

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Timothy Sexton, Acting Village Manager
DATE: December 11, 2013 (B of T) Date: December 19, 2013
TITLE: Animal Sale Regulations – Amendments to Chapter 90 of the Village Code
SUBMITTED BY: Department of Community Development *WD*

BACKGROUND/POLICY IMPLICATIONS:

Your Economic and Community Development Committee submits for your consideration its recommendation on the above referenced petition. The ECDC recommends that the Village Board approve the attached Ordinance establishing regulations to Section 90 of the Village Code to limit the sale of animals associated with temporary sales activity. (DISTRICTS - ALL)

Staff recommends approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *Timothy Sexton* _____ Date *12/12/13*

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: Timothy Sexton, Acting Village Manager

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

DATE: December 19, 2013

SUBJECT: **Animal Sale Regulations – Amendments to Chapter 90 of the Village Code**

At the October 14, 2013 and November 25 meetings of the Economic and Community Development Committee (ECDC), the committee heard a presentation by a non-profit animal welfare and rescue organization (Companion Animal Protection Society, or CAPS) regarding regulations that pertain to the care and sale of animals. The non-profit organization is advocating that the Village take additional regulatory steps to address their concerns pertaining to the care of animals for sale. Specifically, they would like the Village to adopt additional regulations to control and/or restrict the sale of animals (primarily dogs from puppy mills).

At the ECDC meeting, CAPS did provide information regarding their concerns pertaining to puppy mill operations (not located in Lombard). They also represented that many of these animals are eventually sold at retail pet stores. They expressed their advocacy goal to limit or prevent the operation of such puppy mills though limiting the ability for the animals to be sold at the retail level.

Through the discussion, staff was directed by the ECDC to proceed with drafting an ordinance that specifically addresses some of the issues and concerns raised by CAPS and were identified in a similar ordinance that was adopted last year by the Village of Villa Park pertaining to the temporary sale of animals. The proposed draft Ordinance would place significant limitations on the temporary sale of animals. The ordinance does not prohibit the sale of animals based upon the origin of the respective animal itself.

For reference purposes, the following information is attached:

1. The October 14, 2013 staff memo to the ECDC;
2. The November 25, 2013 staff memo to the ECDC;
3. The existing Chapter 90 provisions (for reference purposes)
4. Information provided by CAPS; and
5. A draft Ordinance for consideration limiting the sale of animals associated with temporary events, as amended by the ECDC.

The draft ordinance would prohibit the commercial sale of animals when done in the confines of temporary sales events, such as flea markets, farmer's markets and the like. The justification for

such a regulation could be to help ensure that animals are humanely treated and concerns raised by CAPS or within existing code are met. The draft amendment provides an exemption for humane rescue associations to have animals on site if associated with the outreach effort of the organization (i.e., having a greyhound on site for a greyhound rescue organization, with the ability of said animals to be adopted separately from the temporary event).

Village Counsel and staff reviewed the draft ordinance and incorporated amendments to include the comments and recommendations of the ECDC into the final ordinance as well as edits for clarity. Additionally, the ordinance includes language to reflect that the attempted sale of as well as the actual sale of animals would constitute an offense to the proposed regulation.

ACTION REQUESTED

The ECDC direction recommends that the Village Board approve the attached draft Ordinance establishing regulations to Section 90 of the Village Code to limit the sale of animals associated with temporary sales activity.



MEMORANDUM

TO: Trustee Laura Fitzpatrick, Chairperson
Economic & Community Development Committee Members

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

DATE: October 14, 2013

SUBJECT: **Animal Sale Regulations**

The Village has been approached by a non-profit animal welfare and rescue organization (Companion Animal Protection Society, or CAPS) regarding regulations that pertain to the care and sale of animals. The non-profit organization is advocating that the Village take additional regulatory steps to address their concerns pertaining to the care of animals for sale. Specifically, they would like the Village to adopt additional regulations to control and/or restrict the sale of animals (primarily dogs from puppy mills). As this request pertains to regulations of business activity, staff is bringing this matter to the Economic and Community Development committee (ECDC) for discussion and consideration.

BACKGROUND

The Village of Lombard regulates animals in two primary areas of the Village Code. The Zoning Ordinance (Chapter 155) establishes regulations as to the permissible location of animal sales (i.e., pet stores), while Chapter 90 establishes regulations regarding the nature, quantity and care of animals. Should an animal not be properly cared for or abandoned, Sections 90.42 through 90.46 of the Village Code provides the ability of the Police Department to investigate reported violations to the aforementioned sections. These provisions would pertain to animals that are within the corporate limits of the Village.

The State of Illinois Department of Agriculture has jurisdiction with respect to commercial animal operations and serves as a general clearinghouse for all inquiries pertaining to the health and quality of care for animals. The Department of Agriculture has a field staff that performs inspections of properties, represented to be at least three times a year, through their licensing and registration process.

REQUEST

CAPS has raised concerns regarding the care of animals, particularly puppies/dogs, that are housed and bred in a manner they deem to be inappropriate, or in common parlance "puppy mills", as well as stores that do not meet the provisions set forth in state statutes. They also expressed a desire to limit or restrict the commercial sale of dogs bred through puppy mills in retail shops. They note that they through public awareness campaigns they have had success in

reducing the number of dogs sold in retail stores in which they represent receive their animals through puppy mills.

One principal area of concern pertains to the temporary sale of dogs at events such as flea or farmer's markets. In these instances, they have raised concerns that the transport and sale of dogs by temporary operators is not desirable as the animals may not be properly cared for and cannot be readily checked for proper health. Of particular note, they reference a past instance in Villa Park where such activity was occurring and advocated that the Village of Villa Park adopt an ordinance placing limitations upon such sales. Their Village Board adopt an ordinance last year (Ordinance 3716) that, among other things, set forth the following requirements:

- A license issued by State of Illinois (Illinois Animal Welfare Act)
- Operators must be located entirely within a permanent building owned or leased for more than one year.
- Must comply with the Humane Care of Animals Act.

Per Villa Park staff, he stated the main purpose and intent of their ordinance was to limit the sale of animals in a flea market setting and the ordinance achieved this effect. They have not actively pursued the provisions set forth in their ordinance for compliance, as they work on a complaint basis and do not have staffing to proactively address other issues.

As noted earlier, CAPS would like to see Lombard take steps to actively and/or aggressively limit the sale of dogs from puppy mills. If such puppy mills were located within the Village, staff believes that existing regulations would be able to address such concerns. However, as these animals are located elsewhere, often out of state, the Village does not have jurisdiction to pursue the matter. However, they are seeking local regulations as they do not believe that the state has adequately met their responsibilities set forth within State Statute.

ISSUES FOR LOMBARD/ECDC

As the request would be a type of business regulation, staff is bringing the matter for review by the ECDC. Past practice is to invite all business affected by the legislation to be invited and provide testimony and comment on any such regulations. The ECDC would then make a recommendation to the Village Board. Such review of any such legislation will also require Village attorney review.

Staff offers the following issues:

- The need for local regulation to supplement/supersede state regulation. The aforementioned provisions fall under the provisions established by the State of Illinois. To ensure strict compliance with these provisions would require regular and ongoing inspections.

- If much broader regulations are adopted, Lombard will be also responsible for local enforcement. Active enforcement would likely require additional staff personnel, or contracted services, trained in animal care regulations. This will likely require full local licensure/registration process to help offset costs. However, such licensure/registration will likely not cover the full costs of enforcement.
- From Lombard's standpoint, the Village would not authorize flea markets as a matter of right within the Village. They could only be approved through a public hearing process (conditional use or text amendment) by the Plan Commission and Village Board approval.
- Prohibitions on the commercial sales of animals (i.e., prohibiting the pet shop use) would need to be addressed through the Plan Commission public hearing process. However, as a land use issue, it would be difficult to justify why the commercial sale of animals is not an appropriate land use, although the care and boarding of animals would be appropriate. Moreover, as an indoor retail commercial enterprise, the negative externality of pet shops is generally not any more prevalent than other land uses. Although an exemption was offered to allow for sales of animals through a 501c3 organization, as some do, the dog ownership status is not germane to the land use issue.
- While the argument has been made that prohibitions would decrease the activities, staff would argue that this could result in prospective business operators and their companion sales to locate elsewhere.
- The primary concern relates to the production of the animals themselves outside of the Village. Local governments traditionally do not have a role in banning the sales of product because of the manufacturing practices may not be acceptable (i.e., the Village would not reviewing all of the apparel shops in Lombard to check to see if the clothing was manufactured by child labor). However, if such activities were occurring in the Village, the Village can be more pro-active.

RECOMMENDATION

The State already has given the regulatory authority to the Illinois Department of Agriculture and that the State already has professional trained in the matter, staff's initial recommendation is to provide an informational outreach campaign to interested parties. This can include links on our web site as well as brochures available at the Village Hall. Most importantly, it will include the proper contact hot line number with the state (217)782-6657 that can respond to inquiries.

Regarding local regulatory issues, staff can conceptually support limitations and/or prohibitions on commercial sale of animals when done in the confines of temporary sales events, such as flea markets, farmers market and the like. The justification for such a regulation could be to help ensure that animals are humanely treated and concerns raised by CAPS or within existing code are met. Staff has discussed this matter with Village Counsel and counsel has recommended that such a regulation is possible.

ACTION REQUESTED

This item is being placed on the October 14, 2013 ECDC agenda for discussion and direction. Staff is seeking direction as to the level of desirability for additional regulations pertaining to the sale of animals within the Village. Staff is conceptually supportive of an additional provision within Section 90 of the Village code to limit or restrict the sale of animals associated with special events such as flea markets, farmer's market and the like. Staff can also support an exemption for humane associations to have animals on site if associated with the outreach effort of the organization (i.e., having a greyhound on site for a greyhound rescue organization, with the ability of said animals to be adopted separately from the temporary event).



Companion Animal Protection Society

Thank you for giving us this opportunity to discuss an ordinance we would like you to take into consideration. As representative of The Companion Animal Protection Society (CAPS), I am proposing the attached ordinance that Villa Park passed.

Founded by President Deborah Howard in 1992, CAPS is the only national non-profit organization dedicated exclusively to protecting companion animals from cruelty in pet shops and puppy mills. CAPS actively addresses the abuse and suffering of pet shop and puppy mill dogs through investigation, education, media relations, legislative involvement, puppy mill dog rescues, consumer assistance and pet industry employee relations.

Our West Hollywood California ordinance banning the sale of pet shop puppies and kittens received worldwide media coverage and was the genesis for the now growing ordinance movement in both the United States and Canada. There are ordinances banning the sale of pet shop puppies and kittens in 32 cities. Los Angeles being the biggest, and San Diego being the latest as of May 2013.

We understand Lombard is a non-home rule city, and so is Villa Park. We would like you to consider this ordinance to avoid future pet shops that sell commercially bred puppies and kittens from opening in Lombard. On that note, perhaps there is something we could adjust, add, change in this ordinance, to prohibit Happiness Is Pets from selling their puppy mill dogs.

We also have reason to believe there are puppy millers coming here from Missouri selling puppies in the old KMart parking lot and at the McDonald's on Roosevelt Road in Lombard. This ordinance would also cover dogs being sold in parking lots, farmers markets and flea markets.

In 2010, in Illinois alone, over 9565 dogs and 15,796 cats were euthanized. These figures are only from 6 kill shelters. We put down one dog every 10 seconds in the United States, approximately 4 million companion animals are killed in our country every year. On petfinder.com there are over 180,000 dogs up for adoption in Illinois. There is no reason for pet stores to sell commercially bred sick puppies to unsuspecting customers.

In 2006 Happiness Is Pets sold 8000 puppies. In 2011 they sold 4750. Sales are going

down, awareness is being spread. We wonder how many of those dogs are now in our shelters. Happiness Is Pets had a distemper outbreak at their stores in January 2012. Distemper is the leading cause of infectious disease deaths in dogs worldwide. It's highly contagious and spread through inhalation. Vaccination is nearly 100% effective against distemper. A vaccinated mother dog will pass it on antibodies to her babies. Puppy mill dogs are rarely, if ever, vaccinated. There is now a class action lawsuit pending against all 5 Happiness Is Pets locations. I have personally spoken to almost 200 people about the sick and dying dogs they have purchased from this pet store.

There is a wave of awareness spreading across the country. This dirty little secret is finally being exposed. Villa Park is the first city in Illinois to pass an ordinance, Oswego followed, and now we are asking Lombard to do the same. Let's do the right and humane thing. Help us speak up for the dogs who cannot speak for themselves.

If anyone has any questions, please feel free to contact me. Thank you again for giving us this opportunity.

Ida McCarthy
Companion Animal Protection Society
Chicago Campaign Coordinator
www.caps-web.org
Direct Line - 630-479-4673
idadmccarthy@yahoo.com

After speaking to almost 200 people last year, here are the diseases the dogs were sold with:

Pneumonia, Liver Shunts, Hip Dysplasia, Perthes Disease, Distemper, Mouth Cancer, Tumors, Microvascular Dysplasia, Kennel Cough, Blindness, Umbilical Hernia, Urinary Tract Infections, Giardia, Behavior Issues, Wrong Breeds, Bacterial Infections, Mange, Skin Problems, Pelvic Bladder, Digestive Problems, Head Seizures, Hip Problems, Encephalitis, Yeast Infections, Luxating Patellas, Allergies, Thyroid Problems, Aural Atresia, ACL Surgeries, Cherry Eyes, etc.

A few people bought a dog during the distemper outbreak and when they brought the puppy home, the dog they already had caught distemper and died.

This is an ongoing issue, we receive complaints almost weekly.

Ordinance No. 3716

AN ORDINANCE OF THE VILLAGE OF VILLA PARK, DUPAGE COUNTY, ILLINOIS ESTABLISHING LICENSE AND SANITATION REQUIREMENTS FOR PET SHOPS AND KENNELS

WHEREAS, the Village of Villa Park (the "Village") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Section 11-20-9 of the Illinois Municipal Code (65 ILCS 5/11-20-9) authorizes the Village to license and regulate dogs and other animals in the Village; and,

WHEREAS, the Village desires to require pet shops and kennels to obtain licenses issued by the State of Illinois and to comply with animal welfare regulations; and,

WHEREAS, the Village desires that all pet shops be operated from a permanent building and not by itinerant merchants at temporary locations such as farmer's markets, flea markets or parking lots of other businesses.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Villa Park, DuPage County, Illinois, as follows:

Section 1. That Section 5-111 of the Villa Park Municipal Code, as amended, be and is hereby added to read as follows:

"Sec 5-111 Pet Shops and Kennels – License and Regulations

A. No person shall engage in the business of pet shop operator or kennel operator or any combination thereof without a license issued by the State of Illinois in accordance with the Illinois Animal Welfare Act (225 ILCS 605/1 et seq.)

B. No person shall operate a pet shop unless that pet shop is located entirely within a permanent building owned or leased for not less than one (1) year by the pet shop operator and in compliance with this Municipal Code.

C. All pet shop operators and kennel operators shall:

(1) Comply with all sections of the Humane Care for Animals Act (510 ILCS 70)

(2) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.

(3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin

(4) Provide water from a source having sufficient pressure to properly sanitize and clean the facility and equipment.

- (5) Provide hand washing facilities**
- (6) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for their waste to avoid exposure to healthy and salable animals**
- (7) Floors of buildings housing or displaying animals shall be able to be thoroughly cleaned and sanitized. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste**
- (8) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing. The cages must be cleaned and sanitized at least once daily or more often if necessary. All empty cages shall be kept clean at all times. Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie and offer freedom of movement**
- (9) Runs shall be constructed of material of sufficient strength and design to confine the animals. They shall be kept in good repair and condition. For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material. Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste. Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with this Code.**
- (10) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.**
- (12) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; 2006). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.**
- (13) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.**
- (14) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthful condition. Any dead fish shall be removed from aquariums.**
- (15) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.**

Section 2. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.


Passed this 24 day of September, 2012.

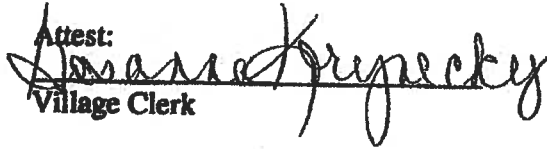
AYES: All

NAYS: _____

ABSENT: _____

Approved this 24th day of September, 2012.


Village President

Attest:

Village Clerk



Published in pamphlet form:

September 28th, 2012

Heniff, William

From: Ida McCarthy <idamccarthy@yahoo.com>
Sent: Tuesday, September 03, 2013 3:42 PM
To: Giagnorio, Keith; Heniff, William
Subject: Pet Store Ordinance

I hope everyone enjoyed their Labor Day Holiday! Thank you for taking the time to meet with us last week. We would like to continue working with you to accomplish our mission in a manner that is acceptable to all parties.

Perhaps you could consider language such that:

"Pet stores opening in Lombard can only adopt out animals from 501C non-profit rescue organizations?"

That way you are not deterring a pet store from opening, just not a pet store that sells puppy mill puppies.

You are saying you can only "adopt" dogs and work with licensed rescues. A reputable breeder would never put their puppies in a store to be sold to anyone with a credit card. And adoption helps address the number of unwanted dogs who can't find homes and are euthanized - reportedly over 4 million dogs in the United States every year.

If there was a pet store in Lombard that sold pet supplies and dogs, we would ask them to go humane and offer rescue dogs only. We know Happiness is pets would never do this, since their main "product" is dogs. Many years ago Petsmart, Petco, and Pet Supplies Plus sold puppy mill dogs. They went humane and only offer dogs for adoption events. Dog Patch in Naperville sold puppy mill dogs for decades yet they went humane (adopting out rescue dogs only) 2 years ago. It's been a huge success for them. And Jim's Pet World in Villa Park is now closing. They also sold puppy mill puppies for years. People are waking up and doing their research.

Hence...the new ordinance. Like we said, we understand HIP cannot be the issue. We have been hearing rumors of other puppy mill stores thinking of opening in Yorktown. And as stated in our meeting, pet stores follow other pet stores. There are only 6 pet stores in Dupage County that sell puppy mill dogs. Petland and Happiness is pets in Naperville, Furry Babies in Bloomingdale, Happiness is pets in Lombard and Downers Grove, and Puppy parlor in Lisle. All other pet stores offer adoption events only.

In our meeting Bill, you stated that this is an issue for the Illinois Department Of Agriculture. We have had years of experience with the Illinois Department Of Agriculture, and in my opinion, they should be investigated. They have approximately 7 inspectors for the entire state. They have let animals die on farms, in shelters, in pet stores, etc. and have walked away from dead animals not reporting any of them. The inspectors are responsible for every single living animal in Illinois and could care less about pet stores. They have left cows falling over dying and never said anything. There are pictures of farm animals that we could provide, but I think you get the point.

I am including a video of a pet store in Lisle, Puppy Parlor. It's very disturbing and the Illinois Department Of Agriculture thinks this is perfectly fine. That is why we cannot turn a blind eye and leave it in their hands. This could happen in Lombard at any time, there is nothing preventing this type of store from opening. After it opens, you will be able to do nothing to stop it.

The village of Lisle has repeatedly asked the Illinois Department Of Agriculture to address this issue. They say it passes the requirements and meets their standards.

<http://youtu.be/Xyw8qh5Rayg>

It's up to us to stop this. Our elected officials should know more than the average consumer and be educated in the stores that open in their town. They should protect the consumer against fraud and abuse, neglect and cruelty. We are hoping to work with the Village Of Lombard to obtain what we all deserve, including the dogs that can't speak for themselves.

Thank you and I look forward to hearing from you.

Ida

Ida McCarthy
Companion Animal Protection Society
Chicago Campaign Coordinator
<http://www.caps-web.org/>
Direct line - 630-479-4673



MEMORANDUM

TO: Trustee Laura Fitzpatrick, Chairperson
Economic & Community Development Committee Members

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

DATE: November 25, 2013

SUBJECT: **Animal Sale Regulations – Code Amendments**

At the October 14, 2013 meeting of the Economic and Community Development Committee (ECDC), the committee heard a presentation by a non-profit animal welfare and rescue organization (Companion Animal Protection Society, or CAPS) regarding regulations that pertain to the care and sale of animals. The non-profit organization is advocating that the Village take additional regulatory steps to address their concerns pertaining to the care of animals for sale. Specifically, they would like the Village to adopt additional regulations to control and/or restrict the sale of animals (primarily dogs from puppy mills).

Through the discussion, staff was directed to proceed with drafting an ordinance for the ECDC's consideration that specifically addresses some of the issues and concerns raised by CAPS and were identified in Villa Park's ordinance that was adopted last year pertaining to the temporary sale of animals.

Attached is the requested ordinance to address such activities. A copy of the existing Chapter 90 provisions is also attached for reference purposes. The draft ordinance would prohibit the commercial sale of animals when done in the confines of temporary sales events, such as flea markets, farmer's markets and the like. The justification for such a regulation could be to help ensure that animals are humanely treated and concerns raised by CAPS or within existing code are met. The draft amendment provides an exemption for humane associations to have animals on site if associated with the outreach effort of the organization (i.e., having a greyhound on site for a greyhound rescue organization, with the ability of said animals to be adopted separately from the temporary event).

ACTION REQUESTED

Per the ECDC direction, staff recommends that the ECDC consider the draft amendment to Section 90 of the Village Code to limit the sale of animals associated with temporary sales activity.

CHAPTER 90: ANIMALS

Section		90.43	Abandoned Animals
	Prohibitions	90.44	Poisoning of Animals
90.01	Definitions	90.45	Exhibition of Animals
90.02	Number of dogs allowed	90.46	Manner of Confining and Care of Confined Animals
90.03	Dangerous animals at large		
90.04	Keeping certain animals prohibited	90.47	Diseased or Injured animals
90.05	Dangerous, vicious, or wild animals	90.48	Fines
90.06	Dangerous, vicious dogs		
90.07	Animals kept pursuant to State or Federal License Exempt	90.99	Penalty
90.08	Trapping		
90.09	Business and Government agencies licensed by State Exempt		
			PROHIBITIONS
	General Provisions		
90.10	Collars Required	§ 90.01	DEFINITIONS.
90.11	Confinement and Redemption		
	Dogs		
90.12	Vicious animals: Impoundment and where incapable of impoundment		For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
90.13	Registration		ANIMAL. Every living creature, domestic or wild, not including man.
90.14	Repealed Ord. 6745		ANIMAL CONTROL CENTER. A place designated by the Village Manager for the housing of animals in the temporary custody of the Village.
90.15	Leash Requirements		ANIMAL CONTROL OFFICER. A person performing duties prescribed by the Village Manager to effectuate this chapter.
90.16	Removal and disposal of excreta		ATTACK. Any aggressive, menacing or vicious physical contact between any dog and any person or other animal, including, but not limited to, contact of the mouth or teeth of a dog with the victim of the attack and any striking or scratching of the victim or an attack by the paws of any dog regardless of whether or not any such actions result in injuries of any kind sustained by a victim.
90.17	Loud frequent noises declared a nuisance		BITE. Seizing with the teeth or jaws so that the person or other animal seized has been nipped, gripped, cut, wounded or pierced, and further includes the contact of saliva with any break or abrasion of the skin.
	Rabies Inoculation		
90.18	Inoculation required		
90.19	Registration requirement		
	Feeding of Wild/Feral Animals and/or Birds		
90.30	Findings		
90.31	Definitions		
90.32	Feeding of Wild/Feral Animals and/or Birds Prohibited in Residential Areas		
90.33	Exceptions		
90.34	Nuisance Declared		
90.35	Penalty for Violation		
	Cruelty to Animals		
90.40	Definitions		
90.41	Duties of Owners		
90.42	Prohibited Acts		

CONFINEMENT STRUCTURE. A securely locked pen, kennel or other structure designed, constructed and maintained in accordance with the standards herein. Such pen, kennel or other structure must have secure sides and a secure top attached to the sides and must be locked with a key or combination lock while animals are within the structure. Such structure must have a secure bottom or floor attached to the sides, or the sides of the structure must be embedded in the ground no less than two feet (2'). All such structures must comply with all zoning and building regulations of the Village and be adequately lighted, ventilated and kept in a clean and sanitary condition.

DANGEROUS OR VICIOUS ANIMAL. Any animal, excluding a dog, which poses a danger or hazard to a human.

DOG. Except where specifically distinguished, includes all animals of the canine species of the age of four months or older.

DOG, DANGEROUS. Any dog which, while unmuzzled, approaches any person or other animal in a vicious or terrorizing manner displaying an apparent attitude of attack up any street, sidewalk or any public grounds or place, or any premises other than those of its owner, and which dog does not cause serious physical injury, provided, that such approach is unprovoked.

DOG, VICIOUS. Any dog which has, when unprovoked, bitten or attacked any person or other animal on public or private property; or has a known tendency, propensity or disposition to attack persons or animals without provocation; or has caused serious injury to a person or animal; or has been found to be a dangerous dog upon three (3) separate occasions in the Village; or has been declared a vicious dog as defined in the Illinois Animal Control Act, 510 Illinois Compiled Statutes 5/1 et seq., by a court of competent jurisdiction whereby an order was entered based upon that finding.

GUIDE DOG. A dog trained and used to aid the blind or hearing impaired; provided that the owner of any such dog complies with the provision contained in 510 Illinois Compiled Statutes 5/8.

INJURY, SERIOUS PHYSICAL. Any physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

INOCULATION. The injection, subcutaneously or in such other manner as may be approved by the Illinois Department of Agriculture pursuant to the Illinois Animal Control Act, 510 Illinois Compiled Statutes 5/1 et seq., of canine anti-rabic vaccine meeting standards approved by the Illinois Department of Agriculture and the United States Department of Agriculture.

K-9 DOG. A dog trained and used in the performance of official police duties authorized by the Chief of Police; provided that any such dog shall be currently inoculated against rabies as provided in 510 Illinois Compiled Statutes 5/8.

LEASH. A strap or chain, manufactured for use as a leash, securely fastened to the collar or harness of a dog, which shall in no case be longer than eight feet (8') and shall be of sufficient strength to keep such dog under control.

MATURE ANIMAL. A male or female animal, which has been weaned.

MUZZLE. A device constructed of strong, soft material or metal which will prevent a dog from biting any person or animal; provided that such muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration.

NEUTERED ANIMAL. A male or female animal treated by a veterinarian to render it incapable of reproduction.

OWNER or KEEPER. Any person, who has a) a right of property in an animal; b) keeps an animal; c) has an animal in his care or custody; or d) who knowingly permits an animal to remain on or about any premises occupied by him.

RUN AT LARGE. To be free of restraint off the premises of the owner. Any dog not upon the premises of its owner or such other person having custody, possession or control over any such dog, which is not on a leash and under the control of a person physically able to control it, shall be deemed to be running at large.

VETERINARIAN. A veterinarian, duly licensed by the State of Illinois or any other state which, by law, licenses veterinarians.

VETERINARIAN HOSPITAL. Any place used for the treatment of animals, which is operated by a veterinarian and licensed by the State of Illinois.

§ 90.02 NUMBER OF DOGS ALLOWED.

It shall be unlawful for any person, family, or group of persons residing as a single housekeeping unit to keep, harbor, shelter, feed, or care for more than three (3) dogs, cats, or other domestic animals over three months old on any premises. Licensed pet shops, veterinary hospitals, and kennels shall be exempt from this section of the ordinance.
(‘70 Code, § 8.02.010) (Ord. 2896, passed 9-25-86, Ord. 3942, passed 12/15/94)

§ 90.03 DANGEROUS ANIMALS AT LARGE.

(A) It shall be unlawful for any person to permit any dangerous or vicious animal of any kind to run at large within the Village.

(B) It shall be unlawful for any dog to run at large.

(C) It shall be considered a separate offense of an owner to knowingly allow a dangerous or vicious dog to run at large, whereby said action results in injury to a person or animal.
(‘70 Code, § 8.02.020) (Ord. 2896, passed 9-25-86; Ord. 6134, passed 12/6/07)

§ 90.04 KEEPING CERTAIN ANIMALS PROHIBITED.

(A) Except as provided in Section 90.06 of this Chapter, it shall be unlawful for any person to keep any wild, dangerous, vicious animal, or animal listed in Section 90.05, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or animal refuge.
(‘70 Code, § 8.02.030) (Ord. 2896, passed 9-25-86; Ord. 6134, passed 12/6/07)

(B) It is unlawful to maintain any stable or place for the maintenance of any cattle, horses, sheep, goats, pigs or swine, pigeons (except for carrier/racing pigeons), or poultry, or to house any such animals within the village, except in conjunction with the use of such animals in experimental laboratories.

(C) It is unlawful for any person to keep, cause or permit to be kept:

(1) livestock upon any residentially zoned premises within the Village or;

(2) any structure or place for the retaining, care, or shelter of any fowl or animals in an unclean, unsanitary, or filthy condition so as to produce and give offensive or disgusting, harmful, injurious, or noxious odors.
(‘70 Code, § 8.04.010) (Ord. 1010, passed 2-4-63, Ord. 4148, passed 4/11/96)

§ 90.05 DANGEROUS, VICIOUS, OR WILD/FERAL ANIMALS OR FOWL.

Dangerous or vicious animals are those animals that pose a danger or hazard to humans. Animals prohibited without a showing of danger or viciousness are: All carnivorous and omnivorous mammals, fowl, amphibians, and reptiles (except for common breeds of domestic, house cats, and dogs) including but not limited to: Lions, Tigers, Leopards, Ocelots, Jaguars, Cheetahs, Poisonous reptiles, Poisonous Insects, Primates, Wild/Feral animals and fowl, and all animals designated as an endangered species.

(‘70 Code, § 8.02.040) (Ord. 2896, passed 9-25-86; Ord. 3324, passed 11/1/90; Ord. 5545, passed 9/2/04)

§ 90.06 DANGEROUS, VICIOUS DOGS.

(A) Nuisance Declared: Each vicious or dangerous dog is hereby declared to be a public nuisance. Vicious dogs shall be prohibited from the Village and dangerous dogs shall only be kept, harbored, maintained, owed or possessed within the corporate limits of the Village in strict conformance with the provisions of this section.

(B) Report of Incidents; Investigation:

1. Any person or persons who witness an incident involving a bite, attempt to attack, or menacing behavior by any dog occurring in the Village shall file a sworn affidavit of complaint with the Police Department setting out the nature and date of the incident, a description of the dog, and,

if known, the owner of the dog and the address of the owner.

2. The Police Department, upon receipt of an affidavit of complaint, shall investigate the complaint to determine whether the dog is dangerous or vicious. If the Police Department finds that the dog is dangerous or vicious, the owner shall be notified by certified mail of such finding. No dog shall be found dangerous or vicious if the attack or menacing behavior was directed at a person who was, at the time in question, committing a willful trespass or other tort upon the premises of the owner; or was teasing, tormenting, abusing or assaulting the dog; or has in the past teased, tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

3. The owner of a dog found to be dangerous or vicious may, within seven (7) days of the mailing of notice by the Police Department, make a written request to the Police Department for a review of such finding. Such review shall be made by the Chief of Police within seven (7) days of such request and shall be based upon a preponderance of the evidence, including the sworn affidavit of complaint and any statements or evidence presented by the owner, witnesses to the incident, Police Department personnel or any other person possessing information relevant to such finding. The Chief of Police shall issue the written findings within five (5) days of receipt of the written request for review, sustaining or overruling the finding made by the Police Department, copies of which findings shall be served on, or sent to, the owner by certified mail.

4. If a dog is found to be vicious or upon three (3) findings that a dog is dangerous, said dog will be deemed to be a vicious dog, subject to all provision of Subsection (D) of this Section.

5. As provided under Section 15 of the Illinois Animal Control Act, 510 ILCS 5/15, a court of competent jurisdiction has authority to determine if a dog is dangerous or vicious and to enter a decree restraining the owner of a dangerous or vicious dog from maintaining such dog as a

public nuisance, and further decree strict restrictions on the maintaining of a dangerous dog or the humane dispatch of a vicious dog.

(C) Dangerous Dogs:

1. Requirements and Prohibitions:

(a) It shall be unlawful for any dangerous dog to leave the premises of the owner, unless such dog is securely muzzled, restrained on a leash not longer than six feet (6') in length and under the direct control and supervision of the owner; provided that, in no event shall such dog be under the direct control or supervision of any person under the age of eighteen (18) years of age.

(b) It shall be unlawful for any dangerous dog to annoy, endanger or approach in an apparent attitude of attack, or cause injury to any person or animal.

(D) Vicious Dogs:

1. Requirements and Prohibitions:

(a) It shall be unlawful to keep, harbor, maintain, own or in any way possess within the corporate limits of the Village any vicious dog.

(b) Exemptions: Notwithstanding any provisions of this Chapter to the contrary, K-9 and guide dogs shall be exempt from the provisions of this section.

(Ord. 6134, passed 12/6/07)

§ 90.07 ANIMALS KEPT PURSUANT TO STATE OR FEDERAL LICENSE EXEMPT.

Nothing in this Ordinance shall be deemed to prohibit the possession and keeping of any animal, fowl, amphibian, or reptile, kept pursuant to applicable federal or state issued, permit or license; provided the keeping of such animal, fowl, amphibian, or reptile.

remains an accessory land use as defined by the Lombard Zoning Ordinance.
(Ord. 3324, passed 11/1/90)

§90.08 TRAPPING

(A) It is unlawful for any person to set a trap to hunt animals of any kind within the Village. It is unlawful for any person to set, in land or in water, any leghold, open-jaw type trap. Notwithstanding the foregoing, live traps may be used to capture dangerous or vicious animals at large, or for the purpose of capturing and relocating wild/feral animals which have become a nuisance.

(B) The Lombard Police Department shall have the authority to furnish a live animal trap for the capture of dangerous or vicious animals or to capture and relocate wild/feral animals which have become a nuisance to any village resident who agrees to indemnify and hold the Village harmless from damages and/or losses suffered in the use of the trap, and who provides a refundable deposit of \$50.00 which may be retained in part or whole by the Village if any repair or replacement are made necessary by the renter's use of the trap or if the trap is returned in an unclean condition. The Police Department shall provide written manufacturers' instructions with each live animal trap, but shall not provide individual instruction in its use.
(Ord. 4863, passed 9-7-00)

§90.09 BUSINESSES AND GOVERNMENT AGENCIES LICENSED BY STATE EXEMPT

Businesses in possession of a valid permit, license or agreement issued by the State of Illinois Department of Conservation, Division of Wildlife, to engage in the trade of trapping, removal and/or relocation of wild/feral animals which have become a nuisance, shall be exempt from the provisions of this ordinance.(Ord. 3368, passed 3/7/91)

GENERAL PROVISIONS

§ 90.10 COLLARS REQUIRED

Any animal kept within the Village shall have a collar around its neck which shall have attached to it all tags issued as proof of compliance with state, county or local ordinances to which the animal is subject.

§ 90.11 CONFINEMENT AND REDEMPTION

(A) The Chief of Police or his/her designee shall capture and cause to be confined in an animal control center any unlicensed dogs three (3) months of age or older; any dog found running at large; any abandoned animal; any dangerous or vicious animal that has acted in a threatening or terrorizing manner or has bitten or attempted to bite a person or animal; any dangerous or vicious dog; or any animal maintained in violation of this chapter.

(B) Fees for impoundment shall be as follows:

(1) The fee for redeeming any dog or cat which has previously been implanted with a micro-chip showing ownership of the animal or for any other animal which is confined shall be \$25.00 for the first day and \$10.00 for each day thereafter.

(2) The fee for redeeming any dog or cat which is confined and which has not been previously implanted with a micro-chip showing ownership, shall be \$50.00 for the first day of impoundment and \$10.00 for each day thereafter. The first day's charge shall include the impounding fee and the implant of a micro-chip which will show the name and address of the owner for ease in future identification. After implant, the owners of such dog shall receive a current year's dog tag at no cost and the fine for any ticket issued for a first offense of running at large to a dog or cat owner shall be waived. As a condition of release, any redeemed dog, which is not inoculated against rabies, shall be inoculated by a veterinarian at the owner's expense.

(C) The Chief of Police or his/her designee shall cause any animal captured pursuant to

Subsection (A) of this Section to be confined in such a manner as to remain under the control of the Chief of Police or his/her designee for a period of not less than two (2) days from the date of capture, unless redeemed by the animal's owner. Animals not redeemed by their owner at the end of two (2) days shall be transferred to the DuPage County Animal Control Department, where said animal shall be disposed of in accordance with the rules and regulations of that office.

(Ord. 3570, passed 6/25/92, Ord. 4181, passed 7/18/96; Ord. 6134, passed 12/6/07)

DOGS

§ 90.12 VICIOUS ANIMALS: IMPOUNDMENT AND WHERE INCAPABLE OF IMPOUNDMENT.

If any vicious animal, including a vicious dog, cannot be safely taken and impounded when necessary for the protection of any person or property, such animal may be slain by a police officer or person authorized by the Village; provided, however, that in all cases where any animal so slain has bitten any person or caused an abrasion to the skin of such person, no injury shall be done to the head of the animal and it shall be the duty of the person slaying the animal to immediately deliver the carcass to a veterinarian to prepare the head and brain for delivery to the DuPage County Animal Control Department.
(Ord. 6134, passed 12/6/07)

§ 90.13 REGISTRATION.

Every owner, possessor, or person who keeps or harbors any dog within the limits of the Village shall, on or before the first day of January in each year, register such dog with the office of the Lombard Police Department, on a form that includes, but is not limited to, said person's name, address, telephone number, e-mail address and the dog's name, breed, age, and the veterinarian's name, address and telephone number, and the rabies vaccination number and date, and have affixed to such dog, a tag, with the owner's name, address and phone number, such as is commonly available at pet stores. There shall be no cost for such registration with the Village.
(70 Code, § 8.08.010) (Ord. 318, passed 6-1-31; Am. Ord. 1392, passed 6-3-68; Am. Ord. 1818, passed 8-8-74; Am. Ord. 2851, passed 5-22-86. Ord. 5248 passed 2/20/03; Ord. 6745, passed 9/6/12)

§ 90.14 METAL TAGS-Repealed Ord. 6745, passed 9/6/12

('70 Code, §8.08.020; Ord. 6134, passed 12/6/07)

§ 90.15 LEASH REQUIREMENTS.

It shall be unlawful for any person or persons owning, controlling, possessing or having the management or care, in whole or in part, of any dog to permit the same to run at large, unless such dog is securely tied by a leash, so as to effectively prevent such dog from biting, molesting, being with, or approaching any person or animal.

(Ord. 3570, passed 6/25/92; Ord. 6134, passed 12/6/07)

§ 90.16 REMOVAL AND DISPOSAL OF EXCRETA.

(A) Every dog owner shall be responsible for the removal and sanitary disposal of any excreta deposited by his dog. When accompanying the animal outside his premises he shall have on his person the suitable means for the removal of such excreta.

(B) It is unlawful for any person to cause or permit body wastes from fowl or animals to lay in the open upon any premises when the same may or does give off objectionable odors.
(70 Code, §8.08.055) (Ord. 1986, passed 8-12-76. Ord. 4148, passed 4/11/96)

§90.17 LOUD FREQUENT NOISES DECLARED A NUISANCE.

(A) It is hereby declared a nuisance for any person to keep, or permit to be kept or maintained upon any premises within the Village, any dog, cat, or other animal or fowl emitting loud, frequent, and continuous noises offensive to a reasonable person of normal sensitiveness, such that the Village receives from two (2) or more separate residences located within two hundred (200') feet of the residence or location of the offending animal, written, signed complaints of an offense occurring within a single twenty-four (24) hour period. The signature on a written complaint shall constitute agreement on the part of the signer to appear in court on behalf of the Village as a witness to the facts in the complaint.

(B) It shall be the duty of the Chief of Police or his/her designee, upon finding any dog, cat, or other animal or fowl disturbing the peace of others by emitting loud, frequent, and continuous noises offensive to a reasonable person of normal sensitiveness, to advise the owner of the such animal or fowl, or the person in charge or control of the property where such animal or fowl is kept, to exercise proper control and care of such animal or fowl to prevent it from disturbing the peace of others in such manner. If such owner or person refuses to cooperate with the Chief of Police or his/her designee, or his unable to prevent such animal or fowl from disturbing the peace of others in such manner. The Chief of Police or his/her designee shall be authorized to immediately issue a citation to such owner or person for the creation of a nuisance notwithstanding the two (2) complaint requirement of subsection "A" above. If the Chief of Police or his/her designee is unable to locate any person on the property where such animal or fowl is kept, it shall be the duty of the Chief of Police or his/her designee to take such animal or fowl into possession. The confinement and redemption provisions of Sections 90.11 and 90.12 of this chapter shall be applicable to and followed by the Chief of Police or his/her designee upon taking any animal or fowl into possession under this section.

(Ord. 3943, passed 12/15/94; Ord. 6134, passed 12/6/07)

Rabies Inoculation

§ 90.18 INOCULATION REQUIRED.

Every owner, possessor or person who keeps or harbors any dog within the limits of the Village shall cause such dog to be inoculated for rabies by a licensed veterinarian within twelve (12) months of each annual registration period which begins on January 1st.

('70 Code, §8.12.020) (Ord. 826, passed 5-25-59; Ord. 6745, passed 9/6/12)

§ 90.19 REGISTRATION REQUIREMENT.

No dog shall be registered under §90.13 unless a rabies vaccination number, along with the date of

the vaccination and the name, address and phone number of the vaccinating veterinarian is provided.

('70 Code, §8.12.030) (Ord. 826, passed 5-25-59; Ord. 6134, passed 12/6/07; Ord. 6745, passed 9/6/12)

FEEDING OF WILD/FERAL ANIMALS AND/OR BIRDS

§ 90.30 FINDINGS

9.30 - Findings. The Corporate Authorities of the Village of Lombard hereby find as follows:

(A) That wild/Feral animals and/or birds have been congregating in large numbers within the corporate limits of the Village of Lombard, particularly in residential areas, posing a danger to the health safety and welfare of those persons residing in close proximity to said congregations:

(B) That said wild/feral animals and/or birds, when congregating in large numbers, cause damage to property in and around the area where said animals and/or birds are congregating:

(C) That said wild/feral animals and/or birds are congregating in these areas as a result of the feeding of these wild/feral animals and/or birds:

(D) That said wild/feral animals and/or birds carry and/or assist in the spread of certain diseased, including, but not limited to histoplasmosis and cryptococcoses, which can infect human beings through physical contact with said wild/feral animals and/or birds, including, but not limited to, being bitten by said wild/feral animals and/or birds, by coming in contact with the droppings of these wild/feral animals and/or birds, or by coming in contact with soil that has been subject the droppings of these wild/feral animals and/or birds.

(E) That the complaints received by the Village, relative to the congregating of large numbers of wild/feral animals and/or birds within the corporate limits of the Village, have become more numerous in recent years.

(F) That pursuant to the Vector Control Act, 410, ILCS 95/2 and the Illinois Structural Pest Control Code, 77 Ill. Admin. Code, Chapter I, Section 830.410(C)(4)(C), certain animals and/or birds, including, but not limited to English house sparrows, pigeons and starlings, are defined as "pests".

(G) That 65 ILCS 5/1-2-1, 5/11-1-1, 5/11-20-5 & 5/11-60-2, grant the Village of Lombard the power to make regulations which may be necessary or expedient to promote health, safety and welfare, suppress diseases and define, prevent and abate nuisances: and

(H) That the Board of Trustees of the Village of Lombard deem it in the best interests of the Residents of the Village to regulate the feeding of wild/feral animals and/or birds, by restricting the feeding of said wild/feral animals and/or birds to specific locations in residential areas and limiting the number and size of feeding containers or receptacles.

§ 90.31 DEFINITIONS

For the purposes of this Chapter, the following words and terms shall be defined as set forth below:

FEED means any material, including, but not limited to bird feed, corn or any like or similar substance which can be utilized for consumption by wild/feral animals and/or birds to provide nourishment.

FEEDING means the spreading, casting, laying, depositing or dumping of feed on residential property within the Village.

PERSON means any natural person, association, partnership, organization or corporation.

RESIDENTIAL PROPERTY or RESIDENTIAL AREAS means any property within the Village which is currently zoned or used for residential purposes.

WILD/FERAL ANIMALS AND/OR BIRDS means any animal or bird not normally considered domesticated including but not limited to the following: gopher, chipmunk, squirrel, ground hog, rabbit, mole, field mouse, rat, eagle, pigeon vulture, sparrow, morning dove, starling or crow, and which is not currently being kept as a pet within a residence or outside in a cage.

§ 90.32 FEEDING OF WILD/FERAL ANIMALS AND/OR BIRDS PROHIBITED IN RESIDENTIAL AREAS.

Except as provided in Section 90.33, no person shall feed, or cause the feeding of, any wild/feral animals and/or birds within the corporate limits of the Village of Lombard, on residential property.

§ 90.33 EXCEPTIONS

The feeding of wild/feral animals and/or birds shall be allowed in residential areas providing the following conditions are complied with:

(A) All feed must be placed within a container, receptacle or feeder designed for the feeding of wild/feral animals and/or birds.

(B) The containers, receptacles or feeders used for feeding the wild/feral animals and/or birds shall be a size such that the maximum volume of any container receptacle or feeder is no more than one-half (1/2) cubic foot.

(C) The total volume of all containers, receptacles or feeders used for feeding wild/feral animals and/or birds per residential lot of record shall not exceed one-half (1/2) cubic foot, however, an additional one-fourth (1/4) cubic foot in volume shall be allowed for every 3,750 square feet of lot area beyond the minimum residential lot size of 7,500 square feet.

(D) No container, receptacle or feeder used for feeding wild/feral animals and or/birds shall be located within thirty (30) feet of any residential building (house, condominium, townhouse, two-flat, apartment building) other than the residential building located on the same lot as said container, receptacle or feeder.

(E) All containers, receptacles or feeders used for feeding the wild/feral animals and/or birds shall be located at least four (4) feet above ground level.

(F) The ground area beneath and surrounding the containers, receptacles or feeders used for feeding

the wild/feral animals and/or birds shall be cleared of feed on a daily basis.
(Ord. 3453, passed 9/19/91)

§ 90.34 NUISANCE DECLARED.

It is hereby declared a nuisance for any person to engage in the feeding of wild/feral animals and/or birds other than in full compliance with the provisions of this Chapter.

§ 90.35 PENALTY FOR VIOLATION

ORDINANCE REPEALED 3517 PASSED 2/6/92.

CRUELTY TO ANIMALS

§90.40 DEFINITIONS

A. An 'Animal' is any non-human mammal kept or harbored by humans within the boundaries of the Village of Lombard.

B. An 'Owner' is any individual, firm, corporation, partnership, other business unit, society, association or other legal entity who, or which, has a right of property in an Animal; keeps or harbors an Animal; or acts as the custodian of an Animal.

C. A 'Person' is any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

D. A 'Wild Animal' is an Animal described or listed in Section 90.05 of this Chapter.

§90.41 DUTIES OF OWNERS

Each Owner shall provide for each Animal:

- A. Sufficient quantity of good quality food and water.
- B. Proper shelter and protection from the weather;
- C. Veterinary care when needed to prevent suffering;
- D. Humane care and treatment.

§90.42 PROHIBITED ACTS

No person shall beat, torment, overload, overwork or otherwise abuse an Animal.

No Owner shall abandon any Animal where it may become a public charge or may suffer injury, hunger or exposure.

§90.43 ABANDONED ANIMALS

Upon complaint, the Chief of Police or his/her designee may, pursuant to the Humane Care for Animals Act (510 ILCS 70/10 and 70/12), investigate any suspected violation of this Ordinance and, if the Owner cannot be located after reasonable search, or is known to be absent due to injury, illness, incarceration or other involuntary circumstances, impound any Animal which is found to have been without food, water or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. Notice of removal of an opportunity to redeem the Animal shall be provided pursuant to Section 90.11 of this chapter.

§90.44 POISONING OF ANIMALS

No Person may knowingly poison or cause to be poisoned any animal. The only exception will be with written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmittable to humans or other Animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other Animals. Any drugs used for euthanasia shall be administered by or under the direction of a licensed veterinarian.

§90.45 EXHIBITION OF ANIMALS

No Person shall keep, or permit to be kept, or display for exhibition purposes, any Wild Animal contrary to federal, state or local laws, ordinances, rules or regulations.



Companion Animal Protection Society

Please let me introduce our organization, Companion Animal Protection Society. We are the only national non-profit dedicated exclusively to protecting companion animals in pet shops and puppy mills. Our West Hollywood California ordinance banning the sale of pet shop puppies and kittens received worldwide media coverage and was the genesis for the now growing ordinance movement in both the United States and Canada. There are ordinances banning the sale of pet shop puppies and kittens in 35 cities. Los Angeles being the biggest city so far. And just last month, Highland Park Illinois passed an ordinance prohibiting puppy mill puppies to be sold in pet stores.

Villa Park worked with us in 2012 and passed an ordinance not allowing a pet shop to open unless the building was owned or leased for at least one year. They also banned the sale of cats and dogs at flea markets, farmers markets, and parking lots. Jim's Pet World, the only pet store in their town closed after the ordinance was passed.

We initially approached the village to adopt the ordinance that Villa Park has passed, prohibiting a pet store from opening unless it has owned or leased the building for one year. We are hearing rumors that a pet shop wants to open in Yorktown selling puppies from puppy mills. There are only 6 pet shops in Dupage County that sell puppy mill puppies.

Since there is already a pet store, Happiness is Pets, in Lombard, the puppy millers feel it will be no problem to open up shop in the same town. Pet stores follow pet stores

While we certainly do not want to see Happiness is Pets "grandfathered" in, perhaps we could work together with suggestions on regulating this pet store. For example; pet stores may offer dogs and cats from licensed 501C non-profit shelters only. Petco, Petsmart, and Pet Supplies Plus already practice this. They all used to sell puppy mill puppies, but they went humane years ago. Or as someone on the committee suggested at the last meeting, maybe regulate cage sizes. There must be something we can do to stop the abuse and fraud in our town.

In 2010, in Illinois alone, over 9565 dogs and 15,796 cats were euthanized. These figures are from only 6 kill shelters. We put down one dog every 10 seconds in the United States. There are over 180,000 dogs up for adoption in Illinois right now on petfinder.com. 25 percent of the dogs up for adoption are pure breeds.

I have enclosed information about Happiness is Pets so you can see the sad truth. We would like to thank you for your consideration.

Respectfully,

Ida McCarthy
Companion Animal Protection Society
Chicago Campaign Coordinator
www.caps-web.org
Direct Line 630-479-4673
idamccarthy@yahoo.com

Chicago Tribune

The Sale of Dogs for Profit Prohibited in Highland Park



Posted By dawnrotary, Community Contributor

Macie Beans LoCascio from puppy mill mama to VICTORY in Highland Park
ADVERTISEMENT

Related Content

Posted by dawnrotary, Community Contributor

9:42 am, November 7, 2013

After months of deliberation and fact finding, Highland Park City Council has approved a text amendment to the city's zoning code. The omnibus vote came on October 28th with the Adoption of an Ordinance Amending Chapter 150, Article II of the "City of Highland Park Zoning Ordinance of 1997," as Amended, Regarding the Definition of "Kennel". "This is a huge win for my great little city", said Dawn LoCascio. "I am told that in addition to the text amendment change that limits kennels from large-scale breeding, pet stores are prohibited from selling dogs and cats by Special Use Permit in the City of HP."

Companion Animal Protection Society reports that Villa Park City Council passed an ordinance in October 2012 banning pet shops that haven't leased or owned a retail store for at least one year from selling puppies and kittens. Being a non-home rule town, they couldn't do an outright ban. However, the only remaining pet shop in the town no longer sells dogs.

Dawn LoCascio, a Highland Park resident and animal advocate first brought this issue to City Council at a February 25th meeting of the whole and petitioned the council to use it's home-rule powers to enact a ban on the sale of dogs and cats. Mayor Rotering directed LoCascio at that

meeting that the ordinance of animal sales cannot be discussed this evening, as this is an amendment to an existing Special Use Permit. "I was not going to give up", states LoCascio. "I followed up for months providing ordinance language and examples of other cities across the US that have successfully prohibited the sale of companion animals. Reputable breeders don't sell their dogs to pet stores, so where do people think the pet stores get their dogs. The answer is from puppy mills."

Animal lovers are learning more and more about puppy mills through education and awareness programs like The Puppy Mill Project. According to The Puppy Mill Project, puppy mills in America are cruel, inhumane breeding facilities that breed solely for profit. There is little to no concern for the health and well being of the animals. Puppies are often born with severe health, behavioral and socialization issues. Breeding dogs are neglected, starved and left sick and injured without medical care or relief from overwhelming pain.

LoCascio first learned about puppy mills when she adopted her boxer Macie Beans from Boxer Rebound. Prairieland Anti Cruelty in Champaign, IL received Macie Beans as an owner relinquish from an Amish puppy mill in April of 2011, and from there she was brought to Boxer Rebound. At Prairieland she was simply known as breeding female, boxer, black. It is estimated that Macie produced 60 to 80 pups in her five years as a breeding dog . Today, Macie Beans is thriving and LoCascio remains committed to putting an end to puppy mills.

CITIES THAT HAVE BANNED THE SALE OF DOGS AND CATS IN PET STORES:

Petsmart and Petco stopped selling dogs and cats many years ago.

Jack's Pets – This was one of the largest pet store chains in the Midwest.

70 Malls – Macerich, a United States Developer banned the sale of cats and dogs in all of his malls across the US.

Petland in ALL of Canada has stopped selling dogs and cats in their stores.

Puppy mills have been banned in all of Ireland.

Toronto, Canada

Los Angeles, California

Irvine California

Chula Vista, California

Albuquerque, New Mexico

Parkland, Florida

Austin, Texas

Hallandale Beach, Florida

Coral Gables, Florida

Dana Point, California

El Paso, Texas

Brick, New Jersey

Flagler Beach, Florida

Fountain, Colorado

Glendale, California

Hermosa Beach, Florida

Lake Worth, Florida

Lauderdale Lakes, Florida

North Bay Village, Florida

Opa-Locka, Florida

Richmond, British Columbia

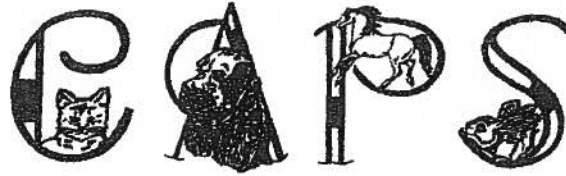
South Lake Tahoe, California

West Hollywood, California

Huntington Beach, California

Aliso Viejo, California

Laguna Beach, California



Companion Animal Protection Society



Contact:

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E-mail: wilfredo@caps-web.org
Website: www.caps-web.org

Press Release

Class Action Lawsuit Filed against Happiness is Pets
Customers take legal action with the help of CAPS, which continues to protest HIP stores and collect consumer complaints

CHICAGO, Ill. – A class action lawsuit was filed against Chicago area-based Happiness is Pets (HIP) on Valentine's Day. The story is unfolding quickly as more customers have come forward with complaints of sick puppies since the first cases of distemper were reported last month. With the help of the Companion Animal Protection Society (CAPS), six unsatisfied customers, so far, have decided to seek legal action against HIP's and store owner Ron Berning's deceptive and fraudulent practices.

The puppies sold at all five of the Happiness is Pets stores come from Midwest puppy mills - commercial breeding establishments that mass-produce puppies for resale to pet shops. CAPS has investigated some of these substandard USDA-licensed facilities before and the majority engaged in inhumane practices that violated Animal Welfare Act (AWA) regulations.

These puppies receive inadequate or sometimes no veterinary care, and typically live in filthy crowded cages with often dirty or insufficient water. Mothers are bred at every heat cycle. These puppies can carry a host of health problems that range from genetic ailments - due to inbreeding and poor screening of parents - to more severe and easily preventable viral diseases, like canine distemper.

The lead plaintiff in the lawsuit, Jane Clifford, claims the puppy she purchased from the HIP store in Arlington Heights showed signs of illness right away. Just one month after her purchase, the sick puppy required emergency room medical care. The dog was diagnosed with kennel cough, urinary tract infection, ear infection, breathing problems and general malaise. HIP typically buys directly from breeders (USDA "A" license) or brokers (USDA "B" license) who also breed and then transports them in their own truck to the stores. In this instance, HIP bought directly from a facility in Iowa that just brokers puppies.

Clifford's paperwork had the breeder's name but only the USDA license number and a post office box address for the broker. She was confused by this information and erroneously thought the broker had bred her puppy.

CAPS examined her paperwork and explained the information. The October 2011 USDA inspection report for the Iowa breeder, who had 81 adults and 47 puppies, had three pages of violations. The inspection report cited a Pug with green crusty material around the eyes and Dog #163 with a mass the size of a baseball in the area of the right mammary gland.

The puppy belonging to plaintiff Stephanie Castillo was diagnosed with microvascular dysplasia, a disease passed on from one or both parents. According to the paperwork given to her by the HIP in Oak Lawn (now closed), the Iowa breeder, who had 90 adult dogs and 124 puppies at her USDA inspection in May 2011, was the same breeder linked to at least one of the distemper cases.

Bryan Phillips - who initially took his story to the media and was featured in several local news segments - bought his puppy at the Naperville store and has repeatedly spent thousands of dollars in veterinary care. Berning claimed that it was "an extremely isolated incident" and in turn blamed the outbreak on "a potential customer's own dog. Puppies get distemper because they don't have passive immunity from their mothers. They are not safe from viral diseases, such as distemper until they receive the entire series of vaccinations. This means that the breeders supplying puppies to HIP are not properly vaccinating the mother dogs. Phillip's dog came from the same breeder in Iowa that supplied Castillo's puppy.

The stores purposely provide little information about the breeders and brokers, even to paying customers like Jessica Kernan - another plaintiff in the lawsuit. HIP in Arlington Heights refused to give Jessica any additional facts, even though she demanded more information about the breeder several times after her puppy was diagnosed with kennel cough and loss of appetite. The Iowa breeder for Kernan's puppy had 110 adults and 24 puppies at the USDA inspection in October 2011. The June 2010 inspection report for this breeder stated that the feed pans had wet rain soaked feed with standing water in the receptacles.

Lissett Dzieglio and Mark Jillich purchased their puppy at the Naperville store. Within days, the puppy started showing pneumonia symptoms and was subsequently diagnosed with distemper. The June 2011 USDA inspection report for their puppy's Missouri breeder, who had 93 adults and 30 puppies, had four pages of violations, including a Rottweiler with a swollen ear flap that was the size of a ping pong ball that that the licensee was unaware of and for which he had not consulted a veterinarian.

The plaintiffs are represented by the Clinton Law Firm in Chicago and seek a jury trial. It is important that any other person or persons in a similar situation come forward with their story. "We seek relief for all persons who were misled by Happiness is Pets as to the true health and breeding history of its puppies. This is the essence of the lawsuit," said attorney Stephanie A. Capps. We encourage anyone who has purchased a sick puppy from Happiness is Pets to first fill out the CAPS online complaint form at www.caps-web.org and to then call The Clinton Law Firm at 312-357-1515 or email attorney Stephanie Capps at sacappslaw@yahoo.com.

Founded by President Deborah Howard in 1992, the Companion Animal Protection Society (CAPS) is the *only* national nonprofit organization dedicated exclusively to protecting companion animals from cruelty in pet shops and puppy mills. CAPS actively addresses the abuse and suffering of pet shop and puppy mill dogs through investigations, education, media relations, legislative involvement, puppy mill dog rescues, consumer assistance and pet industry employee relations.

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THE HUMANE SOCIETY
OF THE UNITED STATES

JANUARY 19, 2012

Puppies Infected with Distemper Linked to Two Pet Stores in Illinois

The HSUS Warns Public About Potential Disease Outbreak Stemming from Naperville and Downers Grove Locations of Happiness is Pets

The Humane Society of the United States has received confirmation of two cases of canine distemper in puppies recently purchased from a pet store chain in the greater Chicago area. The HSUS urges consumers who have recently handled or bought puppies from the Happiness is Pets Naperville or Downers Grove stores in the past two months to be vigilant for any sign of illness in their dogs. If a health concern arises, a veterinarian should be immediately consulted and told about possible exposure to the virus.

“Canine distemper is potentially deadly and is highly contagious to other dogs,” said Kristen Strawbridge, The HSUS’s Illinois state director. “We need to get the word out to the pet-loving public who may be inadvertently exposing their pets to this virus by coming in contact with one of these puppies at a dog park or handling or buying a puppy from the Happiness is Pets Naperville or Downers Grove stores.”

One of the puppies confirmed to have distemper was purchased in December and is still recovering under a veterinarian’s care. The second was purchased in early January and has since died. Caseworkers with The HSUS’ Puppy Mills Campaign are in the process of reviewing additional unconfirmed reports regarding sick puppies purchased from Happiness is Pets.

The HSUS urges anyone who has recently purchased a sick puppy from a pet store, or whose dog has been exposed to such a puppy, to inspect your dog for any signs of illness. Signs of Canine Distemper may include fever, loss of appetite, eye and nasal discharge, or respiratory distress and diarrhea. Consumers who have bought sick puppies from pet stores may report the problem to the IL state Department of Agriculture as well as to The HSUS [here](#).

Update: The HSUS has received new reports of puppies sold at five different locations of Happiness is Pets that have been sickened or killed by the canine distemper virus, bringing The HSUS’ tally to 10 puppies affected in this outbreak.

Background:

- Unfortunately, if the outbreak is linked to puppy mill sources, it would not be the first Distemper outbreak of its kind. Poor veterinary care standards at puppy mills that sell to pet stores may be to blame.
- For example, in December 2010, the Associated Press reported that approximately 1,200 dogs at a puppy mill in Kansas were euthanized by state authorities after puppies who had been shipped from the facility to pet stores in Wyoming tested positive for Distemper. The owner of that facility, Jeff Fortin, had a history of documented [Animal Welfare Act](#) violations for unsanitary conditions and inadequate veterinary care.

- The HSUS recommends never purchasing a puppy from a pet store because many of them come from puppy mills, where sanitation problems and disease outbreaks are common.
- The HSUS urges people who want to get a puppy to consider adopting from a shelter or rescue group first. If deciding to buy from a breeder, potential buyers should always visit the breeder in person to see that the dogs are treated humanely and ensure the puppies and their parents are living in spacious, clean areas. For more information, see www.humanesociety.org/puppy

Media Contact: Jordan Crump, 301-548-7793, jcrump@humanesociety.org

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The Humane Society of the United States is registered as a 501(c)(3) non-profit organization. Contributions to The Humane Society of the United States are tax-deductible to the extent permitted by law. The HSUS's tax identification number is 53-0225390.

After speaking to almost 200 people last year, here are the diseases the dogs were sold with:

Pneumonia, Liver Shunts, Hip Dysplasia, Perthes Disease, Distemper, Mouth Cancer, Tumors, Microvascular Dysplasia, Kennel Cough, Blindness, Umbilical Hernia, Urinary Tract Infections, Giardia, Behavior Issues, Wrong Breeds, Bacterial Infections, Mange, Skin Problems, Pelvic Bladder, Digestive Problems, Head Seizures, Hip Problems, Encephalitis, Yeast Infections, Luxating Patellas, Allergies, Thyroid Problems, Aural Atresia, ACL Surgeries, Cherry Eyes, etc.

A few people bought a dog during the distemper outbreak and when they brought the puppy home, the dog they already had caught distemper and died.

This is an ongoing issue, we receive complaints almost weekly.

JULY 8,2013

Hello my name is Molly Bina.

I am nineteen years old and worked at Happiness is Pets in the Naperville location at two separate time periods, November 2010 to February 2011 then from November 2011 to August 2012. I was let go the first time due to the store not having enough hours to give me. I left on my own accord the second time due to the discovery of what the company I worked for really was. I was a kennel technician and during the summer of 2012 I was managing the store occasionally, which included selling the puppies, closing the store, working as the manager, and overseeing the Kennel Techs.

During my time there I witnessed many horrible things. I worked under Christian Berning who was the assistant manager at the time. My general manager who is still a dear friend of mine was Shelly Castleton. Please do not contact her or bring her into this case, she has left the company for good under similar reasons as mine. The case of distemper with the dasuchand come to be in December 2012. We received phone calls and text messages from friends and family about seeing our store on the news and in the newspaper about the doxie's family wanting to bring the company to court. The same "batch" of puppies that were around the Doxie at the time magically vanished one day. I remember personally handling and taking care of the Doxie while it was at happiness.

I was closing one night and all of the Berning brothers and their wives were in the store which was extremely odd. Kelly, Chris Berning's wife, had hinted to me that something was going to happen. When I came into work the next morning every single puppy in the store, estimated around 30-40 puppies, were gone. We had brand new puppies for sale. Nowhere near 30-40, though. I was told they came from Arlington, Downers Grove, and the Lombard stores. I was interested in purchasing a black pug puppy from this batch of puppies and became intensely worried of his whereabouts when I came into work the next morning, along with all the other dogs that were gone. Chris informed me they were sent to a veterinarian in Tinley Park but did not give me the name or contact information so I could get in touch with the office. Instead, he said he'd call for me and find out if my pug was still there. I was told he was adopted. I became suspicious that out of 30-40 puppies, my pug was adopted the very next morning. We were told all the puppies were taken because of an outbreak in kennel cough and the entire store had to be

disinfected.

I remember the protests, but they typically happened on weekends and I worked monday-friday 3-9 every single week. I was told stories of my manager flipping off the protestors and saying that they were "animal obsessed lunatics" who believe in "Kill the human, save the dog." We were told to say certain things to customers who asked about the distemper case but I don't recall at the time what exactly they were.

As with most business's, we were to lie to get a sale. "No, cocker spaniels don't need to be groomed. Yes, Lab's don't shed. No, your puppy won't teethe." Anything to get a sale. I was once scolded by my boss for informing a customer that this certain king charles cavalier doesn't get along with other dogs. I was simply telling the customer the truth to avoid any problems once they brought the puppy home. We were not to take back any puppies after they were sold unless the dog had serious health reasons or allergies. We were also not supposed to tell the customers that they could return the dog because of allergies, for i was scolded once for this as well.

Dogs were marked down in price based upon their age. The lowest a dog would go would be about \$98. These dogs were sold based off of pity. Typically a dog would get to \$298 or \$198 before it was sold if no one really wanted it. We had a doberman that no one wanted because its ears weren't cropped that overgrew its cage to the point where we had to transfer it store to store because people witnessed how uncomfortable he was.

I was told that our store had faulty heating and cooling systems, but chris finally confided in me that his father was just cheap. In the winter small dogs such as chihuahuas would shiver. We were not allowed to put any bedding in their cages and were told that it could pose a health risk if they shredded it. In the summer long haired dogs such as shih tzus would overheat and we were forced to spray them (along with ourselves) in spray bottles filled with water or dunk them in sinks of water to cool them down.

During the protests, we installed security cameras in every store of the back door. Apparently someone tried to break into the stores. They never received proof that this happened but the security cameras are still there and constantly running.

Every monday we would receive "shipments" of puppies. these dogs would come in a unmarked white van at the mobile gas station parking lot next to the store. Different men would come with the

dogs, but occasionally my boss Chris would deliver them. They were overcrowded into small cages with no water. The back of the van had no AC or Heat. The entire back stunk like urine and feces. The dogs were extremely dirty and had urine stains and tear stains in their faces. We were given puppies two to three at a time and assembly line them into the store for an immediate bath. We had to sign a sheet after taking the puppies. Many of the puppies we received already had health problems. They all had bands around their necks that indicated the breeder they were from, their ID, their Breed, their birthday, and their gender. Many of these dogs with thick necks such as bulldogs had overgrown their bands and had skin folding over it or red marks where the band was pressing into their skin. Other small dogs such as Chihuahuas and Pomeranians had too small of necks so their bands were sometimes stuck around one leg or stuck in their mouth. Some of the many health problems these puppies came in included ruptured hernias (sometimes they were already sewn and fixed, other times they were freshly ruptured) luxating patellas, mites, ticks, fleas, heart worm, cataracts, cherry eyes in Boston Terrier's and pug's, and many behavioral issues.

These behavioral issues included anxiety, stress, aggression, and fright. It took about 4 days of coaxing and attention to fully make the dogs appear to be a happy puppy. They spent their first day sleeping, and the next few days shaking over sounds, movements, or being taken out of the cage. We were told to tell customers it was because they "missed their mommies."

We received many puppies from Levi Graber. I met him once because he dropped off a few puppies at the Naperville location a very hot day in July. The puppies were in an unconditioned part of the van without water. I mistakenly questioned Levi about their conditions and was reprimanded for it.

We had a few vets that would come in after we got our puppies. One vet who was the most common assembly line checked the puppies, and more times than I can count missed many major health problems. He would check each puppy for about 10 seconds. That was the "health guarantee" happiness told their clients. The only two vets I remember that checked the puppies were Dr. Baumgartner and Dr. Chestnut. I only remember them because they actually cared for the dogs. The main vet that came did not. They all came from Naperville Animal Hospital. Any puppy at the store that was sick was to be sent to NAH as well, as we affiliated with them.

Many of the small breed dogs we received had eating problems. We gave them a supplement called Nutrical through a syringe twice a day if they refused to eat. They were put on a "picky eaters list." A few dogs I had to syringe feed them wet food because they refused to eat. This affected Chihuahuas, Yorkshire Terriers and Pomeranians the most. They often died (I can recall six or seven dogs dying at the store while I worked there. Most of the puppies that refused to eat were "back to breeder dogs." This meant they were to stay in the back room until they were to be picked up and sent back to the breeder.

When a dog appeared to be sick, we were to "neb" them. This entailed sticking them in a kennel in a garbage bag and essentially suffocate them with a steam of a nebulizer for 30 minutes, which was the liquid found inside a IV bag. We also gave every puppy three liquid medications, whether they were sick or not. They were yellow, white and brown. Amox, Doxy, and The third one I cannot remember the name of. I was also unlicensed to give microchips and vaccinations but was to do it anyway. I gave DA2 and CPV shots. Many of the little dogs vomited after giving the CPV.

Many of my time working there was a blur and I have blocked out of my memory because of shame. I quit Happiness right after coming back from Vacation in August 2012. I am currently a dog groomer and own a rescue Guinea Pig, rescue Tortoise and two rescue dogs. I help coordinate adoption agencies and rescue groups to come to the Naperville Petco. I volunteered at both the Naperville Humane Society and ADOPT. I am immensely ashamed and guilty that I worked at such an evil company for so long and would be honored to testify any and all information of events and treatment of puppies while I worked there. It is hard to recall all that happened but I will try my absolute best to answer any questions. At the time working there two good friends of mine were also Kennel Techs. They do not want their names in the case. But they are helping refresh my memory about my time there. I currently associate with someone who still works at the Naperville store who manages there a few nights a week. We are good friends and he would openly let me into the store and even into the back room along with the area where the puppies are kept, no questions asked. I will not disclose any information to him regarding my involvement in the case.

Let me know if you have any questions about the information I have told. Everything in this email is the entire truth and are told to the best of my knowledge and memory of the incidents. I am willing to testify in a court of law that all of this information is true.

From: Brianna Hayden [mailto:brihayden@yahoo.com]
Sent: Tuesday, July 9, 2013 12:54 PM
To: support@caps-web.org
Subject: Complaint form from Brianna Hayden

About the Customer:

First Name: Brianna
Last Name: Hayden
Email Address: brihayden@yahoo.com
Your Phone: 8153700748
Address Line 1: 133 Old Farm Mid. Court
Address Line 2:
City: Bradley
State or Province: Illinois
Zip or Postal Code: 60915
Country: United States
How should we contact you?: E-mailPhone

About the Shop:

Shop Name : Happiness Is Pets
Shop Address Line 1: 15647 94th Ave
Shop Address Line 2:
Shop City: Orland Park
Shop State or Province: Illinois
Shop Zip or Postal Code: 60462
Shop Country: United States
Name of shop country if other?:
Shop Website: <http://www.happinessispets.com/>
Shop Email Address:

About the Breeder:

Breed: Maltese Pomeranian
Sex: Male
Date of Birth (yyyy/mm/dd): 2013/05/24
Date of Purchase (yyyy/mm/dd): 2013/07/02
Date of Death (if applicable - yyyy/mm/dd):
Price (if known): 1,300
Breeder: Laura/Lavern Eicher
Broker:
Registry:

The Situation:

Diseases and Illnesses: Possible Glucose Storage Disease, upper respiratory infection, anemic, hypoglycemic

When did illnesses begin and end?: Begin first day of purchase and still existing. This has been one of the hardest weeks in my life, friends please read & share. Often when visiting Orland Park, IL I stop by a pet shop called "Happiness is Pets", if you know me I love animals especially dogs. Last Tuesday, I went into this pet shop & fell in love with a tiny "Shih Tzu Pomeranian", he was so sweet and adorable. My husband and I are newly weds and decided to purchase him, it was the start to our new family. My new baby, Sully, was 10 weeks old and a whopping 1 lb. He was a hefty investment financially, but I had been wanting a dog for so long, we caved. I was given Sully's paper, saying he had no medical issues and was ready to go, we are so happy. That night I noticed Sully had a snotty nose, with bubbles producing, I guessed it was a tiny cold. The next day, my poor pup was tired and I researched that it could be due to the big move, in the middle of the night I was waking up to tiny yelps and decided I would take Sully to the vet in the morning to make sure he was O.K. That morning disaster hit, Sully could barely move, he had urine all over himself, I was crying rushing him to the vet when he then started seizing. The vet rushed him to the back & as she closed the door I overheard them asking where we got him, she replied in a sarcastic tone "Our favorite place, Happiness is Pets". She came back in to explain to me this chain that has been "family owned and running" had many ill "puppy mill puppies". Sully wasn't healthy like his papers said, 1) He had an infection 2) He was anemic 3) He was the runt of his litter 4) He WASN'T even the breed they had him listed as, he was a Pomeranian Maltese, which meant he was prone to other diseases and disorders I hadn't even prepped myself for, he wasn't going to be the 12 lb size they told me, but rather 4 lbs, if he was lucky. It may sound cute to have such a tiny dog, but a lot of health risks happen with such small dogs. Sully went into hypoglycemia, his glucose was so low that had I waited 30 minutes later, he would've died. The pet store told me with his size to feed him only once or twice a day because his stomach would be upset, they couldn't have been more wrong...with him being anemic and a baby he needs 4-6 small meals a day. After a 9 hour day at the local animal hospital, they told me Sully would probably not make it through the night. Terrified, exhausted, we rushed Sully an hour and half to the U of I, I was vomiting I was so exhausted and didn't get home until midnight, Sully had to stay there over night. The next day we received a phone call to pick up Sully and that he was fine and stable again, we were so relieved. For the next two days my husband and I took full time shifts watching him and feeding him every two hours. I angrily called the owner of "Happiness is Pets" and all he said was "If your puppy dies, I can get you another one, but no refund". Another puppy? Sully was an individual, I chose him because I felt a connection to him. I slept a total of 9 hours in three days, missed work, skipped meals to help him, he was my baby. It seemed as if Sully was finally in the clear, playing and so energetic, I was crying tears of joy. Then this morning, DAY 6 of owning Sully, while at work my husband calls saying Sully was consistently vomiting. My husband had to call off work and rush Sully once again to the ER, when we went back hours later, Sully was even skinnier before, he looked so bad, we were told Sully might have a rare disease called Glucose Storage Disease, which was due to IMPROPER breeding-even though "Happiness is Pets" claimed to have certified breeders, this disease has no fix, basically Sully would have to be euthanized within a couple weeks or

only have a possibility of living a suffering life only up to a year. I searched for hours to find the breeders number, the breeder was ignorant, telling me that they couldn't confirm or deny that Sully was not a Shih Tzu or Maltese, even though they remembered which puppy he was because he was so tiny, TOO tiny and also that his mother suffers from hypoglycemia (SO WHY! IS SHE BREEDING?). The vet said we wouldn't be selfish to put Sully down, he is lethargic, prone to seizures and was abnormal. Tonight we chose to have Sully stay with a vet who volunteered to watch him over night, since he needs to be eating every two hours throughout the night--which he is so weak, he doesn't want to eat. This is our last hope, we were told he may not make it through the night, even if he does we have to most likely put him down. He has been our less than ONE week. Someone asked me why I cared about a dog I only knew for a few days, this dog has been like my child, he was my newborn. I mothered him through pain, no sleep, through panic and tears. I have slept next to him, held him in his pain, tried to comfort him, feed him by hand, provide him with proper care. I love him. In a few days I have spent over 1,300\$ in vet fees, but the money isn't the importance of that matter. Sully became a part of my tiny family, I got 6 days of loving him and half that time he was sick and hospitalized. I had anxiety constantly and kept telling myself, it's worth it...he will be ok...but I'm here and I was told my baby could die at anytime. I fell into the trap of puppy stores, most puppy stores get their dogs from puppy mills. I found out Sully's breeders own over 50 adult dogs and not including the puppies they have which they can't even remember or confirm the breeds.

Hereditary Defects?: Possibly Glucose Storage Disease caused from hereditary problems with father, hypoglycemia issues in mother, was told wrong bred at pet store causing problems with diagnosis, anemic, runt of the litter

Did the pet shop or kennel recommend this vet?: No
Veterinary expenses to date: 1,300

How did you hear about this pet shop, kennel or online merchant?: Saw when driving by

Enter Description Here: No blankets in cages, no food, a lot animals seem tired and surrounded by feces

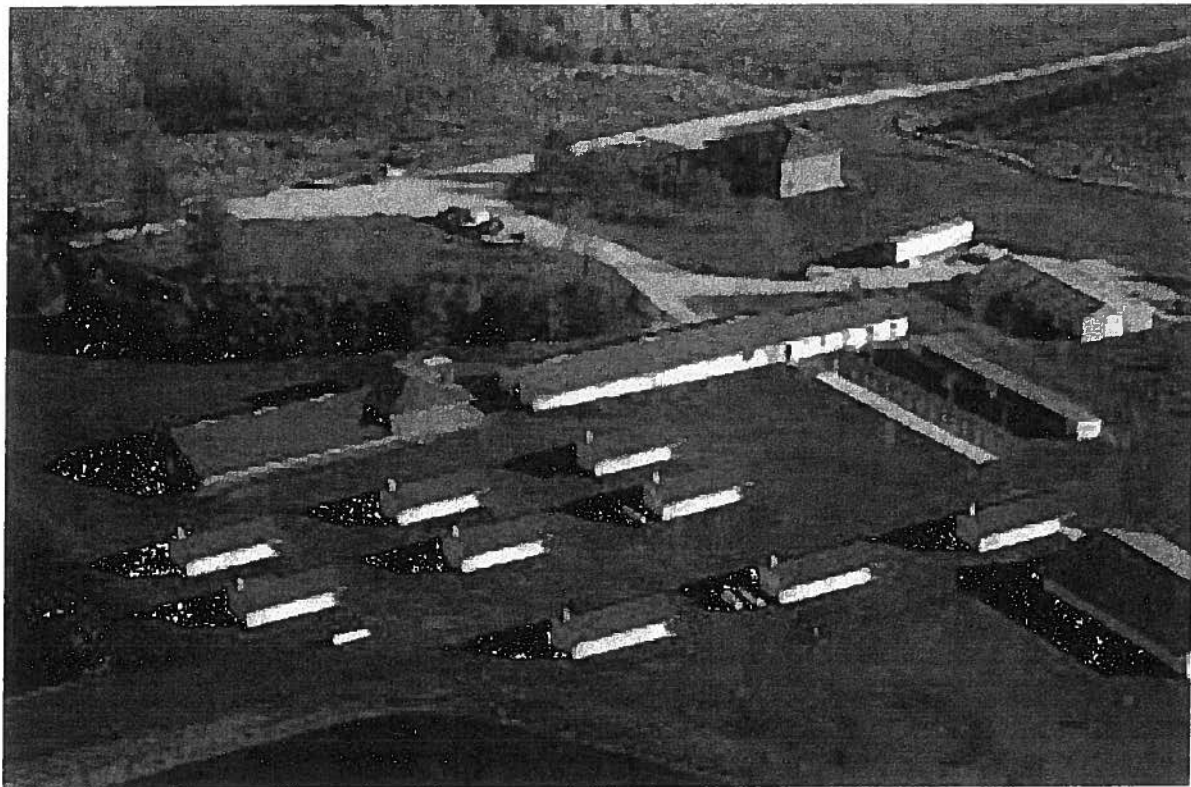
Was this an online purchase?: No

:

HAPPINESS IS PETS BREEDERS

**INSPECTION REPORTS AND PICTURES OF
THE PUPPY MILLS**

STEVE KRUSE – STONEHEDGE KENNELS IOWA
THIS FACILITY HOUSES OVER 1000 DOGS
THE USDA FOUND NO VIOLATIONS
HAPPINESS IS PETS MAIN SUPPLIER OF PUPPIES





Inspection Report

STEVE KRUSE

Customer ID: 9245

Certificate: 42-B-0182

Site: 001

STEVE KRUSE

STONEHENGE KENNEL

2345 HWY 16

Type: ROUTINE INSPECTION

Date: Feb-22-2012

WEST POINT, IA 52656

This inspection and exit briefing conducted with the owner.

No non-compliant items identified during this inspection.

End of report.

895 DOGS
263 PUPPIES

OVER 1000 DOGS AND
NO VIOLATIONS ???

Prepared By:

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I.

USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR

Inspector 4041

Feb-22-2012

Received By:

(b)(6), (b)(7)(c)

Date:

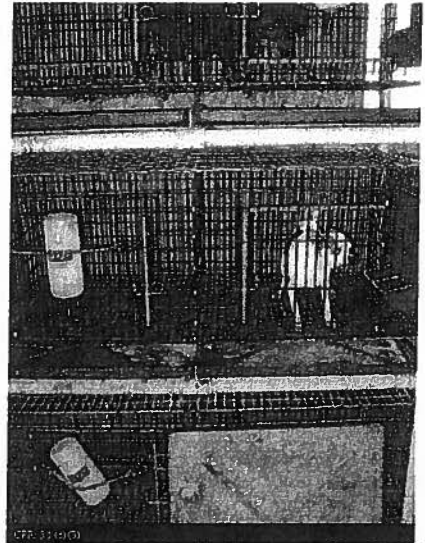
Title:

Feb-22-2012

MARTY & KEELEE GADIENT PUPPY MILL



Photographer: Chad Moore Legal Name: KEELEE GADIENT Registration: 42-A-0707
 Photo Taken: Tue, Aug 24, '10 Address: Marty 2 00
 Inspection: 23612155225C100
 Description: feces and urine smeared on back half of dog enclosure at Buchanan Street location
100A112009001



Photographer: D Waters Legal Name: KEELEE GADIENT Registration: 42-A-0707
 Photo Taken: Tue, May 4, '10 Address: 0000
 Inspection: 125101823463122
 Description: Accumulation of dirt and grime on sitting and eating surfaces at Buchanan name
100A112009001



Photographer: D Waters Legal Name: KEELEE GADIENT Registration: 42-A-0707
 Photo Taken: Tue, May 4, '10 Address: 0000
 Inspection: 125101823463122
 Description: Puppy feces passing through wire with feces large a flush for size of puppy
100A112009001



Photographer: Chad Moore Legal Name: KEELEE GADIENT Registration: 42-A-0707
 Photo Taken: Tue, Aug 24, '10 Address: Marty 2 00
 Inspection: 23612155225C100
 Description: Excessive feces outdoor run at Goose Park facility
100A112009001



Inspection Report

KEELEE GADIENT
MARTY GADIENT

Customer ID: 6872
Certificate: 42-A-0707
Site: 001
MARTY AND KEELEE GADIENT

GADIENT KENNELS
512 BUCHANAN

Type: ROUTINE INSPECTION
Date: Aug-24-2010

CASCADE, IA 52033

2.40 (b) (2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

1. The intact male golden retriever had excessive amounts of brown and black discharge coming from its right ear. The animal was housed in an outdoor run with three female golden retrievers. Additionally, the animal had matted fur directly below its right ear. This animal's condition, if left untreated, could progress into something more serious.
2. The neutered male golden retriever had matted fur over majority of its back. The animal was housed with a female Basset hound beagle cross. Excessive fur matting can lead to skin lesions.

Contact the facility's attending veterinarian within 24 hours regarding these animals' conditions. Follow any instructions and/or prescribed treatments to promote animal health.

3.1 (c) (3) REPEAT

HOUSING FACILITIES, GENERAL.

(3) Cleaning Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with Sec. 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted industry standards and practices.

There were excessive amounts of feces and grime smeared on the back walls of seven enclosures (containing approximately 5 adult females and 26 puppies) at the Buchanan facility location. Additionally, excessive amounts of feces were present along the back walls where the walls meet the wire floor. Feces can serve as a reservoir for disease causing hazards that affect animals.

Prepared By:	CHAD T MOORE, A C I		
	CHAD T MOORE, A C I	USDA, APHIS, Animal Care	Date:
	ANIMAL CARE INSPECTOR	Inspector 1046	Aug-24-2010
Received By:	[Redacted]		
	[Redacted]		Date:
	[Redacted]		Aug-25-2010



Inspection Report

Clean and sanitize the affected surfaces and repeat daily to promote animal health.

3.2 (c)
INDOOR HOUSING FACILITIES

(c) Lighting. Indoor housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats... Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals.

Five fluorescent lights were not working in the indoor building containing dogs at the Goose Hill facility location. The lack of lighting makes it difficult to observe the dogs, clean the facility/enclosures, and to perform other housekeeping practices.

Repair and/or replace the affected lights facilitate good husbandry practices.

To be corrected: 8-31-10

**3.11 (a)
CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.**

(a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily... to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

The six outdoor dogs runs (including outdoor buildings) containing 16 dogs were littered with feces, dog hair, old straw particles, and food wastes. The outdoor runs had numerous piles of feces throughout them. The floors of the outdoor buildings were particularly filthy. Each of the concrete floors in these buildings were partially to fully covered with a layer of feces and dog hair. Several piles of old (white in color) feces were also present on the floors of each of these buildings. Approximately 3 to 4 inches of feces, straw particles, and dog hair covered the floors of the wooden dog house structures in 2 of the outdoor buildings (1 containing 3 Siberian huskies, and 1 containing 1 standard poodle, 1 Siberian husky, and 1 golden retriever). Feces can serve as a reservoir for disease causing hazards that affect animals.

Thoroughly clean the outdoor runs and buildings and repeat daily as prescribed to promote animal health.

To be corrected: 8-31-10

Prepared By:	CHAD MOORE, A C I		
Title:	CHAD T MOORE, A C I	USDA, APHIS, Animal Care	Date:
	ANIMAL CARE INSPECTOR	Inspector 1046	Aug-24-2010
Received By:	(b)(6) (b)(7)(c)		Date:
Title:			Aug-25-2010



United States Department of Agriculture
Animal and Plant Health Inspection Service

000001
236101650290100 Insp id

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**3.11 (d) REPEAT
CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.**

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

Mouse feces littered the ledges of the outdoor buildings that are used as shelters for the dogs at the Goose Hill facility location. Additionally, swarms of flies were present on the accumulating feces of the outdoor dog runs, inside of the outdoor buildings where the dogs were fed, and all over the outdoor buildings themselves. The facility does not currently have an effective pest control program to control the fly and mouse populations. Mice and flies can carry many disease causing hazards that affect animals.

Establish, implement, and maintain an effective program to control the mouse and fly population to promote animal health.

**3.12 REPEAT
EMPLOYEES.**

Each person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) maintaining dogs and cats must

have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide for husbandry and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

Only the owner is caring for the 221 adult dogs and 58 puppies at both facility locations. It is apparent with the number of violations and repeat violations documented on this and other reports, that the number of employees is insufficient to properly care for the all the medical and husbandry needs of these animals. The number of animals at the facility need to be reduced and/or additional employees need to be hired.

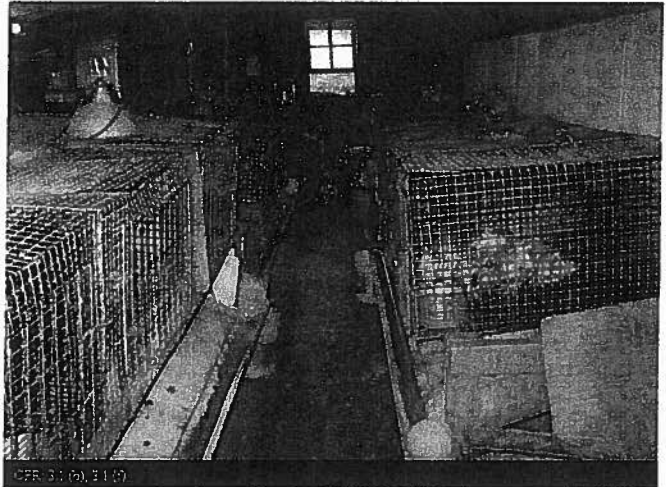
Note: Chad Moore, ACI, USDA, APHIS, AC, Najaun Davis, VMO, USDA, APHIS, AC and Dick Watkins USDA, APHIS, AC conducted the inspection with the undersigned facility owner on 8-24-10. The inspection exit interview was conducted with the undersigned facility owner on 8-25-10.

**221 DOGS
58 PUPPIES**

Prepared By:	CHAD MOORE, A C I	
	CHAD T MOORE, A C I	USDA, APHIS, Animal Care
Title:	ANIMAL CARE INSPECTOR	Inspector 1046
Received By:	(b)(6) (b)(7)(c)	
Title:		

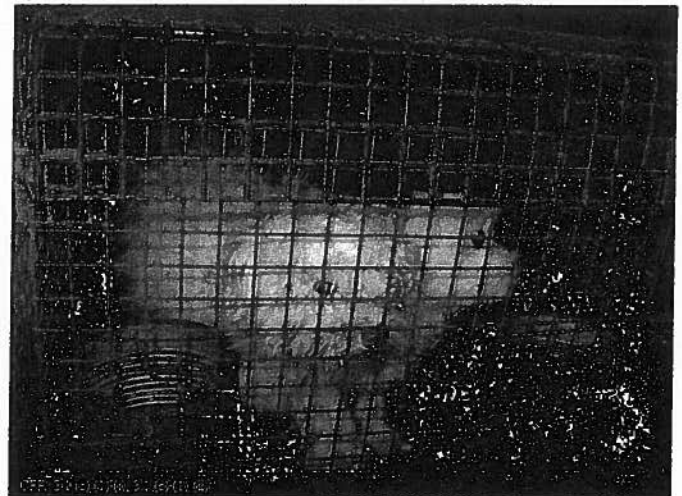
Date:
Aug-24-2010
Date:
Aug-25-2010

LEROY & GERTRUDE KRUSE PUPPY MILL



Photographer: John J. Lies, ACI Legal Name: GERTRUDE KRUSE Registration: 42-A-0181
 Photo Taken: Mon. Aug 30, '10 P.M. LEROY KRUSE
 Inspection: 242101541430001
 Description: 3.1 (c)(1)(i) Housing General Surfaces: Rusted surfaces unable to properly clean and/or affects structural strength. 3.1 (c)(1)(ii) Food and water receptacles have sharp edges. FOIA#11-282000755

Photographer: John J. Lies, ACI Legal Name: GERTRUDE KRUSE Registration: 42-A-0181
 Photo Taken: Mon. Aug 30, '10 P.M. LEROY KRUSE
 Inspection: 242101541430001
 Description: 3.1 (b) Condition & Site: Facility needs to be cleaned to remove clutter, dirt, hair, grime. 3.1(f) Waste disposal Buckets used to collect waste from washouts. FOIA#11-282000755



Photographer: John J. Lies, ACI Legal Name: GERTRUDE KRUSE Registration: 42-A-0181
 Photo Taken: Mon. Aug 30, '10 P.M. LEROY KRUSE
 Inspection: 242101541430001
 Description: 2.40 (b)(2) Veterinary Care: Dog with bad eyes and dog with no teeth. FOIA#11-282000722

Photographer: John J. Lies, ACI Legal Name: GERTRUDE KRUSE Registration: 42-A-0181
 Photo Taken: Mon. Aug 30, '10 P.M. LEROY KRUSE
 Inspection: 242101541430001
 Description: 3.1 (c)(1)(i) Housing General Surfaces: Rusted surfaces unable to properly clean and/or affects structural strength. 3.1 (c)(1)(ii) Food and water receptacles have sharp edges. FOIA#11-282000722



Inspection Report

GERTRUDE KRAUSE
LEROY KRAUSE

Customer ID 5289
Certificate 42-A-0181
Site: 001
LEROY & GERTRUDE KRAUSE

KRAUSE KENNEL
3389 HICKORY AVE

Type: ROUTINE INSPECTION
Date: Oct-18-2011

SALEM, IA 52649

2.40 (b) (1) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

** One Yorkie micro-chip #086-275-293 was observed with its tongue hanging out on the right side of the mouth and excessive salivation. Looking into the mouth revealed missing teeth and the remaining canine and cheek teeth had a yellow/brown build up on the teeth. The dog was in good body condition and was observed eating. The dog needs to be evaluated by the attending veterinarian (1 week) to determine if treatment is necessary. The owner with the attending veterinarian needs to develop a dental treatment and prevention plan for the kennel to prevent dental problems with the dogs in the kennel and to contribute to the health and well-being of the animals. To be corrected by: 10-25-11.

3.1 (b)

HOUSING FACILITIES, GENERAL.

(b) Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices and research needs.

** One table in the kennel was full of bottles, containers, and other materials that were covered in dirt, and spider webs. This does not demonstrate proper husbandry practices. Dirty equipment can transfer disease hazards to the animals. The owner needs to remove the material that are not used in the kennel and the other material cleaned and stored in a neat manner to demonstrate proper husbandry practices and to contribute to the health and well-being of the animals. To be corrected by: 11-01-11.

Prepared By: JOHN LIES, A.C.I.

Title: JOHN J LIES, A.C.I. USDA, APHIS, Animal Care
ANIMAL CARE INSPECTOR Inspector 4041

Date:
Oct-19-2011

Received By: [Redacted]

Title: [Redacted]

Date:
Oct-19-2011

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf



Inspection Report

3.1 (c) (1) (i)

REPEAT

HOUSING FACILITIES, GENERAL.

(i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface;

** No fewer than 6 enclosures are made of bare wire. The enclosures made of coated wire have metal front gates and one enclosure had a piece of lin in the back of the enclosure. The metal surfaces are rusted to the point that the surface of the wire and metal is pitted and prevents the required cleaning and sanitizing. In some of the enclosures the wire is rusted through affecting the structural strength. The bare wire cages and metal gates need to be treated, repaired and/or replaced to restore the surface of the wire and/or metal so the surfaces can be properly cleaned and sanitized. All surfaces must be free of excessive rust that prevents the required cleaning or that affects the structural strength of the surface.

3.1 (c) (1) (ii)

DIRECT NCI

HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. Interior surfaces and any surfaces that come in contact with dogs or cats must:

(ii) Be free of jagged edges or sharp points that might injure the animals.

** No fewer than 4 enclosures containing 11 dogs had wire points inside of the enclosures that the animals could come into contact with and might injure the animals. The owner needs to evaluate all of the enclosures and remove sharp points and/or jagged edges that might injure the animals. All surfaces that come into contact with the dogs must be free of jagged edges or sharp points that might injure the animals. To be corrected by: 10-20-11.

3.1 (c) (2)

HOUSING FACILITIES, GENERAL.

(2) Maintenance and replacement of surfaces. All surfaces must be maintained on a regular basis. Surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

** One enclosure containing 1 adult dog and 3 puppies had a plastic food and water bowl that had chewed edges creating rough pitted edges. Rough pitted edges can trap dirt, food residue, saliva and other disease hazards and do not allow for proper cleaning and sanitizing. The bowl needs to be replaced with a food and water bowl that allows for proper cleaning and sanitizing. All surfaces must be constructed in a manner that allows them to be readily cleaned and sanitized or removed or replaced when worn or soiled. To be corrected by: 11-01-11.

3.1 (c) (3)

HOUSING FACILITIES, GENERAL.

(3) Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with Sec. 3.11(b) of this subpart to prevent accumulation of excreta and reduce

Prepared By:

JOHN LIES, A.C.I.

Title:

JOHN J LIES, A.C.I. USDA, APHIS, Animal Care
ANIMAL CARE INSPECTOR Inspector 4041

Date:

Oct-19-2011

Received By:

(b)(6), (b)(7)(C)

Date:

Oct-19-2011

Page 2 of 3

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf



United States Department of Agriculture
Animal and Plant Health Inspection Service

292110901300447 ^{UNITED STATES}
irsp id

Inspection Report

disease hazards. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in Sec. 3.11(b)(3) for primary enclosures.

** The cleaning and sanitizing of the inside of the enclosures is sufficient. The outside of the enclosures tops, sides, fronts, and backs had hair accumulation and dirt residue on the surfaces. Hair accumulation and dirt residue can harbor disease hazards, contribute to odor and does not demonstrate proper husbandry practices. The surfaces need to be cleaned and sanitized to remove the accumulation of hair and dirt residue to contribute to the health and well being of the animals and to demonstrate proper husbandry practices. All surfaces in contact with the dogs must be spot cleaned daily and sanitized at least every 2 weeks. All other surfaces of the housing facility must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. To be corrected by: 11-01-11

3.2 (d)

REPEAT

INDOOR HOUSING FACILITIES.

(d) Interior surfaces. The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

** The indoor facility has surfaces not impervious to moisture which prevents proper cleaning and sanitizing. The owner is in the process of covering the surfaces with material that is impervious to moisture. The center of the ceiling and a few places on the walls is not yet completed and still not impervious to moisture. The owner needs to complete covering the surfaces so that all surfaces of the indoor facility are impervious to moisture to allow for proper cleaning and sanitizing of indoor surfaces.

This inspection and exit briefing conducted with the owners.

End of report.

39 DOGS
29 PUPPIES

Prepared By:	JOHN LIES, A.C.I.	
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care
Title:	ANIMAL CARE INSPECTOR	Inspector 4041
		Date: Oct-19-2011
Received By:	(b)(6), (b)(7)(C)	
Title:		Date: Oct-19-2011

Page 3 of 3

Inspection Report Explanation http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

**DRIVERS FROM OLEO ACRES IN IOWA
ARRESTED FOR ANIMAL CRUELTY
DELIVERING PUPPIES TO PET SHOPS
OLEO ACRES SUPPLIES HAPPINESS IS PETS
WITH PUPPIES**

&

**30 PUPPIES DIE IN FIRE IN PET STORE IN
MIAMI – ANOTHER REASON PET SHOPS
SHOULD NOT SELL DOGS**

Chicago Tribune

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43 puppies rescued from van in Little Village neighborhood

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'Alert and astute' police credited with saving animals said to be bound for pet stores in Chicago, New York

February 09, 2012 | By Jonathan Bullington, Chicago Tribune reporter

The 43 puppies rescued from a van parked in the Little Village neighborhood Tuesday morning were packed three to six per carrier and bound for pet stores in Chicago and New York, an animal control official said Wednesday.

The puppies, some as young as 6 to 8 weeks, vary in breed, from boxers and huskies to Chihuahuas and Pekingese, said Cherie Travis, executive director of Chicago's Commission on Animal Care and Control. She said they came from a large-scale breeding operation in Iowa.

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Much Of Puppy's Personality Is Hereditary
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The department has taken custody of the puppies, pending the results of a legal case against two men allegedly found in possession of them.

Travis Wester, 22, and Larry Subject, 49, both of Iowa, each were charged with one misdemeanor count of failing to meet animal owner duties and 43 misdemeanor counts of cruelty to animals, according to Chicago police. They each were ordered held in lieu of \$10,000 bail during a hearing Wednesday before Cook County Circuit Judge Gloria Chevere, said Andy Conklin, a spokesman for the Cook County state's attorney's office.

About 7 a.m. Tuesday, police noticed a suspicious vehicle parked in the 2500 block of West Cermak Road, a police statement said. Officers saw two men, later identified as Wester and Subject, sleeping in the van, prosecutors said Wednesday.

An officer also heard loud barking coming from the rear of the vehicle, and when police checked, they found the 43 animals in cramped containers without adequate food or water, according to the statement. The animals were in about 10 cages, all dirty and filled with urine and feces, prosecutors said.

Officers learned that Wester and Subject, both of Britt in north-central Iowa, had driven seven hours to Chicago with the puppies from an Iowa puppy mill, prosecutors said.

Travis could not comment on the puppies' condition but said they are in quarantine at the shelter because of their age and to protect their health. She described the carriers in which the animals were found as being the type used by pet owners to take one animal to a veterinarian.

More Stories About

Chicago Police
Animals

Animal Care and Control has had no previous contact with Wester and Subject, she said. Though Travis hasn't seen the transportation of so many puppies in her two years with the department, she speculated it is not the first time breeders have come to Chicago.

"Sometimes we see a breeding operation," she said. "This is the first time we've seen the transport side."

Travis credited police with being "alert and astute" to notice the puppies in the vehicle.

"This was really good police work," she said.

Wester and Subject were scheduled to appear Feb. 16 in Misdemeanor Court, Branch 43, for a hearing and on a petition of forfeiture to have the puppies confiscated, Conklin said.

Tribune reporters Rosemary Sobol and Liam Ford contributed.

jbullington@tribune.com

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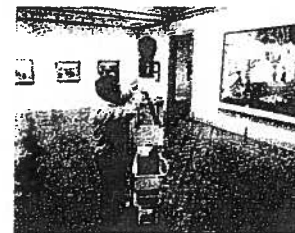
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30 Puppies Die in Miami Mall Fire

By Olivia B. Waxman Feb. 23, 2013 2 Comments

- 30 puppies killed in Miami strip mall fire *Miami Herald*

A fire broke out in a Miami strip mall Wednesday night, and 30 English and French bulldog puppies died, the *Miami Herald* reports. The fire, reportedly caused by an overloaded electrical outlet, started at 10 p.m. in the back of a bead shop. The flames spread to adjacent stores, and smoke poured into the pet store Beverly Hills Puppies, where the bulldogs were trapped in their cages. Firefighters struggled to open the shop's tightly-locked door, but by the time they made it inside, the puppies had died of smoke inhalation.

The pet store suffered a great financial loss. There was no insurance on the store, and each dog was worth \$2,000, store owner Martin Leon told the *Miami Herald*. But really, the loss was too great to put a price tag on.

Because there was no serious structural damage, the store is expected to reopen in a couple of weeks — but it won't be the same. As Miami Fire-Rescue Lieutenant Ignatius Carroll put it, "People can replace or fix other items, but he can't replace those puppies."

Read more: <http://newsfeed.time.com/2013/02/23/30-puppies-die-in-miami-mall-fire/#ixzz2TCYtX6Cg>

DONNA GRAY & JENNA WILLIAMS

**SELLING THEIR PUPPY MILL PUPPIES
IN PARKING LOTS IN LOMBARD**

Subject: [No Subject]

From: Ida McCarthy (idamccarthy@yahoo.com)

To: idamccarthy@yahoo.com;

Date: Sunday, May 12, 2013 9:04 AM

Malti Poos Shih Tzus Jac
»Enhanced from Sun-
Times Media«

Ad placed on 3/30/2013

Ad ends on 4/27/2013

Malti Poos Shih Tzus Jack
Russells Min Pins Shih
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Delivers to Chicagoland
Area. \$225-\$450, 630-
202-5537



Inspection Report

DONNA GRAY
JENNA WILLIAMS
MIKE GRAY

Customer ID: 321988
Certificate: 43-A-5522
Site: 001
MIKE & DONNA GRAY & JENNA WILLIAMS

ROUTE 3, BOX 191

Type: ROUTINE INSPECTION

LANCASTER, MO 63548

Date: May-04-2010

3.1 (a)

HOUSING FACILITIES, GENERAL.

(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury.

Housing facilities must be kept in good repair, structurally sound, and protect dogs from injury. Need to repair or replace the tin siding, east side of main kennel, on the inside of the outdoor wire runs, where tin is rusting away leaving gaps in and around the doggie door opening. These openings allow feces and dirt to get lodge in places that cannot be cleaned properly and also could allow dogs to be injured because of sharp edges. Need to repair or replace these areas of at least 10 enclosures and at least 20 dogs. Correct by 07-31-2010

3.6 (a) (2) (i)

PRIMARY ENCLOSURES.

Primary enclosures for dogs and cats must meet the following minimum requirements:

- (a) General requirements. (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.
- (2) Primary enclosures must be constructed and maintained so that they:
 - (i) Have no sharp points or edges that could injure the dogs and cats;

Primary enclosures must be maintained in good repair. Need to repair or replace the broken wire in pen #15, from the north, east side of main kennel that contains a Jack Russel. The partition wire in that cage has broken, pointed wire that could injure dog. Affects at least 1 dog. Correct by 05-08-2010

187 DOGS
86 PUPPIES

Prepared By:

KARL W THORNTON, A C I USDA, APHIS Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 4055

Date:
May-04-2010

Received By:

[Redacted Signature]

Date:
May-04-2010

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 90,
OF THE LOMBARD VILLAGE CODE
IN REGARD TO REGULATING THE SALE OF ANIMALS**

WHEREAS, the Corporate Authorities of the Village of Lombard (the “Village”) have established regulations set forth within Title 9, Chapter 90 of the Lombard Village Code, pertaining to the care of animals within the corporate limits of the Village; and

WHEREAS, the Village’s Economic and Community Development Committee (ECDC) is responsible for providing recommendations to the Corporate Authorities on proposed business regulation activity; and

WHEREAS, the ECDC finds that in order to help ensure that the commercial retail sale of animals is conducted in a humane and appropriate manner, the ECDC recommends that the temporary sale of animals, at temporary business locations such as flea markets, farmer’s markets and the like, is inconsistent with the intent of the provisions set forth within Chapter 90 of the Lombard Village Code; and

WHEREAS, to help ensure that the sale of animals is conducted in a humane and appropriate manner, the Village’s ECDC recommends that Chapter 90 of the Lombard Village Code be amended to restrict such sales activity, and

WHEREAS, the President and Board of Trustees of the Village of Lombard concur with the recommendation of the ECDC, and deems it to be in the public interest to establish appropriate regulations pertaining to the sale of animals within the corporate limits of the Village in a manner that is consistent with the intent of Chapter 90 of the Lombard Village Code; and that amendments to Chapter 90, in relation thereto, are in the Village’s best interest;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 9, Chapter 90 of the Lombard Village Code is hereby amended by adding a new Section 90.50 thereto, which shall read in its entirety as follows:

§90.50 COMMERCIAL SALE OF ANIMALS

(A.) The commercial sale of animals shall occur exclusively within a permanent building or structure, either owned by the seller of the animals, or in relation to which the seller of the animals has a lease covering a period of at least one (1) year. It shall be unlawful to offer for sale, attempt to sell or sell any animal at temporary sales events such as, but not limited to, flea markets, farmer’s markets and French markets.

(B.) The regulations, set forth in Section 90.50(A) above, shall not apply to recognized 501(c)(3) humane society organizations, which have been in existence for a period of at least one (1) year, and which have animals on site at a temporary event, if said animals are associated with the animal preservation and protection outreach efforts of the humane organization, and provided that the actual sale or adoption of the animal occurs separately from the temporary event.

SECTION 2: That Title 9, Chapter 90, Section 90.48 of the Lombard Village Code is hereby repealed.

SECTION 3: That Title 9, Chapter 90, Section 90.48 of the Lombard Village Code is hereby amended by adding a new Section 90.90 thereto, which shall read in its entirety as follows:

§90. 90 PENALTY

Any Person convicted of violating Sections 90.41, 90.42, 90.44, 90.45, 90.46, 90.47(A) or 90.50 of this Chapter shall be fined not less than Fifty and no/100 (\$50.00) nor more than Seven Hundred Fifty and No/100 Dollars (\$750.00) for each separate violation. A separate offense shall be deemed committed upon each day during which a violation occurs. In addition, each animal offered for sale or sold in violation of Section 90.50 shall constitute a separate and distinct offense even if all of the sales take place on the same day.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013, pursuant to a roll call vote as follows:

AYES : _____

NAYS : _____

Ord. _____
Animal Care Regulations

ABSENT : _____

APPROVED by me this _____ day of _____, 2013.

Keith T. Giagnorio
Village President

ATTEST:

Janet Downer
Deputy Village Clerk

Published by me in pamphlet form this _____ day of _____, 2013.

Janet Downer
Deputy Village Clerk