

## **CHAPTER 13: ANIMALS**

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## GENERAL PROVISIONS

### SECTION 13.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***Animal.*** Every living creature other than man, domestic or wild, that may be affected by rabies. (510 ILCS 5/2.02)

***Animal Control Officer.*** Any employee of the Village Police Department or other authorized Village employee whose duty it is to enforce the provisions of this Chapter.

***Cat.*** All members of the family Felis catus.

***Dangerous Animal.*** A lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile. (720 ILCS 585/0.1)

***Dangerous Dog.*** 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 a dog that, without justification, bites a person and does not cause serious physical injury. (510 ILCS 5/2.05a)

***Department of Agriculture.*** The State Department of Agriculture.

***Dog.*** All members of the family Canidae.

***Inoculation against Rabies.*** The injection, subcutaneously or otherwise, as approved by the Department of Agriculture, of the canine anti-rabies vaccine approved by the Department.

***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 dog or other animal under control. (510 ILCS 5/2.14)

***Livestock.*** Horses, asses, mules, cattle, swine, sheep, goats, or geese.

***Owner.*** Any person who has a right of property in an animal, keeps or harbors an animal, has an animal in his care, or acts as custodian of an animal.

***Poultry.*** Includes, but shall not be limited to chickens, turkeys, or pigeons.

***Pound.*** The County pound or other facility approved by the Village for the impoundment of animals.

***Restraint.*** An animal is under restraint if it is:

- (1) Attached to a leash held by a responsible person;
- (2) Under the effective voice control of a responsible person;
- (3) Attached to a structure or fixture in such a manner that is unable to reach beyond the limits of the owner's or keeper's property and is unable to reach or molest service persons or casual visitors to the owner's or keeper's property using the public entrance or persons placing mail in the mailbox or delivering newspapers at the request of the owners; or

- (4) Enclosed in a fenced yard from which it is unable to escape without assistance from a person.

***Vicious Dog.*** A dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions. (510 ILCS 5/2.19b)

### **SECTION 13.02 AUTHORITY OF ANIMAL CONTROL OFFICER.**

Without limiting those powers and duties prescribed by law and ordinance, the Animal Control Officer shall:

- (1) Exercise the power and perform the duties contained in this Chapter.
- (2) Impound animals pursuant to provisions of this Chapter at the County animal pound or other facility established by the Board of Trustees of the Village.

### **SECTION 13.03 RESTRAINT OF DOGS AND OTHER ANIMALS.**

- (A) The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such animal to be at large.
- (B) It shall be unlawful for any person to permit any dog, cat, cattle, horse, swine, sheep, goats, or poultry to be "at large" on any street, park, or public way of the Village or in any church, school, public hall, or building, office, store, when such place is open for business or in any market, restaurant, or other public place where food is served during the time such place is open for business. The provisions of this Section do not apply to dogs leading blind persons.

### **SECTION 13.04 ANIMALS AS NUISANCES.**

- (A) The owner or keeper shall not suffer or permit any animal to bark, howl, cry, or make other distressing or loud or unusual noise or to disturb the peace or quiet of any place, neighborhood, family, or person in the Village. The disturbing of any neighborhood or persons by any such animal is declared to be a nuisance, and no person shall suffer or permit any such nuisance to exist.
- (B) In addition to the general restrictions of Section 13.04(A) preceding, for the purpose of this Section if he permits a dog to bark in a substantially continuous manner for a period of more than fifteen (15) minutes, or who allows such animal to bark for numerous periods of time, regardless of duration, so as to disturb the quiet of the neighborhood or of particular neighbors.

### **SECTION 13.05 KEEPING ANIMALS.**

Any pen, stable, or place in which animals are housed or kept which is unreasonably offensive to persons residing in, or passing along any street or alley near the vicinity of the same, due to associated debris or odors, or which constitutes a hazard to the health of persons residing nearby, is declared to be a nuisance. Such nuisance shall be cleaned up within two weeks.

### **SECTION 13.06 NUMBER OF ANIMALS.**

It shall be unlawful for any person to own, keep, harbor, or possess more than three dogs or three cats or three of any species of animal in any one dwelling unit or the premises surrounding a dwelling unit. It shall be unlawful for the owner of any premises to permit any person to own, keep, harbor, or possess more than three dogs

or more than three cats or more than three of any species of animal in any one dwelling unit or the premises surrounding a dwelling unit. The foregoing shall not apply to animals less than six (6) months of age.

**SECTION 13.07 BITING ANIMALS.**

- (A) No owner or keeper of an animal shall suffer, permit, or fail to prevent an animal from biting or attacking a person or another animal resulting in injury to the person or animal attacked, except provided that such an attack on a person who is or reasonably appears to be in the commission of an act made punishable under the State Criminal Code is not prohibited if the animal is acting in the defense of the owner or keeper or his family or premises, and the animal remains on its premises. For purposes of this Section, it is not necessary that the person bitten or attacked be arrested or convicted of a criminal offense.
- (B) Whenever any dog bites a person, the owner of said dog shall immediately notify a Health Officer who shall order the dog to be held on the owner's premises or shall have it impounded for a period of fifteen days. The dog shall be examined immediately after it has bitten anyone and again at the end of the fifteen day period. If at the end of this fifteen day period, a veterinarian is convinced that the dog is free from rabies, he shall order the dog released from quarantine or the pound as the case may be.

**SECTION 13.08 CONFINEMENT OF DANGEROUS ANIMALS; WARNING.**

- (A) No person shall own, keep, or harbor within the Village any animal known to be dangerous or vicious, unless such person shall keep such animal safely and securely confined in a pen or other confinement structure so as to protect from injury any child or other person who may come on the premises in the vicinity where such animal may be located.
- (B) Adequate warning by sign, or otherwise, shall be given to all persons coming on the premises in the vicinity of any such vicious or dangerous animal.

**SECTION 13.09 KILLING OR ATTACKING ANIMALS PROHIBITED; EXCEPTIONS.**

- (A) No person shall kill or wound or attempt to kill or wound by the use of firearms, sling shot, bow and arrow, B-B gun, air rifle, or any other dangerous weapon, any animal within the Village limits, provided that this Section shall not prohibit a person from defending himself or another from attack by an animal.
- (B) This Section does not prohibit the use of weapon by a police officer to destroy animals, which are seriously injured to avoid unnecessary suffering, or in self-defense or defense of others.

**SECTION 13.10 CRUELTY TO ANIMALS PROHIBITED.**

- (A) No person or owner may beat, cruelly treat, torment, starve, overwork, cruelly or maliciously shoot, poison, kill, ill-treat or inhumanely beat, or otherwise abuse any animal within the Village.
- (B) It shall be unlawful for any person to fail to provide any animal in one's charge or custody, as owner or keeper, with proper food, drink, shelter, air, sanitation, or medical care.
- (C) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure. (510 ILCS 70/3.01)

### **SECTION 13.11 DISPOSAL OF DEAD ANIMALS.**

- (A) No person caring for, acting as an agent for the owner of, or owning any animal, poultry, or fish which has died shall allow the body to lie about the premises. Such body shall be disposed of within 24 hours after death as prescribed by regulations of the State Department of Agriculture.
- (B) The Village may dispose of any animal remains without notice to the owner or keeper when:
  - (1) Such remains are located on a public roadway;
  - (2) The remains bear no identification tags;
  - (3) The remains are located on the property of a person other than the owner or keeper. (225 ILCS 610/17)

### **SECTION 13.12 INJURED ANIMALS; ANIMALS FOUND DEAD ON PUBLIC WAYS.**

- (A) Any animal discovered injured or dead on a public way of this Village may be impounded or picked up by an animal control officer.
- (B) Seriously injured animals that are wearing Village identification tags may be taken to a doctor of veterinary medicine, who shall contact the owner for treatment instructions and who shall maintain the animal, painlessly, if possible, until instructions are received. The owner or keeper shall be responsible for the costs of impoundment and treatment.
- (C) Seriously injured animals which do not bear identification tags may be impounded and authorized forthwith by a doctor of veterinary medicine to avoid unnecessary suffering to the animal.
- (D) No animal will be released by a veterinarian from impoundment to the owner or keeper following treatment of an injury until a release is received from the Village showing payment of impoundment fees.

### **SECTION 13.13 KEEPING OF LIVESTOCK WITHIN THE CORPORATE LIMITS.**

It shall be unlawful to keep any cattle, horse, swine, sheep, goats, or poultry within the Village limits except chickens shall be permitted within the corporate limits only in accordance with the provisions of Section 13.15. (Ordinance 2018-05)

### **SECTION 13.14 DISEASED ANIMALS.**

- (A) No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the police or a Health Officer.
- (B) It is hereby made the duty of any Health Officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act. It shall be unlawful to keep any cattle, horse, swine, sheep, goats, or poultry within the Village.

**SECTION 13.15 KEEPING OF DOMESTICATED HEN CHICKENS (FEMALES OF THE SPECIES GALLUS GALLUS DOMESTICUS): (Ordinance 2018-05)**

- A. License Required; Roosters: No person shall keep or harbor a live hen or hens within the corporate limits of the Village unless a license has been issued as set forth in this subsection. Roosters are prohibited.
- B. Parcels Where Allowed: Licenses will be granted only to persons who reside on parcels with single-family. If the dwelling is a rental unit, both the lessor and the lessee must sign the required license.
- C. Number Allowed: A maximum of four (4) hens per zoning lot will be allowed. A zoning lot consisting of multiple platted lots shall be considered one zoning lot.
- D. Housing:
  - 1. No hen shall be permitted to run at large in the Village. All hens shall be confined to a coop or a coop with a run, where a run is defined as an outdoor area that is enclosed on all vertical sides and top by fencing that is sufficient to hold chickens. The fencing on the vertical sides must be 16-gauge or greater. The run must be attached to, or must surround, a chicken coop that includes a doorway or hatch that allows access into the run by chickens.
  - 2. The coop must be built so as to provide ventilation, shade, protection from precipitation, and protection from cold weather. All coops with power must be GFI protected. When windows or doors, other than access doors for chickens, are open for ventilation, they must be covered by wire mesh or screens to deter predators, wild birds, and rodents. Access doors must be sized and placed for ease of cleaning the coop.
  - 3. The coop shall provide a minimum of four (4) square feet of surface area per hen, and the run shall provide a minimum of eight (8) square feet of surface area per hen.
  - 4. Coops and runs are considered to be “accessory structures” as defined in this Code, and they must meet all standards and regulations as outlined therein.
  - 5. A coop or coop with run is allowed in a rear yard but not in a side or front yard. The coop or coop with run must be located at least six feet (6’) from the property line and at least twenty feet (20’) from any neighboring structure(s).
- E. Sanitation:
  - 1. The coop or coop with run shall be maintained in clean, dry and sanitary conditions at all times. Excrement, uneaten or discarded feed, feathers and other waste must be removed at least twice per week. Excrement may be stored temporarily, but it must be removed from the property at least once per week.
  - 2. Excrement that is not removed from the property may be composted, but not within twenty feet (20’) of a neighboring structure.
  - 3. Odors emanating from coops, runs, or composting excrement shall not be detectable from a neighboring dwelling or the area immediately surrounding the dwelling, including any closely associated buildings and structures.
  - 4. Neither excrement nor dead hens may be disposed of at a Village disposal site or at a Village landscape waste collection center.
  - 5. Feed to be consumed by hens must be stored in a fully enclosed, rodent proof container.
  - 6. Processing of any meat from any hen shall be done by a licensed meat processing company and the licensee shall be required to provide proof to the Village upon request of the Village that any processing conforms to the requirement of this ordinance.

F. Licensing:

1. The fee for obtaining a license to keep or harbor hen chickens shall be forty-eight dollars (\$48.00) per annum. All licenses shall expire on April 30; therefore, the fee for a license obtained after May 1 shall be prorated for four dollars (\$4.00) per month proceeding from the first day of the month in which the license is obtained. Renewal of a license requires an inspection of the coop or coop with run by the Village Zoning Officer.
2. The Village may deny a license to any person who:
  - a. Owes money to the Village; or
  - b. Has had two (2) or more violations under this subsection within the last two (2) years.
  - c. The applicant has had a permit under this section or under a comparable section of another municipalities ordinances revoked for cause or denied for cause.
  - d. Otherwise fails to meet the requirements of this Section.
3. Licenses may be revoked, after a hearing before the Village Board of Trustees, if the licensee is convicted of cruelty to animals, animal neglect, or a similar criminal violation, or if the applicant violates any other provision of this chapter. Village Zoning Officer with the Village Board, and upon a showing by a preponderance of the evidence by the Village Zoning Officer that one or more conditions provided for in this ordinance exist for the revocation of such license. The revocation of a license issued under this chapter shall require the majority vote of the corporate authorities.
4. Licenses for keeping or harboring hen chickens are non-transferable.
5. Only one license will be issued per residential lot.

G. Enforcement:

1. A license must allow inspection of the coop or coop with run by the Village Zoning Officer following receipt of a complaint.
2. A licensee found to be in violation of any portion of this subsection 2 will have seven (7) days from notification to achieve and prove compliance. If compliance is not achieved, the Village Zoning Officer may revoke the license for the remainder of the permit year, which ends April 30. The licensee may elect to apply for a new license after April 30 if the coop or coop with run is found to be in compliance.
3. If a licensee is alleged to be in violation of any portion of this subsection 2 for a third (3<sup>rd</sup>) time, the Village Zoning Officer may request a hearing with the Village Zoning Board. If the Village Zoning Board finds the licensee to be in violation, the Village Zoning Office shall immediately and permanently revoke the license.

## **DOGS AND CATS**

### **SECTION 13.21 RUNNING AT LARGE.**

*Running at large* means off the premises of the owner and not under physical restraint by means of a leash, cord, or chain, or confined by means of a secure enclosure. It shall be unlawful to permit to run at large any dog or cat on the streets, parks, or public ways of the Village, or on private property where the owner or person in control of the private property has not granted permission for the dog or cat to be on the private property. If any dog or cat shall be found running at large upon public property or upon private premises of any person other than the owner or keeper of such dog or cat, the owner or keeper of such dog or cat shall be deemed guilty of violating this Section. The provisions of this Section shall not apply to dogs leading blind persons, or to dogs or cats exhibited at dog, cat, or pet shows or dog training schools, or dogs belonging to a law enforcement agency being used for law enforcement purposes. A violation of this Section shall be considered an absolute liability offense.

### **SECTION 13.22 NOISE DISTURBANCE.**

No person shall keep or harbor any dog within the Village which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.

### **SECTION 13.23 LEASH OR CONFINEMENT REQUIREMENTS FOR DANGEROUS OR VICIOUS DOG.**

- (A) It shall be unlawful for any person to permit any vicious or dangerous animal to run at large or lead any such animal with a chain, rope, or other device whether such animal is muzzled or unmuzzled on any street, avenue, lane, highway, or public place. No person shall possess any vicious or dangerous animal unless such vicious or dangerous animal is confined in a confinement structure.
- (B) 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 Section; provided an 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 in accordance with Section 13.24 following. It shall be the duty of the owner of such exempted dog to notify the County Administrator of changes of address. In the case of sentry or guard dog, the owner shall keep the County Administrator advised of the location where such dog will be stationed.
- (C) No person shall own, keep, or harbor within the Village a dog known to be dangerous or vicious, unless such person shall keep such dog safely and securely confined so as to protect from injury any child or other person who may come on the premises in the vicinity where such dog may be located; adequate warning by signs, or otherwise, shall be given to all persons coming on the premises in the vicinity of any such vicious or dangerous dog.



#### **SECTION 13.24 DANGEROUS DOG DETERMINATION; NOTICE; HEARING; APPEAL.**

- (A) After a thorough investigation including: sending, within 10 business days of the Village becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Village prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Village to deem a dog to be dangerous. No dog shall be deemed a dangerous dog unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.
- (B) A dog shall not be declared dangerous if the Village determines the conduct of the dog was justified because:
- (1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
  - (2) the threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
  - (3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
  - (4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- (C) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- (D) If deemed dangerous, the Village shall order the dog's owner to pay a public safety fine of an amount specified by the Village, the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
- (1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
  - (2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
- (E) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- (F) 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 Section; provided, an 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 and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Village of changes of address. In the case of a sentry or guard dog, the owner shall keep the Village advised of the location where such dog will be

stationed. The Village shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported.

- (G) The Village has the right to impound a dangerous dog or have the dangerous dog put down if the owner fails to comply with the requirements of this Section.

#### **SECTION 13.25 INOCULATION AGAINST RABIES; EXHIBITION OF CERTIFICATE.**

- (A) Every owner of a dog four months or more of age not confined at all times to an enclosed area, shall cause the dog to be inoculated against rabies by a licensed veterinarian at such intervals as may be established by State law and the regulations of the State Department of Agriculture. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the County and which shall be signed by the licensed veterinarian administering the vaccine. The County shall cause a serially numbered rabies inoculation tag to be issued for each dog inoculated against rabies. Such owner or keeper of such dog shall cause said serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog at all times. (510 ILCS 5/8)
- (B) At any reasonable time upon the request of any police officer, an animal control officer, or other authorized employee of the Village, the owner of any dog shall produce the rabies certificate required by division (A) preceding.

#### **SECTION 13.26 IMPOUNDMENT; NOTICE; REDEMPTION.**

- (A) Any dog or cat running at large contrary to the provisions of Section 13.21 may be apprehended and impounded by an animal control officer. (510 ILCS 5/9)
- (B) When a dog or a cat is apprehended and impounded by an animal control officer, he shall give notice of not less than seven (7) days to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the animal control officer, or his authorized agent, who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog. In the case the owner of any impounded dog desires to make redemption thereof, he may do so on the following conditions:
  - (1) Present proof of current rabies inoculation, and registration, if applicable; or
  - (2) Pay for the rabies inoculation of the dog, and registration, if applicable; and
  - (3) Pay the Village an impounding fee of \$100.00; and
  - (4) Pay to the Village for each additional offense, a penalty of \$150.00.

### **ADMINISTRATION; ENFORCEMENT**

#### **SECTION 13.30 INTERFERENCE WITH ENFORCEMENT.**

It shall be unlawful for any person to knowingly provide false or misleading information to the dog warden or hinder, obstruct, or molest any police officer or dog warden while engaged in the performance of his duties.

**SECTION 13.31 AUTHORITY TO IMPOUND ANIMALS.**

It shall be the duty of the employees and officers of the Village Police Department or an animal control officer to take up and impound in the County animal pound, or other place as designated by the Board of Trustees, any animal found at large or any dog found in the Village without identification, inoculation, or licensing tags contrary to any of the provisions of this Chapter, or statutes of this State.

**SECTION 13.99 PENALTY.**

Any person convicted by the Circuit Court of violating any provision of this Chapter shall, in addition to any boarding costs required herein, shall be subject to the general penalty provision, Section 1.06, of this Municipal Code. Each day a violation occurs shall constitute a separate offense.