

ORDINANCE 6915

**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 19th day of December, 2013.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen, Fitzpatrick and Ware

Nays: None

Absent: None

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

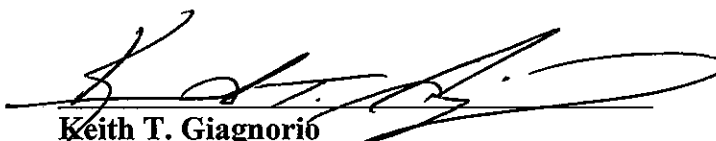
Passed on second reading this 16th day of January, 2014.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Breen, Fitzpatrick and Ware

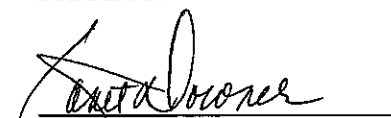
Nays: None

Absent: None

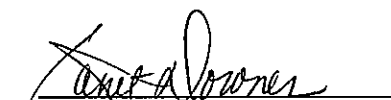
Approved this 16th day of January, 2014.


Keith T. Giagnorio
Village President

ATTEST:


Janet Downer
Deputy Village Clerk

Published by me in pamphlet form on this 17th day of January, 2014.


Janet Downer
Deputy Village Clerk