

## Memorandum

### Community and Economic Development Department

**To:** Rock Island City Council  
**Subject:** Dogs and Cats Ordinance  
**Date:** December 6, 2019



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Members of the public addressed the City Council in August expressing concerns about breeding facilities in which the health of the animals is disregarded in order to maintain low costs and produce as many animals as possible. Animals in these facilities are often kept in enclosures that are too small, denied adequate medical care, and bred excessively causing physical injury. These “mill” operations are inhumane.

Consumer demand for specific breeds or varieties unfortunately leads some pet stores to acquire animals produced in “mills.” At the same time, there are many animals that remain unadopted in shelters and rescue facilities. These animals are mostly dogs and cats who should be living in animal loving homes. As it happens, there is only one pet store in Rock Island and it does not sell cats and dogs. However, should any other pet stores open in the future, staff have developed the enclosed update to the Dogs and Cats Ordinance to discourage inhumane animal breeding and encourage animal adoption.

The update does the following.

1. Removes outdated municipal licensing for animals, requiring instead that animals be licensed with the County.
2. Prohibits the sale of cats and dogs within the City, requiring instead that all cats and dogs shown in pet stores are ones in need of adoption from animal care facilities or animal rescue organizations.
3. Removes business licensing requirements that should be addressed elsewhere in the Municipal Code.

### Recommendation:

The Community and Economic Development Department recommends that the City Council approve the proposed changes to Chapter 7 Article VI Division 2 of the City of Rock Island’s Code of Ordinances, and refer to the City Attorney for an ordinance.

**Submitted by:** Miles Brainard, Planning & Redevelopment Administrator

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**Approved by:** Randall Tweet, City Manager

## DIVISION 2. DOGS AND CATS GENERALLY

### Sec. 7-136. Inoculation Required:

Every owner or keeper of a dog or cat within the limits of the city shall have a valid rabies inoculation certificate issued by the state department of agriculture. (Ord., 12-3-1973; Ord. 82-41, 10-25-1982)

### Sec. 7-137. Rabies:

Any animal which comes under the Illinois rabies control law will be handled as provided by this law. (Ord., 12-3-1973; Ord. 82-41, 10-25-1982)

### ~~Sec. 7-138. Certificate Of Veterinarian Prerequisite To Registration:~~

~~No dog or cat shall be registered or licensed under this article unless a certificate of a licensed veterinarian certifying to the fact and date of inoculation of such dog or cat shall have been filed with or exhibited to the authorized agent of the city in the city collector's office, showing inoculation to have been made as required by section 7-136 of this division. (Ord., 12-3-1973; Ord. 82-41, 10-25-1982)~~

### Sec. 7-139. Nonresident Owners:

The provisions of this article relating to the licensing of dogs and cats shall not apply to dogs or cats of nonresidents remaining temporarily in or passing through the city, provided that such dogs or cats have a license from some other jurisdiction. (Ord., 12-3-1973; Ord. 82-41, 10-25-1982)

### Sec. 7-140. ~~License Required; Amount Of Fee:~~ Licensing:

- a) Every person other than those excepted that owns, harbors, keeps, or controls a dog or cat within the City of Rock Island shall within thirty (30) days of acquisition of the dog or cat, register the dog or cat or cause it to be registered for a license with the County of Rock Island. The license tag shall be securely attached to a substantial collar or harness and shall at all times be kept on the dog or cat for which the license is issued.
- b) New residents and persons acquiring in any manner whatsoever a new dog or cat shall have thirty (30) days in which to obtain a county license.
- ~~a) Any person who owns a dog or cat six (6) months or older shall pay the annual fee as set forth below. The license will be in full force and effect until the anniversary date of the rabies vaccination of the animal and thereafter shall be renewable annually.~~

- ~~1) Pet license for an unaltered dog or cat: \$30.00~~
- ~~2) Pet license for an altered dog or cat: \$6.00~~
- ~~3) Senior citizen (age 65 or older) or handicapped person, unaltered dog or cat: \$15.00~~
- ~~4) Senior citizen (age 65 or older) or handicapped person, altered dog or cat: \$3.00~~
- ~~5) All replacement tags: \$3.00~~

~~Upon issuance of a license as aforesaid, the city shall issue a voucher in the amount of twenty dollars (\$20.00) to a person who has paid for a pet license for an unaltered dog or cat. A voucher for ten dollars (\$10.00) shall be issued by the city to senior citizens who have paid for such a license.~~

~~b) Persons making a license renewal application received after thirty (30) calendar days of license expiration date shall pay as a penalty an additional sum of ten dollars (\$10.00). No late penalties shall be charged on new applications if:~~

- ~~1) The owner submits proof of purchase or acquisition of the animal within the preceding thirty (30) calendar days; or~~
- ~~2) The owner has moved into the city within the preceding thirty (30) calendar days; or~~
- ~~3) The animal is currently or has been within the preceding thirty (30) calendar days under the age which requires a license.~~

~~c) The provisions of this section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or animal rescuer or breeder or whose owners are nonresidents temporarily within the city for a period not exceeding thirty (30) calendar days.~~

~~d) It shall be a violation of this section for any person to knowingly issue a check for which funds are insufficient or to stop payment on any check written in payment of fees contained in this Section. Any license(s) or penalties paid for with such checks are, in the case of the license, invalid, and in the case of the penalty, still outstanding. (Ord. 82-41, 10-25-1982; Ord. 91-14, 2-11-1991; Ord. 92-149, 12-21-1992; Ord. 93-31, 4-19-1993; Ord. 97-30, 4-14-1997)~~

**~~Sec. 7-141. License Tag:~~**

~~Upon payment to the city collector of the fee provided for in this article and upon producing a certificate of inoculation, the city collector shall furnish to the person paying such fee a license tag and memorandum or registry for each dog or cat for which such fee has been paid. It shall be a violation of this section for any person to sell or transfer ownership of any dog or cat over six (6) months without a dog or cat license. (Ord. 82-41, 10-25-1982; Ord. 92-149, 12-21-1992)~~

#### **Sec. 7-141.1. Display Of License-Tag:**

It shall be a violation for any person to be in control of a dog over the age of six (6) months that does not have a visibly displayed license tag affixed to its collar when it leaves the premises of its owner or keeper. In the event a dog is found to be without a license tag displayed, the animal control officer or other member of the police department may impound or cause to be impounded said dog. Said dog shall be released from impoundment upon proof of a valid license tag issued by the city or other government body having jurisdiction over the dog's owner or keeper or proof that such jurisdiction has no such requirement. (Ord. 54-2003, § 4, 7-14-2003)

#### **~~Sec. 7-142. Chief Of Police To Provide Metal License Tags:~~**

~~The chief of police shall provide each year such number of metal tags as may be necessary having stamped thereon the year for which the license is paid and the number of the tag. The city collector shall issue a metal tag, numbered to correspond with the number of the registry of the dog or cat, to the person who paid the license fee upon each dog or cat. (Ord., 12-3-1973; Ord. 82-41, 10-25-1982)~~

#### **~~Sec. 7-143. Registry Of Licensed Animals:~~**

~~The chief of police or his authorized agent shall keep a complete registry of all licensed dogs and cats, and their breed, color and sex, and shall also enter therein the name and address of the owner as given and the number of the license tag. (Ord., 12-3-1973; Ord., 6-24-1974; Ord. 82-41, 10-25-1982)~~

#### **Sec. 7-144. Sanitation:**

The owner or keeper of any dog or cat in the city shall keep the ~~pen~~ **area where the animal is kept** clean and odor free at all times. (Ord., 12-3-1973; Ord. 82-41, 10-25-1982)

#### **Sec. 7-145. Defecation On Public Property:**

No owner or keeper of any pet shall permit said pet to defecate on any public way or public property or upon any private property without the permission of the occupant or the owner of the private property without immediately removing said defecation and depositing same

in a refuse container or similar depository. (Ord. 86-21, 5-5-1986; Ord. 56-2004, § 1, 5-10-2004)

**Sec. 7-146. Spaying And Neutering:**

~~a) No person shall own, harbor, or keep within the city any cat or dog over the age of six (6) months which has not been spayed or neutered, unless such person holds either a license for breeding cats or dogs issued by the city or possesses an unaltered dog or cat license as stated in this division or a written certificate from a licensed veterinarian that, due to health considerations, the animal should not be spayed or neutered.~~

~~b) An altered dog or cat shall be those that fall into one of the two (2) categories listed herein:~~

~~1) Neutered Male: Any male dog or cat which has been rendered sterile by a surgical procedure (orchietomy).~~

~~2) Spayed Female: A female dog or cat which has been rendered sterile by surgical means (ovariohysterectomy). (Ord. 92-149, § 3, 12-21-1992)~~

**Sec. 7-147. Health And Cruelty:**

a) It shall be unlawful for any animal owner or person to cruelly deprive food, water, shelter, and protection to any animal under their control and/or custody, or to abandon, poison, cruelly beat, cruelly whip or kill any animal under their, another's or no one's control and/or custody, or to mutilate, overdrive, overload, overwork, torment, torture or otherwise cruelly ill use any animal. This section shall not apply to wild animals killed in the hunt (not within city limits) by customary and non-brutal methods nor to wild rats, mice, insects, fish, arthropods or vermin; nor shall this section apply to medical research organizations duly licensed and/or otherwise recognized or supported by state or federal law.

b) It shall be unlawful for any animal owner to permit, either willfully or through failure to exercise due care and control, any animal to bark, cry, howl, whine or cause other objectionable noises which disturb the comfort, peace, quiet or repose of any person residing in the vicinity.

c) It shall be unlawful for any animal owner, either willfully or through failure to exercise due care and control, to maintain an animal or the premises upon which the animal is maintained, in such a manner as to emit such offensive odors which disturb the comfort, peace or repose of any person residing in the vicinity.

- d) It shall be unlawful for any animal owner to abandon any animal where it may become a public charge, or may suffer injury, hunger or exposure.

Any person violating the provisions of this section shall be subject to a fine of not less than two hundred dollars (\$200.00). (Ord. 92-149, § 3, 12-21-1992)

**Sec. 7-148. Commercial Kennels, Pet Shops, Breeders, And Animal Rescuers And Rehabilitators ~~License:~~**

~~No person shall operate in the city a commercial kennel pet shop, be a breeder of dogs and/or cats, or be an animal rescuer and rehabilitator without having first obtained a license therefor as set forth herein.~~

- a) Definitions:

~~*Animal Rescuer And Rehabilitator:* Any person licensed by the state and federal government to rescue and rehabilitate wild animals and fowl that are sick or injured.~~

*Animal Care Facility:* An animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal Rescue Organization:* Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

*Breeder:* A person or persons who own or breed dogs and/or cats primarily for personal recreational use, such as participation in recognized conformation shows, field or obedience trials, racing, scenting, specialized hunting or working trials, and water trials, and for the purpose of improving the physical soundness, temperament, and conformation of a given breed to standard, such person to sell or exchange, at retail only, and other than for purposes of research, testing, or experimentation, dogs or cats bred from male/female dogs or cats owned or leased by the breeders.

*Commercial Kennel:* A structure or premises where dogs and cats over four (4) months of age are kept, ~~raised, bred~~ or boarded for commercial purposes, excluding animal hospitals, clinics and pet shops.

Offer for Sale: To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of an animal including dogs and cats.

Pet Shop: A retail establishment where live animals are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

~~*Pet Shop: Any person, establishment, store or department of any store that acquires live animals, including dogs and cats, and sells or offers to sell or rent such live animal to the public or to retail outlets.*~~

~~b) Application For License: Any person, firm, or corporation desiring to be licensed as aforesaid shall file an application for the license with the city clerk and pay the annual fee thereof as set forth below. Upon the filing of an application for a license required by this article, the city clerk shall forward copies of same to the health officer, animal control officer and the zoning enforcement official for inspection of the premises for compliance with state and city public health regulations and all city ordinances and for compliance with all zoning ordinances. Upon receipt of reports of compliance with regulations and ordinances from city officials, the city clerk, upon receipt of the license fee, shall issue a license to the applicant.~~

~~c) Inspection Of Premises:~~

~~1) The animal control officer, health inspector or any city inspector shall have the right, for the purpose of investigating a complaint, to enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept provided such entry shall not be made into any building which is a person's residence except by the consent of the owner, a search warrant, or a court order. Any person who denies, prevents, or obstructs such access is guilty of a violation of this section. The officer or inspector shall have the proper identification and/or uniform and identification.~~

~~2) It shall be unlawful to interfere with any animal control officer or inspector in the legal performance of their duties, or take or attempt to take an animal from any animal control officer or inspector, or from any vehicle used by them to transport any animal, or to take or attempt to take any animal from the animal shelter without proper authority.~~

~~3) Any premises may be entered for the purposes of inspection for the purposes of issuing a license for a commercial kennel license, pet shop license or breeder's license.~~

d) No pet shop shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

e) ~~License Fees: The following annual fees are applicable under the provisions of this section:~~

<del>Commercial kennel license</del>	<del>\$200.00</del>
<del>Pet shop license</del>	<del>\$75.00</del>
<del>Breeder's license</del>	<del>\$50.00</del>
<del>Plus, for each dog over the age of 6 months</del>	<del>\$10.00</del>
<del>Rescuer and rehabilitation license</del>	<del>\$25.00</del>

~~Any license issued under this section shall be in effect for one year. The license year shall be May 1 to April 30. Any person who attempts to renew a license after thirty (30) calendar days of the license expiration date shall be subject to a penalty of ten dollars (\$10.00) in addition to the license fee. (Ord. 92-149, § 3, 12-21-1992)~~

**Secs. 7-149--7-155. Reserved.**