

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue)       Waiver of First Requested  
 Recommendations of Boards, Commissions & Committees (Green)  
 Other Business (Pink)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** September 29, 2020      **(BOT) Date:** October 1, 2020

**SUBJECT:** Humane Animal Regulations

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development *WJH*

**BACKGROUND/POLICY IMPLICATIONS:**

Your Economic and Community Development Committee (ECDC) transmits for your consideration its recommendation regarding the above-referenced discussion on humane animal regulations.

The ECDC conducted a meeting for this petition on February 10 and September 14, 2020.

The ECDC recommended approval of this resolution by a unanimous vote. Please place this resolution on the October 1, 2020 Board of Trustees agenda under Items for Separate Action.

**Fiscal Impact/Funding Source:**

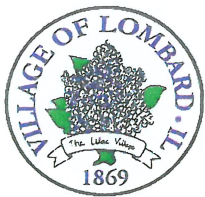
Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_

Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.





## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**MEETING DATE:** October 1, 2020

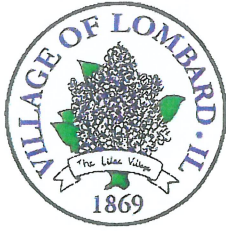
**SUBJECT:** **Humane Animal Regulations**

Please find the following items for Village Board consideration as part of the October 1, 2020 Board meeting:

1. Economic and Community Development Committee (ECDC) referral letter;
2. Staff memo;
3. Emails received after the staff memo; and
4. A resolution of support to the County and State.

The ECDC recommended approval of this resolution by a unanimous vote. Please place this resolution on the October 1, 2020 Board of Trustees agenda under Items for Separate Action.

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## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
[www.villageoflombard.org](http://www.villageoflombard.org)

October 1, 2020

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: Humane Animal Regulations**

Dear President and Trustees:

Your Economic and Community Development Committee (ECDC) transmits for your consideration its recommendation regarding the above-referenced discussion on humane animal regulations.

The ECDC conducted a meeting for this petition on February 10 and September 14, 2020.

Ms. Ganser summarized the staff memo. Based on resident feedback at the December 5, 2019 Board of Trustees meeting, a possible Humane Animal Ordinance was discussed at the Economic and Community Development Committee (ECDC) in February 2020. 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.

After the February ECDC meeting staff followed up on a few items. One, an existing business, like Happiness Is Pets, could be grandfathered and allowed to operate as is, but a new business would need to meet any new Code. Two, a sample resolution to the State or County is attached. Three, staff met with DuPage County in March, 2020

DuPage County has not taken any action relative to animal care either in the form of additional business regulations or restrictions nor additional zoning actions. Per an email on September 8th, DuPage County noted that their attorney has maintained that the County cannot adopt a Humane Animal Ordinance as the County, like Lombard, is not home rule. This is consistent with the opinion of the Lombard Village Counsel. Staff notes that Noah's Puppies 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.

Beach for Puppies has closed at Yorktown Center, but Furry Babies (another pet store) is opening at 170 Yorktown Shopping Center. Furry Babies is a permitted use and therefore is allowed to open at Yorktown Mall. Happiness is Pets, the other pet store, remains open. Included in the packet is a letter from their attorney challenging Lombard's legal authority to regulate pet shops. This correspondence is currently under review by Lombard Village Counsel.

The ECDC is asked to review the materials and offer its recommendations.

Three people spoke in-person. Ms. Barbara Hanek said she is a veterinarian and has worked for DuPage County for four years. She discussed how animals are resourced from puppy mills and the inhumane conditions. She said she was formally the medical director for Paws Chicago and helped rescue dogs from puppy mills. She said these dogs have poor inaction with people, poor socialization and diseases.

Mr. Jonathan Berning said his family has owned Happiness is Pets since 2005. He said he has worked on a house bill and senate bill for standards of care. The bills have not advanced due to COVID. He said Happiness is Pets is the only store that uses the canine care system from Purdue University. He said it is hard for pet stores to shift their business model and when Chicago passed their humane animal ordinance many pet stores closed.

Ms. Maya Domiano said she is the Outreach Coordinator for the Champion Animal Protection Society (CAPS). CAPS worked with Carpentersville on their ordinances. She said Furry Babies does use puppy mills and read from investigation reports on pet stores.

Three people spoke via Zoom. Ms. Peggy Grandahl asked what Lombard wants to be known for and discussed community perception. She said many communities have passed humane animal ordinances, but understands that Lombard is limited. She discussed pet stores and profitability. She said with Furry Babies moving to Lombard the perception may be of fraud and a misleading store.

Ms. Jodie Wiederkehr said she is speaking on behalf of the Chicago Alliance for Animals. She read from an I-team investigate on dogs with health problems. She said many people are interested in this topic and noted Facebook likes for various groups. She said millions want to see a humane animal ordinance passed and the stores closed. She said she will remind her members not to shop at Yorktown Mall.

Ms. Tracey Gzamouranis said she is a 16-year Lombard resident and is speaking on behalf of herself and others. She said many animals in mills are mass produced and live in poor conditions.



She said they suffer from health problems. She said she has volunteered on rescue missions and seen the conditions herself. She said she wants to help eliminate inhuman treatment and also noted that Lombard could regain home rule status in the future for this and other issues.

Ms. Ganser noted that many emails and one voicemail came in after the staff report went out. She read the emails and voicemail into the record.

Mr. Heniff said staff included a sample resolution. This is one option the ECDC can take. Mr. Puccio said he talked with Mr. Brian Krajewski of the DuPage County Board and as a non-home rule County they may look at business regulations. He also talked with Representative Costa Howard who said the State bill is delayed due to COVID.

Mr. Pike said he thinks it makes sense to see what the County does.

Mr. Ladle said he read the memo from Carpentersville which noted this had no fiscal impact on them. He said for Lombard it could have a fiscal impact as we are not home rule. He said people can reach out to Yorktown if they are upset about the new pet store. He said he would recommend a resolution.

Mr. Kennedy said he thinks the shops bring an unfair reputation and wouldn't want to attract more.

Mr. McNicholas said he agrees with Mr. Ladle and that a resolution is the most fiscally sound option. He suggested stores provide health insurance or a one day waiting period before buying a dog.

Mr. Bennett said he agrees with the others and the most realistic option is the resolution. He asked that the Village Manager bring up the issue with DuPage Mayors and Managers Conference to receive comments and then contact State Representatives. He said perhaps the County Health Department should be involved. He said he agrees with the ideas by Mr. McNicholas.

Trustee Puccio asked if the State Department of Agriculture is the agency responsible for regulations and inspections and Mr. Heniff said yes.

Ms. Vant Hoff said the stores may attract the wrong image but there is only so much the Village can do. She said maybe the County could create volunteer inspector positions.

Ms. Dillon said a resolution is good for the short term and agreed with Mr. McNicholas' comments. She said Lombard being home rule could address some of these issues.

Trustee Puccio said the State Department of Agriculture is the regulatory body and therefore volunteer position at the County may not help. He asked Mr. Heniff to explain home rule. Mr. Heniff said home rule communities can adopt any all regulations, like Naperville or Chicago. A non-home rule community can only do things the State allows or delegates authority for them to do so. The draft resolution is a way for Lombard to go on the record to express concerns on animal welfare and oversight.



Mr. Nielsen said he agrees with the others and liked the idea of a waiting period and the resolution.

Mr. Bennett said he is prepared to make a motion to recommend approval of the resolution and request the Village Attorney review the business regulations.

Ms. Dillon asked that this wouldn't negate future actions if the Village became home rule. Trustee Puccio said home rule would need to be done thru a referendum. Mr. Heniff said staff will follow up with the Village Attorney on business regulations.

On a motion by Mr. Bennett and a second by Mr. Nielsen, the ECDC recommended approval of the resolution as presented to the Board of Trustees at their October 1, 2020 meeting.

Respectfully,

**VILLAGE OF LOMBARD**

Trustee Anthony Puccio  
Economic & Community Development Committee



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

**R \_\_\_\_\_**

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.



Resolution No. \_\_\_\_\_  
Humane Animal Care

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith T. Giagnorio  
Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk