



MINUTES

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Community Room
Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
September 8, 2014
7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT:

President Hayes, Trustees: Blackwood, Farwell, Glasgow, LaBedz, Rosenberg, Sidor and Tinaglia

BOARD MEMBERS ABSENT: Scaletta

STAFF MEMBERS PRESENT:

Diana Mikula, Interim Village Manager; Charles Perkins, Director of Planning & Community Development; Robin Ward, Assistant Village Attorney; Eileen Hellstrom, Recording Secretary

IV. NEW BUSINESS

- A. Request for "Opt Out" from Cook County Animal and Consumer Protection Ordinance (Puppy Mill) from Happiness is Pets 15 W. Golf Road, Arlington Heights

Diana Mikula, Interim Village Manager said the owner of Happiness is Pets, Ronald Berning, submitted a letter asking the Village to adopt an "Opt Out" Ordinance exempting certain businesses from provisions of the Cook County Animal and Consumer Protection Ordinance.

Cook County adopted the ordinance on April 9, 2014. The ordinance prohibits

the sale of dogs, cats, and rabbits in pet stores unless they're acquired from animal shelters or small breeders who meet the County Ordinance requirement.

Mr. Berning owns the pet store and voiced concerns about the ordinance and claims that if he has to comply with the Cook County ordinance, it would put his store out of business.

The ordinance does have a provision to "Opt Out" but if nothing is done, the ordinance takes effect October 1, 2014.

The following are some options that may be considered by the Board:

1. Decline to pass an "Opt-out" Ordinance, so that the County ordinance takes effect on October 1, 2014.
2. Adopt an "Opt-out" Ordinance with a sunset date to allow the shopping center owner time to market and seek a new tenant for the space and also allow the owner of the business time to transition.
3. Adopt an "Opt-out" Ordinance applying to existing pet stores only.
4. Adopt a simple "Opt-out" Ordinance without any limitations, but direct Staff to propose additional licensing requirements for consideration within 60 days.

Mr. Berning said his business, Happiness is Pets, has been in Arlington Heights for fifteen years and has been in business for a total of twenty-eight years.

Mr. Berning said the definition of a puppy mill is when the breeder puts profit before the health and care of his dogs. Inadequate shelter, food, water, exercise, socialization, and veterinary care would be neglected. The only place you can buy a dog from a federally regulated breeder is from a pet store. As a breeder, if you don't sell to a pet store, such as selling dogs on-line, there are no regulations.

Mr. Berning said all of his breeders have large in-door pens, access to an outdoor run, and a play area 24 hours a day, 7 days a week. He said if you are a breeder there are two types of violations, a direct violation which means something directly related to the care of the dog, such as long nails or teeth that are not clean. Indirect violations would be something that doesn't affect the health or well-being of the dogs.

In the last three years, Mr. Berning has invested over \$300,000 buying dogs from breeders. All his dogs come from Amish breeders in northern Indiana and currently he has about 20 different kennels. He also buys dogs from hobby breeders, which means they have five or less females and you don't have to be USDA regulated. If one of his breeders gets a direct violation, he is no longer going to work with that breeder.

Mr. Berning talked about the Puppy Lemon Law passed by the State last year which says the pet store has an obligation for veterinary expenses for anything that is wrong with the dog at the time of sale. He guarantees his dogs for thirty days. The State says dogs must have a one year health guarantee, but he gives

a two year guarantee with his dogs and stands behind their dogs.

He is asking the Village to "Opt Out" of the ordinance so he can stay in business.

Mayor Hayes asked if there are any other pet stores in the Village of Arlington Heights that would be shut down under the Cook County ordinance besides Happiness is Pets?

Charles Perkins, Director of Planning & Community Development Department, said Happiness is Pets is the only one.

Mayor Hayes said since this ordinance is for October 1, to make sure these issues are fully discussed including the pros and cons, the best option would be Option #4. The Village would have some time to consider a Village of Arlington Heights ordinance that would have specific criteria created by the Board.

Option 4: Adopt a simple "Opt-Out" Ordinance without any limitations, but direct Staff to propose additional licensing requirements for consideration within 60 days.

This would prevent Mr. Berning's business from being shut down on October 1st and would give the Board some time to explore a Village ordinance that would address some of the issues.

Trustee Tinaglia asked how long a puppy stays in Mr. Berning's store. He replied 60 days is the longest a dog would stay in his stores and he starts reducing the price of the dog at about 20 days. Trustee Tinaglia asked what happens if a dog doesn't get sold. Mr. Berning replied that they all get sold and he never puts dogs to sleep. He is in this business because he loves animals.

Trustee Sidor asked about the dogs that are provided to Mr. Berning's breeders, and how many times they are bred in a year. Mr. Berning replied that his breeders average three puppies per year per female.

Trustee Glasgow said the way the Cook County ordinance is drafted, he feels it is overbroad legislation. It doesn't give adequate definition as to what can and cannot be a puppy mill. He also has problems with some of the wording.

Mr. Berning said an animal welfare act now states that they have to make available to the public all the information about every dog in the store. He keeps a binder with all the information required for each dog.

Trustee Farwell said he concurs with Trustee Glasgow that the wording on the Cook County Ordinance could be much clearer. After reading the ordinance he has more questions than answers. He wouldn't want to pass anything or take any action without a full opportunity for public commentary and public hearings.

Mayor Hayes asked if anyone in the audience would like to address the Board on this issue.

Dianne Arp, Chicago Outreach Coordinator for the Companion Animal Protection Society, said they are a nation-wide non-profit organization that investigates puppy mills and pet stores like Happiness is Pets. They have been doing this for over 20 years.

Ms. Arp wanted to clarify that if you have five or more breeding females you must be licensed by the USDA in order to sell to pet stores. If you have four breeding females or less, you are considered a hobby breeder which means you can do what you want and not be licensed by the USDA. They have been working with Naperville and Orland Park on a puppy mill ban.

Ms. Arp wanted to point out that House Bill 5772, the Pet Care Disclosure Law, was a bill they passed in Springfield a few years back. This bill requires that pet stores which sell puppy mill puppies must post next to each cage paperwork that lists the name of the breeder, address, USDA license number, any treatments the dog is receiving if it's sick, and any vaccinations the dog has received. This binder gives full disclosure. Happiness is Pets keeps their information in a binder at their front desk. Petland keeps it super glued to their front counter. If someone does not know to ask for this information, you would not know that it exists.

Happiness is Pets is the largest retail seller of puppy mill puppies in the state of Illinois. Last year they sold 4800 dogs.

Joe Madas, a resident of Arlington Heights, had heard about the law regarding the binder that includes all the information pertaining to the puppy, and 3 ½ years ago, he walked into Happiness is Pets. He asked for the binder which was behind the register. Mr. Madas wanted to see where some of the breeders were located and was told all the breeders were local. According to the binder, the breeders were from Ohio, Missouri and Iowa.

Mr. Berning said the law states that there must be a sign within eight feet of the dog that states the information on the dog can be found in a binder in the middle of the store. He said the binder is there in his stores and is screwed to the top of the counter. He has never had a violation in 28 years with the Department of Agriculture.

Mayor Hayes said we've heard that there is passion on both sides of this issue and our job is to find some middle ground where we can address some of these concerns. His preference is to go with Option #4.

Trustee Glasgow concurs with Mayor Hayes. His question is whether or not Happiness is Pets is connected with puppy mills. He needs more information to make any kind of decision and he is not going to be rushed into legislation or

rushed into enacting something that is going to be detrimental to a business. He wants to make a fully informed decision. Option #4 is the appropriate thing to do and can be revisited in the future.

TRUSTEE GLASGOW MOVED, SECONDED BY TRUSTEE TINAGLIA, THAT THE COMMITTEE-OF-THE-WHOLE RECOMMEND TO THE VILLAGE BOARD TO ADOPT A SIMPLE "OPT-OUT" ORDINANCE WITHOUT ANY LIMITATIONS, BUT DIRECT STAFF TO PROPOSE ADDITIONAL LICENSING REQUIREMENTS FOR CONSIDERATION WITHIN 60 DAYS.

Mayor Hayes said in terms of a proposed ordinance, the Orland Park ordinance is a good model. He heard from Ms. Arp that it is acceptable to them and Mr. Berning indicated that his store could operate under that ordinance. This would be a good sample to work with.

Upon a voice vote, the motion passed unanimously.