

Village of Lincolnwood The Animal Store – Q&A

Over the past several months, the Village has been responding to concerns raised about animal welfare and the Village Code. The purpose of this document is to clarify the Village's actions to date and the Village's role in regulating pet stores and animal welfare.

Q. What is the issue?

A. Since fall 2021, the Village has received concerns related to a Lincolnwood pet shop, The Animal Store. These concerns have included: the requested release of an African sulcata tortoise named Spur; the banning of the sale of animals in Lincolnwood; and the repeal of the Village's Ordinance regarding the sourcing of cats and rabbits for sale.

Q. Does the Village have any laws or regulations about the keeping and/or sale of different animals?

A. Yes, there are Village, Cook County, and State laws and regulations that govern the keeping and/or sale of animals.

Chapter 9, Article 16 of the Village Code governs the sale of cats and rabbits in the Village. Cook County's Code of Ordinances governs the sale of other animals, including dogs.

At its March 15, 2022 Committee of the Whole meeting, the Village Board reviewed the existing laws and the concerns raised regarding The Animal Store and Spur. At the conclusion of the discussion, the Board determined that no changes to the Village ordinances were necessary.

Additionally, Section 11-3-18 of the Village Code prohibits the keeping of certain animals, including "naturally wild animals." The Village Code does not define "naturally wild animals." Code enforcement staff have visited The Animal Store to inspect whether naturally wild animals are being kept or sold there in violation of the Code. As a result of meeting with staff from The Animal Store and reviewing their documents and records, it was found that the animals in the store, with the exception of Spur, were sourced in compliance with the Village's code concerning "naturally wild animals."

At the March 15, 2022 Committee of the Whole meeting, the Village Board also decided to waive enforcement of Section 11-3-18 of the Village Code specifically with respect to Spur the tortoise.

Q. It has been alleged that the Village is "violating its own laws" or in violation of the Cook County Ordinance. Is the Village in violation of its own laws or the Cook County Ordinance?

A. Since this issue was first raised, the Village has continually reviewed its own regulations and actions regarding pertinent laws and Ordinances.

The regulation of pet stores is partially handled by the State government, specifically the Department of Agriculture. Their [website](#) states the following:

The Illinois Department of Agriculture's Bureau of Animal Health and Welfare has the statutory authority to license and inspect pet shop operators, dog dealers, kennel operators, cat and dog breeders, animal

control facilities, animal shelters, day care operators, guard dog services and horse rescues. These facilities are defined in the Illinois Animal Welfare Act, 225 ILCS 605, and all facilities must comply with the Animal Welfare Act and Animal Welfare Rules.

Additionally, Section 11-3-18 of the Village Code includes the prohibition of keeping “naturally wild animals.” As a result of staff’s own code enforcement efforts, it was determined that Spur is the only animal at The Animal Store deemed a “naturally wild animal” according to the Village’s Code. At the March 15, 2022, meeting, the Village Board exercised the legal authority granted to them within the Village Code and waived enforcement of Section 11-3-18 to allow for the keeping of Spur the tortoise at The Animal Store. The Village retains this authority as a home rule municipality under Illinois law.

Separately, Section 10-13 of the Cook County Code of Ordinances concerns the sale of cats, rabbits, and dogs, but, under general Illinois law, the County’s ordinances concerning the sale of animals do not apply to the extent that they are pre-empted by a municipal ordinance. Chapter 9, Article 16 of the Village Code pre-empts the County’s ordinance with respect to the sale of cats and rabbits.

Q. Why has the Village not released Spur?

A. The Village does not own Spur and therefore lacks the authority to “release” Spur.

Q. Is Spur the Tortoise in good health?

A. Questions regarding Spur’s health should be directed to the Illinois Department of Agriculture, which employs inspectors with the veterinary expertise necessary to make health-related assessments.

Q. Is the Village doing anything to ensure that pet stores in Lincolnwood are not violating the law?

A. The Village’s Community Development Department’s code enforcement staff is responsible for ensuring compliance with the Village Code. Earlier this year the Village sent staff to local pet stores to ensure the lawful sourcing of animals for sale and did not identify any violations.