

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

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.

The motion passed unanimously.

Ms. Mikula explained that early last week a few suburban pet store owners filed suit in Federal Court seeking to prevent Cook County's Animal and Consumer Protection Ordinance (the Puppy Mill Ordinance) from taking effect. On Thursday, a Federal Judge issued an order preventing Cook County from implementing the Ordinance while the lawsuit is pending.

Ms. Ward said that the Court's order eliminates the need for an "opt out" Ordinance because there is nothing to opt out of at this time. The Board's proposed Ordinance was pulled from the Agenda for this reason. The Board can

adopt the rest of the motion to direct staff or the Board can choose to let the situation sit and wait for the Court to decide the issue. Ultimately, how the Court decides on the Cook County Ordinance will impact how the Village decides to regulate this issue.

President Hayes said he agreed with the latter option. He said it would be premature to take any further action until the Court pronounces the constitutionality or lawfulness of the Ordinance. He said he would hate to start working on something that could be superseded by the Federal Court Ruling.

Trustee Glasgow asked if the Board does not act, does the stay by the Federal Court extend the "opt out" for the petitioner. Ms. Ward said that it does because the stay stops the Ordinance from taking effect. Trustee Glasgow said he did not want to put the petitioner at a disadvantage by not taking action at this time. Ms. Ward said it would not because if the Court determines the Ordinance is valid, it would have a different effective date. The Village would have the ability at that time to adopt an "opt out" Ordinance. Trustee Glasgow said with that information, he concurs with the Mayor. If there is no Ordinance, there is nothing to "opt out" from.

Village Board 9/15/2014