packet provided to persons who attended the Committee’s February 10, 2020 meeting), which noted that Lombard is not a home rule municipality and indicated that it was uncertain whether non-home rule municipalities would have authority to enact ordinances restricting the retail sale of dogs to only certain suppliers. We conducted a further analysis of the authority of non-home-rule governments and are confident that the “humane animal ordinance” would exceed this authority.

In 2003, the Illinois Supreme Court considered a non-home rule municipality’s attempt to impose requirements on child daycare centers that were more rigorous than the

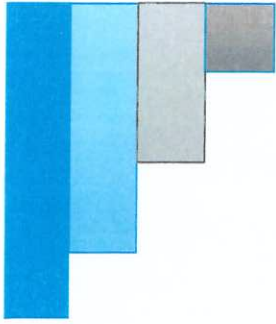
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THE FISH LAW FIRM P.C.

state Child Care Act of 1989. In *Hawthorne v. Village of Olympia Fields*, 204 Ill.2d 243 (2003), the Supreme Court invalidated Olympia Fields' ordinance under the following reasoning:

Because it is a non-home-rule unit, Olympia Fields cannot adopt ordinances under a general grant of power that infringe upon the spirit of state law or are repugnant to the general policy of the state. Although the village possess zoning powers by virtue of (citation omitted), ordinances enacted under those powers that conflict with the spirit and purpose of a state statute are preempted by the statute. Where there is a conflict between a statute and an ordinance, the ordinance must give way.

Hawthorne, 204 Ill.2d at 258-259. Moreover, *Hawthorne* is not an outlying ruling and remains controlling authority. The Illinois Supreme Court earlier struck down an effort by a non-home-rule municipality to impose pesticide regulations more stringent than state standards, finding that "where the legislature enacts a comprehensive scheme of regulation, the legislature implies by the scheme that there is no room for additional regulation by local government units." *Pesticide Publ. Policy Found. v. Village of Wauconda*, 117 Ill.2d 107, 116 (1987); see also *Village of Wauconda v. Hutton*, 291 Ill.App.3d 1058, (2nd Dist. 1997) (village could not cite sailboarder with violation of ordinance that conflicted with state law on use of personal flotation devices). This principle has also been applied to animal control regulations. See *Janis v. Graham*, 408 Ill.App.3d 898 (2nd Dist. 2011)(victim injured by dogs running loose).

In light of this precedent, it is our opinion that enactments like the proposed "Humane Animal Ordinance" exceed the authority of non-home-rule government entities, including Lombard. In August 2017, Illinois passed amendments to the Animal Welfare Act that specifically addressed the sourcing of dogs and cats and mandated disclosures from pet stores to prospective purchasers, including disclosures about the breeder. See 225 ILCS 605/3.8 and 225 ILCS 605/3.15. Effective January 1, 2019, Illinois enacted additional amendments to the Animal Welfare Act that required pet store owners to be licensed by the state. See 225 ILCS 605/3. The Klein, Thorpe, and Jenkins, Ltd. memorandum sets forth additional state-wide

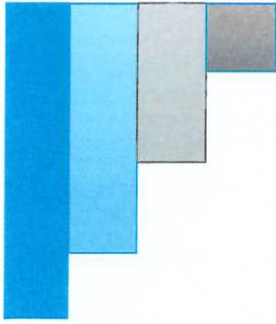
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legislation. This flurry of legislative activity, much of which is designed specifically to regulate local pet stores such as Happiness, evidences a “comprehensive scheme of regulation” that preempts ordinances by non-home-rule municipalities in this area.

Indeed, in light of the recent 2017 and 2019 amendments discussed above, there is now a serious questions of the lawfulness of a home-rule entity enacting a local ordinance that purports to remedy an issue that affects the entire nation and/or state, not just those municipalities. *See, County of Cook v. Village of Bridgeview*, 2014 IL App (1st) 122164. In this case, the First Appellate District held that a county-wide regulation covering feral cats controlled over an ordinance passed by a home rule municipality and ruled that the ordinance exceeded home rule authority. *County of Cook*, 2014 IL App (1st) 122164 ¶ 21. Here too, the issue of pet store animal sourcing is not merely of local concern to a municipality – especially in light of the increasing regulation by the State of Illinois.


Our analysis is unaffected by the recent Seventh Circuit ruling in *Park Pet Shop, Inc. v. City of Chicago*, 872 F.3d 495 (7th Cir. 2017), which upheld Chicago’s home rule authority to enact a “puppy mill” ordinance. What is significant about the *Park Pet Shop* decision is that the Seventh Circuit does not address the 2017 amendments to the Animal Welfare Act, which were not enacted into law at the time of oral argument and only came into force a few weeks before the decision was handed down. The *Park Pet Shop* court instead only looked at the Animal Control Act, 510 ILCS 5/1, *et seq.* – a law that specifically allows municipal regulations. *See Park Pet Shop*, 872 F.3d at 500 and 510 ILCS 5/24. The Animal Welfare Act does not expressly permit municipal enactments and, as discussed above, the new amendments to that statute demonstrate a clear desire by the state to regulate in this area. Moreover, since this ruling involves home-rule authority, it is of little help to Lombard as a non-home-rule government entity.

Given the recent actions of the state legislature, any action to enact the “humane ordinance” would be ripe for legal challenge. We acknowledge the fervor of a portion of the population to pass legislation preventing the sale of dogs and cats that supposedly come from “puppy mills,” but this is an area in which there is a strong state interest that precludes action by non-home-rule municipalities.

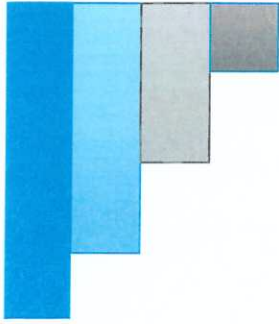
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Finally, legalities aside, Happiness has been a long-standing and proud business in Lombard. It is a family-owned and operated store that takes pride in providing best-friends to local families. It is the first pet store in the country to have its USDA licensed breeders also licensed with Canine Care. Canine Care Certification is a demanding set of requirements developed by the director of Purdue University's Center for Animal Welfare Science in collaboration with numerous veterinary and academic experts to address the physical and mental health of breed dogs. The program requires specific nutrition, veterinary care, genetic screening, housing, handling and behavioral accommodations for dogs, such as exercise, socialization and enrichment.

Happiness sources its puppies from USDA-partnered breeder kennels that contain direct-access outdoor runs that the dogs can go to 24 hours a day. These runs can then be opened up to large social enrichment areas that are around 2500 sq/ft, with the largest being 3 acres. These areas give the dogs the opportunity to exercise and socialize with other dogs. Happiness welcomes the opportunity to have Village of Lombard representatives come out, view how its puppies are treated, and learn more about its business.

Please contact me at your convenience to discuss this further.

Sincerely,

David J. Fish

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Beach For Puppies
312 Yorktown Shopping Ctr.
Lombard IL 60148
630-785-3133

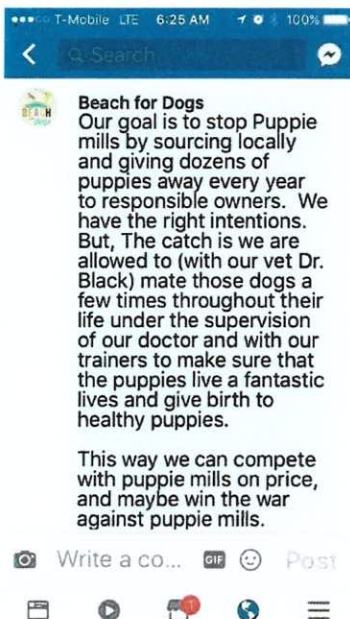
Date and time of CAPS investigation: 6/13/2017

Approximate number of dogs observed at time of investigation: 8 puppies

A new pet store opened in Yorktown Mall, located in Lombard, IL. Beach for Puppies is owned by Zachary Holland, with his father, Steven Holland as the manager.

I went in the store and inquired where the puppies come from. At the time, Zachary Holland claimed he did not have the information, his Dad did. There was no information about the puppies in the store placed anywhere. This is already a violation of the Illinois Animal Welfare Act that states pet stores must disclose where their dogs come from. I had to wait for an hour for Steve to get to the store. When he finally got there, he told me the puppies were from JAK'S (a puppy broker in Iowa).

I filed a complaint with the Illinois Department Of Agriculture stating they were not disclosing where the dogs came from and they were giving away puppies for free. Zachary lied to the inspector and said they never said they were giving away puppies. (See the screen shot from their facebook page).



I went in the store a few weeks later to see if they were disclosing yet. They were not.

Zachary Holland approached me about the free puppy program where he explained that it would be a program in the future where customers are given a female dog from them to breed and those puppies will be sold in their store. He explained that all financial aspects would be covered as well as including their training program. At the time of the investigation, Holland had no written contract with further details of this program (for example, how many times would this female be bred, where would the stud come from, etc.)

Mark Ernst at the Illinois Department Of Agriculture said because the store is licensed, it can practice whatever business model it chooses and that it is not under the state's jurisdiction of what the store does with giving away free puppies.

December 26, 2017: Now we have found out that the Illinois Department Of Agriculture has issued a "rescue" license to Beach For Puppies. A pet shop that sells dogs from puppy mills deceiving the public

Here is a police report where the officers contacted the Illinois Department Of Agriculture:

I CSO Gouty L93 was assigned by Ducomm on 12-18-2017 at 1038 hours to an animal complaint at Beach For Puppies, 312 Yorktown.

I met with C/ Delelio, Nick who relayed the following. He and his girlfriend, C/Krupp, Allison visited the pet store on Wednesday, December 13th and became interested in an 11 week old German Shepherd puppy, named Tucker.

They returned on Saturday, December 16th and were dismayed to see a decline in the puppies' health. He had lost 3 pounds in that time, was lethargic and coughing with nasal discharge. His ribs stood out and he appeared to have rapid breathing. They brought it to the attention of E/ Marquardt, Autumn. The puppy wasn't eating so C/ Krupp fed him by hand. The manager, E/ Holland, Zach didn't seem concerned according to C/ Delelio and said there was no veterinarian working on the weekends and that it was against policy to take their dogs to an outside one. They also noticed dogs chewing on the drywall and wood while in their glass-fronted cages. C/ Delelio and C/ Krupp told E/ Marquardt that they were interested in Tucker and would return on Monday to see how the puppy was doing.

Today, Monday December 18th, C/ Delelio returned to Beach For Puppies. Tucker seemed to be doing a little better but C/ Delelio was told Tucker had been sold to someone else.

I spoke with E/ Marquardt who stated there was no paperwork showing C/ Delelio had put Tucker on hold. I looked at Tucker who was still lethargic, just laying on the floor. I then spoke with the store veterinarian, E/ Dr. Black who explained that Tucker had been on an antibiotic since December 9th but he doubled the dosage on the 13th. He said the puppy was in quarantine and would not be sold to the prospective buyer until he was back in good health. Neither employee could offer an explanation as to why the puppies were allowed to chew on drywall and wood. E/ Marquardt further stated the puppies are alone at night so there is no supervision over them. I asked E/ Dr. Black why Tucker was allowed to decline so dramatically without better medical intervention. He didn't have an answer for me but provided me with a copy of Tucker's medical treatment history.

After speaking with him I noticed a Shit-Zu type of puppy chewing on the wood and drywall of the cage it was in. Neither employee made an effort to stop the puppy.

I contacted E/ Gaudette, Lauren, an office associate at Illinois Department of Agriculture and explained the situation. She said there is still an open investigation at the store for similar complaints. I faxed her a copy of my report for their review.

April 24th, 2018:

Maya and I went in Beach For Puppies at 2:00pm. When we walked in the employee working there, (young girl) was in the back. There were approximately 10 puppies in glass cages who were all sleeping. There was a puppy next to the counter, not in a cage with a prong collar on sleeping. I found it odd the puppies weren't moving.

The girl (Allie) came out from the back and she hello, and then immediately said dogs were just done playing that's why they were all sleeping. The dogs had no beds or bowls for food. There are spickets in the wall where their water comes from. (I have never seen a dog drink from these).

There were cards on the cages showing the vaccinations the dogs were given, but no breeder information. We asked if there was any more information on where the dogs came from and the employee said we have folders on the dogs here, (behind the counter).

We asked to see the information on 5 puppies. She gave us the folders and we got the name of some breeders. I asked if there were any rescue dogs in the store and she said there was one named Bear. She said he came from Lakeshore Paws in Indiana. The picture below is from their website. 1750.00 is a very high price for a rescue dog.



Bear

\$1,750.00

CALL FOR INFO (630) 239-1094

I then asked if I could make a donation since I heard the store was a licensed rescue. She said absolutely. I then said I didn't have any cash on me, but I was going to make a donation, and I would need a receipt to write off on my income tax. She said I'll email you one right now. She immediately sent one to Maya in an email. Here it is and they sent over a copy three days in a row.

Beach for Puppies

Invoice Reminder

\$20.00 due on April 24, 2018

[Pay Invoice](#)

Beach For puppies Donation

Invoice #000100

April 25, 2018

Customer

amalia1994@aol.com

We appreciate your business.

Puppy Play x 4 (\$5.00 ea.)	\$20.00
Subtotal	\$20.00
Total Due	\$20.00

I did contact the rescue where they said Bear came from, Lakeshore Paws in Indiana. They have never heard of Beach For Puppies and would never give a pet shop a dog they said. They were going to contact Steve Holland.

CAPS filed a complaint with the Illinois Attorney General's office for not being registered as a 501C3. After we filed a complaint they finally dissolved their rescue status.

Beach For Puppies uses JAK'S Puppies, a dog broker in Iowa. I've already sent you some undercover investigations on the breeders. Here is one more:

(Hold the control button down and click on the link to open)

<https://www.caps-web.org/3930-2/>

A consumer contacted us about a puppy she bought and the dog died. She purchased the dog on 6-23-2019. The dog was diagnosed with pneumonia secondary to viral vs. bacterial infection, underweight, undervaccinated and nasal discharge. The dog died on 6-29-2019.



Happiness Is Pets

We have received complaints on the puppies sold at Happiness Is Pets for over 10 years. I have just included a few here.

Consumer complaints:

Name: Marisa

Date of Purchase: 10-27-2019

Price: 2653.76

Breed: Shih Tzu

Birth Date: 8-26-2019

Date of death (if applicable): 11-1-2019

Breeder: Dennis Miller

The situation and your experience: Diseases and Illnesses: The puppy was small, weighed 2 lbs. when purchased. Noted this to the sale clerk Erika and she said she was healthy and has been eating dry food for a week. Sadly this was not the case. They also said the puppy was 8 wks. on paperwork, emergency vet said no more than 6 wks. old.

Monday night 10/28 into early Tuesday 10/29 puppy was extremely sick – vomiting and diarrhea. The vomit was dark, like coffee grounds. Diarrhea was dark and smelled horrible. Brought to Midwest Animal Hospital in Orland Park on Tuesday morning. Said puppy was dehydrated and had low glucose, she weighed 1.60lbs. Kept overnight and was able to pick up on Wednesday 10/30. Paperwork states "doing well, BAR, temp 101.0, eating on own". Sadly, we never seen the puppy eat on own and had to force the poor baby to eat every 2 hrs. for the next couple of days.

Puppy never recovered, always very lethargic and quiet. Slept most of the day. Friday 11/1 puppy was not acting right and was rushed to the Emergency vet where the puppy passed at 10:15.

Emergency Vets report:

- puppy is very weak
- 6 wks. old
- underweight
- temp 93/ pulse 122/ resp 12/ body score 2/5
- semi-comatose
- lateral recumbancy
- Mucus membranes white
- Frank blood on thermometer
- coffee ground type vomits in oropharynx

R/O: Hypoglycemia crisis, hematochezia, possible aspiration pneumonia

Did the pet shop recommend this vet? Yes

Veterinary expenses to date: 1600.00 but pet store covered.

Name: Michelle

Date Of Purchase: 7-15-2018

Price: 1880.99

Breed: Lhasa Apso

Birth Date: 5-4-2018

Date of death (if applicable):

Breeder: Ura Miller

The situation and your experience: Diseases and Illnesses: Dotty Girl was not eating. She was playful and peed often and had small poop. I was not sure how much a puppy should eat since she was only 4 pounds. I went to Naperville Animal clinic on Monday July 17. They gave her a special wet dog food to feed her every 4 hours along by syringe and with the hypoglycemic liquid to give via syringe. She was able to eat it but by Tuesday night she was vomiting. On Wednesday morning I brought her back to Naperville Animal clinic and she was down to 2 pounds. They nursed her back to health via IV, syringe feed. She had a nebulizer treatment and other meds and blood work while she was there. She was in the hospital for almost 2 weeks.

Did the pet shop recommend this vet? Yes

Veterinary expenses to date: 4000.00

Name: Jennifer

Date Of Purchase: 12-13-2016

Breed: English Bulldog

Price: 3486.99

Birth Date: 10-12-2016

Date of death (if applicable):

Breeder: Laverne Whetstone

The situation and your experience: Diseases and Illnesses: Demodex Mies, glands, allergy's, urethral prolapsed, distichiasis and trichiasis, flank alopecia, severe yeast build up, immune disorder, severe inverted tail, behavioral issues. Cecil has always been ill with something from day of purchase and continues everyday. I see no end in future with complications due to improper breeding.

Did the pet shop recommend this vet? N/A

Veterinary expenses to date: 9000.00

Name: Crystal

Date Of Purchase: 6-3-2018

Price: 1700.00

Breed: Rottweiler

Birth Date: 2-20-2018

Date of death (if applicable): 11-23-2018

Breeder: Lonnie Whetstone

The situation and your experience: Diseases and Illnesses: I bought her and she was approximately already 3 months old she had had umbilical hernia April 25th she wasn't diagnosed with anything the numerous times I took her to the vet

When did illnesses begin and end?: The 1st couple weeks I had her until she passed away in November so June 2018 to November 2018

Did the pet shop recommend this vet? Yes

Veterinary expenses to date: 500.00

Name: Joanne

Date Of Purchase: 11-3-2017

Price: 1500.00

Breed: Aussiedoodle

Birth Date:12-29-2016

Date of death (if applicable):

Breeder: Myron Yoder

The situation and your experience: Diseases and Illnesses: My dog has a gene mutation that causes her to be at risk for commonly used drugs in vets offices

When did illnesses begin and end?: no illness I needed a hypoallergenic dog and purchased this Australian shepherd poodle mix. I had a DNA test done and the dog has no poodle in 3 generations of anecstry. Simply put she has no poodle at all.

Hereditary Defects?: gene mutation defect puts her at risk for multiple commonly used drugs by vets which I would never had known without the DNA sample

Did the pet shop recommend this vet? Yes

Veterinary expenses to date: 80.00



Noah's Puppies Worldwide – Lombard location
Investigation by Maya Domiano

3-14-2020

I went in this store in December 2019 to gather breeder names. Upon arrival, when I asked the employee for the name of the breeders they used I was told that every dog has a different breeder. I inquired about a corgi puppy and asked for the information for that specific puppy. The employee was hesitant and explained that only if I was serious on purchasing the corgi puppy would I then be able to see the information on the dog. I expressed to the employee that it is a law that pet stores must disclose where they get their dogs. This then prompted the employee to call the owner of the store, Leo Tatro.

I spoke with Mr. Tatro who explained to me that only those who are serious about purchasing a dog from their store would be able to obtain information. He also explained to me that they do not share breeder information for the fear that customers will go to the actual breeder and purchase through the breeder and not the store. He expressed to me that they are not a puppy mill, and that their dogs come from good breeders.

I reported this to the Illinois Department of Agriculture and sent pictures of my findings that none of the dogs had bedding in their cages (which their paws could fall through.) None of the dogs had any water or food in their cages. An inspector then went in the store, Jose from the IDOA, and he stated that the store only has one employee on staff to clean every cage and administer water or food. That was all the IDOA did.

On March 14th, a customer went in the store to gather breeder names once again. While the employee (who goes by the name Ashley) was willing to offer the information of the background on a golden retriever in a binder by the front desk, it was under Ashley's supervision to where the consumer could not freely flip through the binder.

The customer was able to obtain a pedigree and a paper from the American Canine Association willingly from Ashley, however the CVI and Health Record paperwork had to be asked for.

Ashley did state that she “really isn’t supposed to tell” or give breeder information out to the public for the fear that customers will use the breeder information and purchase a dog from the breeder and not through the store. Or the fear that someone will create their own business and use the breeders they use.

The customer did report that there was no info outside of the dogs cages besides the name of the dogs and their prices. All information regarding the background of the dogs are kept in a binder by the front. The customer also expressed that the dogs looked lethargic/sad and noted that it is not typical puppy behavior. One dogs was biting at the cage.

It’s a state law that all pet shops must disclose where the puppies come from. The information should be readily available for consumers to see and examine. This store is not abiding by the law.

Maya Domiano

www.caps-web.org

Outreach Coordinator

Ganser, Jennifer

From: Jonathan Berning <[REDACTED]>
Sent: Monday, February 17, 2020 8:35 PM
To: Ganser, Jennifer
Subject: Economic and Community Development Committee
Attachments: Lombard_2_10_20.pdf

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Ganser,

We met briefly last Monday at the Economic and Community Development Committee meeting. It was mentioned by a few board members that they would like a copy of the comments I read. The document is attached. If any member has any questions or concerns, please feel free to pass along my contact information.

Thank you,
Jonathan Berning
Happiness Is Pets
(630) [REDACTED]

Good evening Chairman Puccio and members of the Economic and Community Development Committee, my name is Jonathan Berning. Since 1986, my family has owned Happiness Is Pets. All of our puppies come with a 30-day health guarantee that includes free veterinary care if necessary as well as a 4-year warranty for life-threatening congenital defects. Happiness Is Pets also maintains an A+ rating with the Better Business Bureau.

The argument that “no responsible breeder sells to a pet store” is nothing more than an opinion. Responsible should be solely based on quantifiable standards. All of our breeders who have 5 or more female breeding dogs are accredited by the Canine Care Certification program wholly operated by Purdue University’s College of Veterinary Medicine. Happiness Is Pets is the *first* pet store in the entire country with this proud distinction. The standards in this program were written and reviewed by some of the most renowned veterinarians, geneticists, theriogenologists, applied animal behaviorists and ethicists at the most prestigious veterinary schools in the country; Purdue, Auburn, Colorado State and University of Pennsylvania. These comprehensive standards address both physical and behavioral needs of both breeding dogs and their puppies and are the most rigorous standards in the entire country. For example, the reproductive guidelines written in the standards are taken from the position statement from the American Society for Theriogenology. This is an association of veterinarians focusing on animal reproduction whose mission is to promote standards of excellence in reproductive medicine. Canine Care breeders are inspected, audited and certified by Validus, the largest ISO9001-certified animal welfare accreditation company in the United States.

It is important to note that you may hear some individuals mention the amount of breed clubs who forbid their members from selling their puppies to pet stores. However, the standards in the Canine Care program actually exceed many of those breed clubs when it comes to areas such as maximum age for breeding females. In fact, shockingly, many breed clubs do not even have standards for that.

Ineffective sales ban, based on emotion and rhetoric, do not work at shutting down the targeted puppy mills. It is actually attainable to promote real change through having licensed breeders meet public expectations for ethical practices and higher standards of dog welfare. The Canine Care standards have empirical evidence proving dramatic changes in kennel management practices and dog welfare outcomes when testing the effectiveness of this program.

Retail sales bans are based on the idea that if people want puppies they will simply go to a shelter or get a rescue puppy instead. Existing data from consumer studies does not support this idea. People want choices and many want puppies for specialty purposes or puppies whose histories are fully known to them. The market demand for purebred dogs, despite "adopt don't shop" campaigns, are de facto proof that many people will continue to seek out the dogs they want rather than those that are available. If sales bans worked, why does the Humane Society of the United States cite the same number of puppy mills today as in 2013?

If the intent is to stop puppy mills and actually improve dog welfare, then solutions that demonstrably achieve those goals are imperative. Based on current science and real-world occurrences, retail sales bans are not effective in meeting these goals.

Ganser, Jennifer

From: Peggy Grandahl [REDACTED]
Sent: Tuesday, February 11, 2020 9:20 AM
To: Ganser, Jennifer
Subject: Re: Animal Care Regulations
Attachments: Beach for Puppies Breeder.JPG

Hi Jennifer,

I'm sorry I didn't get a chance to introduce myself last evening. I appreciated the careful consideration that the committee is exhibiting regarding this very critical topic.

I was hoping to find a "group" email for the committee, but had no luck. I wanted to send a copy of my testimony from last evening along with my contact info. I'm more than happy to answer questions or provide more information.

Would it be too much to ask for you to forward this info to the committee? There is also an image attachment that shows the info on the puppy I described from Beach for Puppies.

I'm most appreciative of your help.

Thank you so very much and I hope you have a great day!

Peggy Grandahl

[REDACTED]
[REDACTED]
[REDACTED]

Testimony from 2-10-2020 Meeting

Hi, I'm Peggy Grandahl. I'm not from Lombard, but I'm involved in rescue.

I understand there might be hesitation in legislating how businesses source their products... but these "products" our kids fall in love with and they are part of our families. Our hearts are broken when they grow old and we have to say goodbye.

The industry is riddled with consumer fraud. Puppies come from commercial facilities where volume is the name of the game. Market those puppies with easy financing and you have a lucrative business model where consumers don't know or don't care about the dark side... until they became victims with years of high interest payments or worse, chronically sick, poorly bred puppies.

Predatory lending and financing APR's of over 130% show how this sells puppies to unsuspecting consumers. You might think, "let the buyer beware" before signing a contract, but how closely are these folks are doing that with a fluffy puppy put into their arms by a commissioned salesperson and even worse when that puppy is in your child's arms?

Pet stores' "products" end up in shelters and rescues after the buyers encounter the health and behavioral issues so pervasive in pet store animals. Their business practices DO contribute to pet

overpopulation and the rise of congenital illnesses by giving poorly bred, intact animals to anyone with the cash or the credit.

< I ad libbed here in response to Jonathan Berning of Happiness is Pets> Mr. Berning often speaks of the Purdue Care Standards. I'm sure we'd all like more details as well as how many stores are in the program and how the standards enforced? Why have they been "secret" in the past? I'm sure the committee here would like to know more as well as we the public.

C heckingPetfinder.com today shows there are 3000 purebred and mixed breed dogs available for adoption within a 25-mile range of Lombard. Almost half of that total, 1426 are puppies.

You now have three puppy stores with a Lombard address although one is in unincorporated DuPage County. To the public though, they are the puppy store on Roosevelt in Lombard. Noah's Puppies and the Tatro family has quite a history that would take all night to cover here. I'd be happy to meet with any or you to discuss and provide FOIA's.

Both Downers Grove and Naperville said NO to Happiness is Pets. They did not do that without careful investigation. I'll have a personal story about them to share if this process moves along.

Beach for Puppies web page says they "source from shelters, friends, reputable breeders & rescues". When I was there a while back, this puppy was for sale and the breeder noted on his glass enclosure stated he came from a Phillip Hoover in Memphis, Missouri. Simple research shows that Philip Hoover has 364 breeding dogs. Let me say that again...364. His kennel has "automatic wash outs, feeders and watering". 364 dogs breeding litter after litter for the pet store industry supply chain. How healthy and well socialized can those puppies be in this puppy factory environment? I also have FOIA's about this entity and life is no beach for those puppies...or those puppies parents.

More and more humane ordinances are passed every day. About a year ago, Downers Grove leaders said no to this industry of cruelty and profit. Last week, Naperville did the same.

Please consider becoming a humane Lombard...other non-home rule locales have taken this step and you can too. I personally worked closely with Crest Hill to make that happen...with an existing puppy store. It can be done.

Your residents and consumers like me will be grateful. Thank you so much for allowing me to speak and considering becoming a truly humane and compassionate community for animals and their people.

The puppies, kittens and rabbits deserve better – and so do their parents.

Peggy,

I understand you were interested in when the Village would be discussing Animal Care Regulations. Please see attached agenda and staff memo for our February 10th ECDC meeting. You are welcome to attend. Please let me know if you have any questions.

	<p>Jennifer Ganser, AICP</p> <p>Assistant Director of Community Development</p> <p>Village of Lombard</p> <p>255 E. Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5717</p> <p>Fax: (630) 629-2374</p> <p>Email: ganserj@villageoflombard.org</p> <p>Web: www.villageoflombard.org</p>
<p>Follow us:   </p>	

Phil Hoover, Memphis Missouri- **364 adult breeding dogs.**

-Sells to: Vanity Pups in FLORIDA; The Puppy Place in MASSACHUSETTS, Laughlin Kennel in MASSACHUSETTS; Puppies Plus in NEVADA; Petland Henderson in NEVADA; Pet City Baja in COLORADO; and Many stores in New York



Health Record For			MicroChip #:
Pup #:	191741-01	Lab	
Date Of Birth:	5/8/2019	Reg #	MO-ICA-18057
Breeder:	Phillip M Hoover USDA#:43-A-5673		
RR 2 Box 142A , Memphis, MO, 63555, US			
Sire:	Reg #	TPX_607_172427	Name: Jack S
Dam:	Reg #	TPX_607_1859_06	Name: Mocha
Sire Height:			Sire Weig
Category	Name		
Vaccination	Intranasal		
Medication	PYRANTEL		
Medication	PYRANTEL		
Vaccination	Neopar		
Vaccination	Neopar		