

1 DIVISION 12.- AURORA ANIMAL COMMISSION

2 Section 2-901.- Purpose and Creation

3 There is hereby created the Aurora Animal Commission (the  
4 "Commission" or the "AAC"), its purpose being the determination  
5 and certification of permitted sources as set forth in Section 9-  
6 4.

7 Section 2-902.- Membership

8 The Commission shall consist of five (5) members, to be appointed  
9 by the mayor subject to the advice and consent of the city  
10 council. Members shall include:

11 1. at least one (1) veterinarian licensed and in good standing  
12 with the State of Illinois who need not be a resident of  
13 the city;

14 2. at least one (1) representative of a national humane  
15 society or other animal advocacy organization who need not  
16 be a resident of the city; and

17 3. At least three (3) City of Aurora residents.

18 The city's elected officials or employees shall not be eligible  
19 for membership during the time they hold office or employment with  
20 the city, as the case may be.

21 Section 2-903.- Chairperson

1 The chairperson of the Commission shall be designated by the mayor  
2 for a period of one (1) year or until his or her successor has  
3 been duly appointed.

4 Section 2-904.- Term of Members

5 Members of the Commission shall be appointed for terms no less  
6 than one (1) year and no more than three (3) years from the time  
7 of their appointment.

8 Section 2-905.- Successors

9 All persons appointed as members of the Commission shall serve in  
10 their official capacities, respectively, until their successors  
11 have been appointed and qualified as provided in this Article.

12 Section 2-906.- Vacancies in Office

13 In the event of the death, resignation, or incapacity of any member  
14 of the Commission, or if a vacancy occurs for any reason, a new  
15 member shall be appointed in the same manner to fill the remainder  
16 of the unexpired term.

17 Section 2-907.- Functions of the Commission

18 The Commission shall:

- 19 1. Develop, receive, and review applications from pet shops  
20 seeking certification of an entity as a permitted source as  
21 defined by Chapter 9 of this code;

2. Follow and adhere to the standards set forth in Section 9-4 for determining and certifying permitted sources;
3. Take all steps necessary to review applications for permitted source certification, including but not limited to: investigating and verifying an entity's credentials, history, and qualifications for certification as a permitted source; requesting all documentation and evidence necessary from a pet shop requesting certification in order to determine whether or not each entity may be certified as a permitted source; and when needed, conduct site visits or inspections at an entity's facility in order to determine certification as a permitted source;
4. Review and respond to all requests for renewal of permitted source certification;
5. When warranted, suspend or revoke permitted source certification for violations of Chapter 9;
6. Conduct its business and hold meetings in accordance with the Open Meetings Act;
7. Communicate and collaborate with the division of animal care and control, as well as the any animal control agency of the counties of Kane, DuPage, Will, and Kendall on matters pertaining to animal welfare in the city; and

1     8. Present as needed, reports to the mayor and the city council  
2         on matters concerning the progress, status, and activities of  
3         the Commission.

4     Section 2-908.- Independent Consultant

5     The Commission may engage an independent consultant to perform  
6     functions relating to the review, investigation, and vetting  
7     process of entities submitted for permitted source  
8     certification. The independent consultant may also be tasked with  
9     performing site inspections as set forth in Section 9-4 of this  
10    code. The independent consultant shall be selected by the  
11    Commission in an open meeting, and shall report his or her findings  
12    to the Commission upon its request.

13    Section 2-909.- Meetings

14    All meetings of the Commission shall be held in the accordance  
15    with the Open Meetings Act. The Commission may hold special  
16    meetings, as may be necessary, in accordance with the provisions  
17    of the Open Meetings Act.

18    Section 9-1.- Definitions.

19         "Animal control facility" means any facility operated by or  
20         under contract for the State, county, or any municipal corporation  
21         or political subdivision of the State for the purpose of impounding  
22         or harboring seized, stray, homeless, abandoned or unwanted dogs,

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1 cats, and other animals. "Animal control facility" also means any  
2 veterinary hospital or clinic operated by a veterinarian or  
3 veterinarians licensed under the Veterinary Medicine and Surgery  
4 Practice Act of 2004 which operates for the above-mentioned purpose  
5 in addition to its customary purposes.

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6 ~~"Animal care facility" means an animal control center or~~  
7 ~~animal shelter, maintained by or under contract with any state,~~  
8 ~~county, or municipality, whose mission and practice is, in whole,~~  
9 ~~or significant part, the rescue and placement of animals in~~  
10 ~~permanent homes or rescue organizations.~~

11 "Animal Rescue Organization" means any not-for-profit  
12 organization which has tax-exempt status under Section 501 (c) (3)  
13 of the United States Internal Revenue Code, whose mission and  
14 practice is, in whole, or significant part, the rescue and  
15 placement of animals in permanent homes. This term does not include  
16 any entity which, is or is housed on the premises of, a breeder or  
17 broker, obtains dogs, cats or rabbits from a breeder or broker in  
18 exchange for payment or compensation, or resells dogs, cats or  
19 rabbits obtained from a breeder or broker and provides payment or  
20 compensation to such breeder or broker.

21 "Animal shelter" means a facility operated, owned, or  
22 maintained by a duly incorporated humane society, animal welfare  
23 society, or other non-profit organization for the purpose of  
24 providing for and promoting the welfare, protection, and humane

1 treatment of animals. "Animal shelter" also means any veterinary  
2 hospital or clinic operated by a veterinarian or veterinarians  
3 licensed under the Veterinary Medicine and Surgery Practice Act of  
4 2004 which operates for the above-mentioned purpose in addition to  
5 its customary purposes.

6 "Commission" means the Aurora Animal Commission as created  
7 and set forth in Chapter 2, Article VI, Division 12 of this code.

8 "Dog dealer" or "dog broker" means any person, entity, or  
9 organization who sells, offers to sell, exchange, or offers for  
10 adoption with or without charge or donation dogs in this State.  
11 Dog dealer or dog broker does not include a person who sells only  
12 those animals that he or she has produced and raised, nor does it  
13 include a veterinary hospital or clinic operated by a licensed  
14 veterinarian.

15 "Permitted Source" shall mean Aurora Animal Care & Control,  
16 an animal control facility, or a duly incorporated and active  
17 humane society, animal welfare society, animal shelter, animal  
18 rescue organization, or other registered nonprofit organization  
19 whose mission and purpose is to provide for and promote the  
20 welfare, protection, and humane treatment of animals. If a  
21 permitted source is located in Illinois, it must be registered  
22 with the Illinois Department of Agriculture as an animal shelter  
23 or animal control facility. If a permitted source is located  
24 outside of Illinois, it must be operated by or under contract with

1 a state or subdivision of a state or a registered non-for-profit  
2 organization incorporated under the law of the state and exempt  
3 from federal taxation under Section 501(c)(3) of the federal  
4 Internal Revenue Code, as amended. Permitted source does not  
5 include any entity that breeds dogs, is located on the same  
6 premises as an entity that breeds dogs, or obtains, in exchange  
7 for payment or compensation, a dog from a person that breeds dogs  
8 or resells dogs from a breeder. shall mean Aurora Animal Care  
9 & Control, an animal care facility, or a duly incorporated and  
10 active humane society, , animal rescue organization, or other  
11 registered nonprofit organization whose mission and purpose is to  
12 provide for and promote the welfare, protection, and humane  
13 treatment of animals. If a permitted source is located in  
14 Illinois, it must be registered with the Illinois Department of  
15 Agriculture as an animal shelter or animal control facility. If  
16 a permitted source is located outside of Illinois, it must be a  
17 registered non for profit corporation. Permitted source does not  
18 include a dog breeder, dog dealer or a dog broker, or any entity  
19 that is located on, adjacent to, or otherwise connected to the  
20 premises of a dog breeder, dog broker, or dog dealer. Permitted  
21 source shall not include any entity that obtains its animals, or  
22 resells animals, from a dog breeder, dog dealer, or dog broker.

23 "Pet Shop Operator" means any person or entity that sells,  
24 offers to sell, exchange, or offers for adoption with or without

charge or donation dogs, cats, or rabbits at retail. Pet shop operator does not include a person who sells only those animals that he or she has produced and raised, an animal welfare organization described in the definition of a permitted source in this chapter, or a veterinary hospital or clinic operated by a licensed veterinarian. Offering space to an animal welfare organization described in the definition of a permitted source in this chapter to adopt out dogs, cats or rabbits owned by the animal welfare organization shall not be construed as a sale, offer for sale, exchange or offer for adoption. means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, or rabbits. Pet shop operator does not include a person who sells only those animals that he or she has produced and raised, nor does it include a veterinary hospital or clinic operated by a licensed veterinarian.

"Rabbit" includes all domesticated animals of the Leporidae family.

#### Section 9-4.- Pet Shop Operators

(a) License Required. No person shall engage in the business of pet shop operator, kennel operator, animal shelter, veterinary hospital, pound, zoo or other business dealing in birds, domestic animals or dangerous animals or any combination thereof without a license issued by the State of Illinois. Pet

shop operators must also have a pet shop license issued by the city. All such businesses shall be kept free and clean of decaying food and filth of any kind and shall be maintained under safe and sanitary conditions at all times, and in compliance with this chapter and state regulations. The animal control manager or his/her designee may impound any animal whose owner or custodian is found to be in violation of this section.

(b) Application for Pet Shop License. All applicants seeking a pet shop license shall complete an application for a pet shop license provided by the city. Applications must be completed in full, with all necessary documentation and fee, if applicable, in order to be considered.

(c) Eligibility Requirements. In order to be eligible to be considered for a pet shop license, applicants must:

- i. Possess an active Animal Welfare License issued by the Illinois Department of Agriculture;
- ii. Be in good standing with the Illinois Department of Agriculture, without any record of discipline, license revocation or termination in the last five years;
- iii. Be in compliance with the Illinois Animal Welfare Act (225 ILCS 605/1, et. seq.);
- iv. Not be in debt to the city or any other governmental entity for payment of any fees, fines, charges, bills, or

1 taxes remaining due but unpaid for more than forty-five (45)  
2 days; and

3 v. Compliant with all other requirements of city code  
4 applicable to the operation of a pet shop.

5 (d) Number of Licenses. The city council shall determine,  
6 by ordinance or resolution, the number of pet shop licenses  
7 available at any given time. The city shall not issue pet shop  
8 licenses in a number that is in excess of the number of licenses  
9 authorized by city council.

10 (e) Renewals. Pet shop licenses must be renewed annually  
11 with the division.

12 (f) Restrictions on the Sale of Dogs, Cats, and Rabbits.

13 (i) A pet shop operator may ~~sell or~~ offer for sale  
14 only those dogs, cats, and rabbits that the pet  
15 store obtained from, ~~or displays in conjunction~~  
16 ~~with,~~ a permitted source certified by the  
17 Commission.

18 (ii) A pet shop operator shall not ~~sell or~~ offer  
19 for sale a dog, cat, or rabbit that is younger than  
20 eight weeks old regardless of the source of  
21 acquisition.

22 (g) Record Keeping Requirements and Disclosure.

23 A pet shop operator shall maintain records stating the name and  
24 address of the permitted source that the dog, cat, or rabbit was

1 obtained from, for a period of no less than five (5) years  
2 following the date of acquisition by the pet shop operator. Such  
3 records shall be made available to the city upon request and  
4 submitted annually, no later than June 1<sup>st</sup> of each year to the  
5 city's Department of Animal Care & Control. Along with its annual  
6 submission to the city, all pet shop operators must provide a  
7 notarized affidavit stating that it is only acquiring its dogs,  
8 cats, and rabbits from permitted sources as defined by this  
9 Chapter. Each pet shop operator shall prominently display on each  
10 cage a label stating the name and address of the permitted source  
11 so that this information is viewable to the public at all times.  
12 Failure to abide by the provisions of this Section may result in  
13 the suspension or revocation of a pet shop operator's business  
14 registration certificate or other penalties as set forth below.

15 (h) Fee for Pet Shop License.

16 The fee for a pet shop license shall be determined by  
17 resolution of the city council and be rationally related to  
18 the cost of administering this section. The license fee X  
19 annually, and shall be due or before X of each year.

20 (i) Suspension and Revocations of Pet Shop Licenses

21 Pet shop licenses may be suspended or revoked, due to violations  
22 of this Section. Suspensions and revocations shall be initiated  
23 by citation and adjudicated through the city's administrative  
24 hearing process in accordance with Chapter 3 of this code.

(j) Certification of Permitted Sources.

1) Eligibility for certification. Upon application by a licensed pet shop operator, the Commission may certify an entity as a permitted source for the purpose of this section if, and only if, the pet shop operator can demonstrate that the entity in question meets all of the following conditions:

A. The entity must meet the definition of permitted source in this Chapter;

B. The entity must promote and be committed to the humane treatment of animals at its facilities;

C. The entity must be willing to cooperate with the Commission and/or its independent consultant to provide whatever information and documentation deemed necessary; and

D. The entity must agree to site inspections as set forth in paragraph (e) of this section.

2) In order for an entity to be considered for certification as a permitted source, a licensed pet shop operator must complete an application with the chairperson of the Commission setting forth the following information:

A. The name and address of the entity, including addresses of all locations and facilities managed, operated, or controlled by the entity;

- 1     B. The name, address, telephone number and electronic mail  
2         address of the principal representative of the entity;
- 3     C. The state of registration or incorporation of the entity, if  
4         applicable;
- 5     D. Information and documentation regarding the entity's  
6         eligibility for certification under paragraph (d) (1) of this  
7         section;
- 8     E. Information as to the manner in which the entity sources its  
9         dogs, cats, or rabbits;
- 10    F. Information as to the manner in which the entity provides  
11      care for its dogs, cats, or rabbits, including information  
12      pertaining to shelter, hygiene, and diet;
- 13    G. Contact information for the licensed veterinarian(s) who  
14      provides care for the entity's dogs, cats, or rabbits;
- 15    H. Information as to the manner in which the entity transports  
16      its dogs, cats, or rabbits, including name and address of all  
17      entities or individuals used to accomplish transportation of  
18      the animals; and
- 19    I. Any information that the Commission may require that is  
20      reasonably related to the purposes of this Chapter.
- 21    3) A pet shop operator wishing to have an entity be certified by  
22      the Commission shall include with its application, a non-  
23      refundable fee in the amount determined by the city council.  
24      The fee shall cover the costs associated with the Commission's

review and investigation of the proposed entities, including the engagement of an independent consultant, when necessary.

4) Upon receipt of an application and receipt of the application fee, the Commission shall promptly review the application and, after performing its investigation and upon consideration and discussion in an open meeting, take action to either grant or deny certification.

5) Certification as a permitted source may be suspended or revoked by the Commission for violations of this Section. Revocations must be decided in an open meeting and after affording the pet shop operator an opportunity to be heard.

6) Certification under this Section shall be valid for one (1) calendar year and must thereafter be renewed annually before its expiration date by filing an application for renewal of certification at least thirty (30) days before expiration.

7) A pet shop operator which has been denied certification for an entity, or had its certification revoked, may request a review of the Commission's decision in accordance with Chapter 3 of this Code by filing a petition with the administrative hearings officer.

(k) Penalties.

Any person or pet shop operator violating any provision of this Section shall be subject to a fine of five hundred dollars (\$500.00) for the first citation, seven hundred and fifty dollars

1 (\$750.00) for the second citation, and no more than one thousand  
2 dollars (\$1,000.00) for the third. A separate offense shall be  
3 deemed committed for each dog, cat, or rabbit sold in violation of  
4 this Section.

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