

## CHAPTER 6

### Sec 6-1. Definitions.

For the purposes of this Chapter, the terms herein are defined as follows:

- A. ANIMAL: Any animal, other than man, which may be affected by rabies.
- B. APPROVED POUND: Any facility for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals or any veterinary hospital or clinic authorized by the Chief of Police.
- C. AT LARGE: Being off the premises of the owner and not under control by leash or other physical restraints.
- D. CAT: Any member of the domestic felis catus species.
- E. DANGEROUS ANIMAL: Any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile or any other mammal (with the exception of dogs), amphibian, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being or property.
- F. DANGEROUS DOG: Any individual dog which, when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, approaches any person in a ferocious or terrorizing manner, and in an apparent attitude of attack.

*Sec. 2.05a. "Dangerous dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.*

- G. DOG: Any member of the domestic canine species.
- H. ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

*Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.*

- I. IMPOUNDED: Taken into the custody of a public pound.
- J. LEASH: A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such animal under control.
- K. OWNER: Any person having a right of property in an animal or who keeps or harbors an animal or who has in

his care or acts as its custodian or who knowingly permits a domestic animal to remain on or about any premises occupied by him/her.

L. PERSON: Any individual, firm, association, partnership, corporation, or other legal entity.

M. VICIOUS DOG:

1. Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property; or
2. Any individual dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
3. Any individual dog which attacks a human being or domestic animal without provocation; or
4. Any individual dog which has been found to be a "dangerous dog" upon three (3) separate occasions.

*Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.*

5. No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.

## **Sec. 6-2. Cruelty to animals.**

It shall be unlawful for any person to inhumanely or cruelly beat, injure, underfeed, overload, abandon or otherwise abuse any animal.

- A. Cruel Treatment: No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- B. Confinement of Animals in Motor Vehicles: No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, a law enforcement officer/community service officer who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person in apparent control of the vehicle.
- C. Teasing, Striking Or Tampering With Police Dogs Prohibited: It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drug, chemical or substance to any dog used by a law enforcement officer in the performance of his functions or duties, or when placed in a kennel off duty, or to interfere or meddle with any such dog used by a law enforcement department or agency or any handler thereof in the performance of the functions or duties of said department or agency.
- D. Injury Or Killing Police Dogs Prohibited: It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay

would cause the dog undue suffering and pain.

- E. Chaining or Tethering Prohibited: It shall be unlawful to chain, tie, fasten, or otherwise tether dogs or cats to trees, fences, or other stationary objects as a means of confinement to property, without supervision, except for limited temporary time periods not to exceed one-half hour per day.

**Sec. 6-3. Running at large prohibited.**

It shall be unlawful:

- A. For any dog or cat not on a leash and under the control of its owner to go upon the lawn or other private property of anyone but the owner of the dog or cat, without the express or implied permission of the owner of said property or of the person in lawful possession thereof;
- B. For any dog or cat to run at large. For the purposes of this subsection, any dog or cat not upon the premises of its owner or such other person having custody, possession or control over any such dog or cat which is not on a leash and under the control of a person physically able to control it shall be deemed to be running at large. Any person owning, having custody, possession or control over any dog or cat which violates any provisions of this Section shall be guilty of an unlawful act.
- C. Any dog or cat found running at large in the City shall be deemed and considered a public nuisance and said dog or cat shall be subject to impoundment pursuant to this Chapter six

**Sec. 6-4. Nuisance animals.**

No owner shall keep, harbor, own or otherwise maintain any animal in the City which unduly disturbs the peace or quiet of any neighborhood by habitual or regular barking, howling, whining, meowing or other noise making or any female animal in heat which causes other animals to disturb the peace or quiet of any neighborhood by barking, howling or whining. The owner of said animal shall be responsible for abating said nuisance immediately.

**Sec. 6-5. Killing or wounding birds.**

No person shall kill or wound, or attempt to kill or wound, any bird within the City, or enter upon any private enclosure or public grounds belonging to the City for the purpose of killing or wounding or attempting to kill or wound any bird.

**Sec. 6-6. Disposal of excrement:**

The owner of any dog or cat shall not permit such animal to defecate on any property other than that of the owner of the animal unless such owner causes the excrement to be removed immediately and disposed of in a sanitary manner. Any person convicted of a violation of this section shall be subject of a fine of not less than \$50.00 nor more than \$500.00.

**Sec. 6-7. Livestock and poultry.**

It shall be unlawful for any person to possess any cattle, horse, swine, sheep, goat or poultry in the City.

**Sec 6-7. Cattle, horse etc. prohibited; exception.**

It shall be unlawful for any person or entity to keep, house or raise any cattle, horse, swine, sheep, goat or poultry in the City except in certain areas designated as non-conforming uses.

The terms “keep”, “house” or “raise” shall be deemed to mean the presence of any of the prohibited animals referred to in this section for a period in excess of twenty-four (24) hours.

**Sec. 6-8. Rabies vaccination required.**

- A. Required: Every owner of a dog four (4) months or more of age within the corporate limits of the City shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian at such intervals as may hereafter be established by regulations pursuant to the Animal Control Act, 510 Illinois Compiled Statutes 5/1 et. seq. The owner of any such inoculated dog or cat shall cause a rabies inoculation tag to be affixed to the collar or harness of such dog or cat.
- B. Time: Any dog or cat acquired by a resident of the City shall be vaccinated for rabies by a licensed veterinarian within thirty (30) days after such acquisition, except as provided in subsection A of this Section.
- C. Intervals: The owner or keeper of any dog or cat within the City which is subject to vaccination in accordance with the provisions of this Section shall have such dog or cat vaccinated against rabies at such intervals and with such vaccine as may be determined by a licensed veterinarian to be effective in order to maintain protection against rabies.

**Sec. 6-9. Rabies control provisions.**

- (A) Every person discovering or suspecting any animal to be suffering with rabies shall forthwith report such fact to the animal commissioner or chief of police, giving the name and address of the owner of such animal and the license number thereof, if known.
- (B) If such animal, after examination by a veterinarian, is verily suspected to be suffering with such disease, the animal shall be immediately impounded at a licensed animal hospital whose establishment is located in the county for a period of not less than ten days for observation. If such animal should die during the interval of observation, the intact brain shall forthwith be delivered to the laboratory of the state department of public health.
- (C) Any animal which shall have been bitten by another animal having or suspected of having rabies shall be immediately impounded for observation, as provided by statute.
- (D) It shall be unlawful for the owner of any animal, when notified that such animal has bitten or scratched any person so as to cause an abrasion of the skin, to sell or give away such animal or to permit or allow such animal to be taken beyond the limits of the county, but it shall be the duty of such owner, upon receiving notice of the character aforesaid, to immediately place such animal in duly licensed veterinary hospital located in the county where such animal shall be confined for a period of at least ten days for observation, or deliver such animal to the animal commissioner, chief of police for any police officer for such placement.

The owner or custodian of any animal suffering from or suspected to be suffering from rabies as provided herein shall surrender possession of such animal to any police officer of the City on demand.

- (E) In case such animal is delivered to a veterinary hospital, notice of the name and location of such hospital shall be immediately furnished to the animal commissioner or chief of police by the owner of such animal, and upon receipt of such, the veterinary hospital shall submit to the animal commissioner or chief of police or the county rabies control division, a certificate stating that such animal either shows no symptoms of rabies or does show symptoms of rabies.
- (F) If, at the expiration of the ten days of confinement in such veterinary hospital, the veterinary hospital shall submit to the animal commissioner or chief of police or the county rabies control division a second certificate stating that the animal does not have rabies, the animal may then be released by the animal commissioner or chief of police or the county rabies control division.

**Sec 6-10. Impounding animals**

- A. Impoundment Procedures:

1. The City shall keep a record of the breed, color and sex of the animal and name and address of the owners, if known, and subsequent disposition of the animal coming into its custody.
  2. If the owner of the animal is known, the City shall notify the owner by mail or telephone of the impoundment and the procedure whereby the animal may be redeemed. The City shall also inform the pound wherein the animal is impounded of the date that such notification has been given to the animal's owner.
  3. If the identity of the owner becomes known while the animal is impounded, the City shall at the time give the notification in accordance with subsection A2 of this Section.
- B. Redemption: In the event that the owner of any impounded animal desires to make redemption thereof, the owner shall do so on the following conditions:
1. The owner must present proof of valid rabies inoculation.
  2. The owner shall pay to the City a ten dollar (\$10.00) impounding fee, which shall be in addition to any fine or other penalty provided under this subsection and in addition to any costs of the pound.
  3. The owner shall pay to the pound any daily kennel costs and the cost of any veterinary services provided.
- C. Disposal of unredeemed animals: When an animal is not redeemed by the owner as provided in subsection B of this Section, the animal shall become the property of the pound to be disposed of in a humane manner or made available for adoption according to procedures established by said pound provided:
1. In any case where the identity of the owner is known or becomes known, the animal may not be disposed of unless the animal is unredeemed by the owner within ten (10) days after notice of impoundment is given.
  2. In any case where the identity of the owner is not known, the animal may be disposed of only if the owner fails to redeem it within seven (7) days of the date of impoundment.
- D. Impounding Provisions Not To Stop Prosecution of Owners: Nothing contained in this Chapter shall operate as an estoppel of the prosecution of the owner of an animal found running at large for the violation of any provision of this Chapter.

**Sec. 6-11. Dangerous animals prohibited.**

- A. Prohibition: No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge in an escape-proof enclosure.
- B. Domestication No Defense; Seizure and Confiscation: It is no defense to a violation of subsection A of this Section that the person violating such subsection has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal found not in compliance with the provisions of this Chapter may be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of subsection A of this Section, the animal with regard to which the conviction was obtained, may be seized and placed in an approved facility. The owner shall be responsible for all costs connected with the seizure and confiscation of such animal. Approved facilities include, but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuge.

**Sec. 6-12. Vicious Dogs**

- A. "Found to be vicious" means that an animal control warden or law enforcement officer has conducted an investigation and made a finding in writing that the dog is a "vicious dog" as defined in section 6-1(M) of this chapter and based on that finding, the animal control warden or law enforcement officer has declared in writing that the dog is a vicious dog; or the circuit court has found the animal to be a "vicious dog" as defined in section 6-1(M) of this chapter and has entered an order based on that finding.
- B. Keeping or Maintaining: It shall be unlawful for any person, corporation, partnership or entity to keep or maintain any dog found to be vicious dog, unless such dog is at all times kept in an enclosure sufficient to restrain the animal from leaving the enclosure. Such enclosure shall be securely enclosed and locked at all times and designed with secure sides, top and bottom and shall be designed to prevent the dog from escaping from the enclosure. The surface of the enclosure shall be of concrete, asphalt, concrete paving blocks or other impervious material as approved by the building department. The only times that a vicious dog may be allowed out of the enclosure are: 1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or 2) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.
- C. A dog found to be a vicious dog shall not be released to the owner until the chief of police or animal control warden approves the enclosure as defined in this section.
- D. Sell Or Give Away: No owner or keeper of a dog found to be a vicious dog shall sell or give away any vicious dog.
- E. Signs: The owner or possessor of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a "VICIOUS DOG" on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- F. Licensing of vicious dogs.
1. No person shall possess any dog found to be vicious for a period of more than forty-eight (48) hours without first having obtained a license therefore from the City.
  2. An application for a license to possess a vicious dog shall be filed with the City Clerk on a form prescribed and provided by the City Clerk and shall be accompanied by all of the following:
    - a. Verification of the identity of the owner or possessor and current address by providing a copy of the owner's or possessor's driver's license.
    - b. Proof of ownership of the vicious dog.
    - c. A license fee of \$50.00 per year shall be paid by the owner.
    - d. Such other information as may be required by the City clerk.
  3. Upon receipt of an application, the City clerk shall forward such application to the police department which shall cause an inspection of the premises on which the vicious dog shall be kept to determine that all provisions of this division relating to confinement and posting of signs have been complied with by the applicant.
- G. Appeals under Section 6-16: Any person aggrieved by a decision or finding under this section 6-16, including but not limited to a finding that a dog is vicious, in whole or in part shall have the right to appeal the finding to a hearing officer appointed by the Mayor. All appeals shall be taken on the form provided by the City. Any and all appeals shall be filed with the City clerk no later than fourteen (14) days after the finding or decision. In the event that an appeal is not taken within fourteen (14) days, the applicant shall be deemed to have acquiesced in the finding or decision and the matter shall be deemed concluded.

**Sec. 6-13 Animal fighting prohibited.**

No person shall fight or bait, conspire or promote to fight or bait, or keep, train, or transport for the purpose of fighting or baiting with any human or another animal, any animal including but not limited to dogs, cats and fowl.

**Sec. 6-14. Exceptions to Chapter:**

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police-owned dogs are exempt from this Chapter, provided that any attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section each such dog shall be currently inoculated against rabies.

**Sec. 6-15. Penalties.**

Excepting violations of Section 6-6, any person convicted of a violation of any provision of this Chapter shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) for each such violation; provided, however, that any person convicted of a violation of any provision of this Chapter more than once during a period of twelve (12) consecutive months shall be subject to a fine of not less than one thousand dollars (\$1000.00) for the second such offense and not less than one thousand five hundred dollars (\$1500.00) for the third such offense and each subsequent offense during such twelve (12) month period.

**Sec. 6-16. Prosecution of owners.**

Nothing contained in this Chapter shall operate to prevent the prosecution of the owner of an animal for the violation of any provision of this Chapter.

(Illinois Municipal Code, 65 ILCS 5/1-1-1 et. seq. and the Animal Control Act § 510 ILCS 5/24; Ord. 2008-03; 2/4/08)

**CHAPTER 6**

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