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CHAPTER 9: ANIMALS

Article 1 – General Provisions

Sec. 9.101 Definitions:

- (1) “Animal Control Officer” The Tazewell County Animal and Rabies Control office or any other person, firm or entity designated by the Village Council. The Tazewell County Animal and Rabies Control office may fully enforce all of the provisions of this Chapter and take all actions that are required under this Chapter as provided for herein.
- (2) “Bite” To seize or cut with the teeth.
- (3) “Confinement Structure” A securely locked pen, kennel or structure designed and constructed for the keeping of a dangerous or vicious animal and which shall be designed, constructed and maintained in accordance with the standards herein.

Sec. 9.102 Cruelty: No person shall commit acts of cruelty to animals. The following acts shall be deemed to be examples of cruelty to animals and are not intended to be a complete list of acts which may constitute cruelty. Doctors of veterinary medicine, in the performance of their profession, are not subject to the provision of this section.

- (1) Overloading, overdriving, overworking, beating, torturing, tormenting, mutilation, or killing any animal or causing or knowingly allowing the same to be done.
- (2) Cruelly working any old, maimed, injured, sick, or disabled animal or causing or knowingly allowing the same to be done.
- (3) Failing to provide any animal in one’s charge or custody, as owner or keeper, with proper food, drink, shelter, air, sanitation or medical care.
- (4) Abandoning any animal without making provisions for its care and feeding.

Sec. 9.103 Noises: 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 and to exist. In addition to the above general noise restrictions, an owner or keeper is in violation of this section if he permits a dog to bark in a substantially continuous manner between the hours of 10:00 p.m. and 7:00 a.m. for a period of more than fifteen 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. In any case any animal shall repeatedly disturb the peace or quiet of any place or neighborhood or become a nuisance as defined in this Chapter the Village may petition the Circuit Court for an order to destroy the animal.

Sec. 9.104 Strays: It shall be unlawful to permit any animal to run at large in the Village. Any such animal running at large in any public place in the Village shall be impounded in the manner provided in this Chapter. It shall further be unlawful to picket or tie any such animal in any of the streets of the Village for the purposes of grazing or feeding.

Sec. 9.105 Killing Dangerous Animals: The members of the police department or any other person in the Village are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

Sec. 9.106 Housing: Any confinement structure shall not be in a front yard, nor within five feet of any side yard property line, nor within 25 feet of any rear yard property line. No person shall cause or allow

any stable, place or premises where any animal is or may be kept to become unclean, or unwholesome, and it shall be unlawful to keep any live swine, horses, cattle, goats or fowl any where in the Village except as hereinafter provided. Up to four horses may be kept on property in the Village limits if there are two acres or more in the property in which said horses are kept. In addition, any horses kept on any such two or more acre site must be kept in such a manner so that they do not produce any unreasonable or foul stench or odor that is offensive to a reasonable person that may reside in the adjoining property.

Revised: August 1998 Ord. #434

Sec. 9.107 Trucks Containing Livestock: It shall be unlawful to stand or park any vehicle containing livestock any place in the Village for a period of time longer than five (5) minutes, except for loading or unloading.

Sec. 9.108 Authority of Animal Control Officer: Without limiting those powers and duties prescribed by law and ordinance, the Animal Control Officer shall exercise the power and perform the duties contained in this Chapter and impound animals pursuant to provisions of this Chapter at the county animal pound or other facility established by the Animal Control Officer.

The Animal Control Officer is authorized to go on private property in order to enforce this Chapter or to take up any animal which is found at large or to take up any dog found without required inoculation, licensing, or identification tags; however, such persons may not enter a private dwelling house for this purpose without a valid warrant or the consent of the occupant.

Article 2 – Specific Provisions

Sec. 9.201 Definitions:

- (1) The term “dog” as used in this Chapter shall be held to mean all animals of the canine species, both male and female.
- (2) The term “cat” as used in this Chapter shall be held to mean all animals of the feline species, both male and female.
- (3) The term “animal” includes all animals, including mammals, reptiles, birds, and fish, unless the section limits the application to a particular species of animals.

Sec. 9.202 Tags: It shall be unlawful to permit any dog to be on any public street, sidewalk, alley or other public place unless such dog has a collar firmly attached around his neck with a license tag required by the appropriate County for the current year attached to such collar.

Sec. 9.203 Restraint: 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. All female dogs in heat shall be securely confined in an enclosed place, which does not allow the confined animal to come in contact with any other animals. An animal is under restraint if:

- (a) It is attached to a leash held by a responsible person,
- (b) Under the effective voice control of a responsible person
- (c) Attached to a structure or fixture in such a manner that it 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
- (d) Enclosed in a fenced yard from which it is unable to escape without assistance from a person.

Sec. 9.204 Inoculation for Rabies: It shall be unlawful to keep or harbor any dog over the age of four (4) months in the Village unless such dog or cat has been inoculated for rabies within the year prior to

such application.

Sec. 9.205 Biting Animals: 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, 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.

Whenever any animal bites a person, the owner of said animal shall immediately notify the police who shall order the animal to be held on the owner's premises or shall have it impounded for a period of ten days. The animal shall be examined immediately after it has bitten anyone and again at the end of the ten day period. If at the end of the ten days a veterinarian is convinced that the animal is then free from rabies, the animal shall be released from quarantine or from the pound as the case may be. If the animal dies in the meanwhile its head shall be sent to the State Department of Health for examination for rabies.

Article 3 - Impoundment

Sec. 9.301 Impoundment: It shall be the duty of the Animal Control Officer to take up and impound in the county animal pound, or other place as designated by the Animal Control Officer, 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 the Chapter, or statutes of the state.

Sec. 9.302 Notice: Notice of the impounding of any animal shall be made by posting one copy of the description of such animal and the date and place of impounding at such a place designated by the Village Clerk; however if the owner is known then notification may be made by the Village Clerk mailing a written notice to the owner's place of residence.

Sec. 9.303 Animals Impounded - How Redeemed: Any dog or cat impounded under the provisions of this code, except as may have bitten any person as specified in Section 9.205 of this Chapter, shall, unless sooner redeemed, be held for the period of ten (10) days in order to afford an opportunity to the owner or keeper of said animal to redeem the same. Any such owner or keeper desiring to redeem his impounded animal shall pay an impounding fee of Thirty-Five Dollars (\$35.00) to the Village, and also any charges imposed by the County Pound for keeping such animal while impounded. In addition, such person must prove that said animal is properly licensed and inoculated against rabies as provided by this Chapter. Absent such proof, no such animal shall be released from the shelter until the animal is properly licensed and inoculated, and all costs and expenses thereof have been paid to the Village Clerk. The director of the county animal pound shall dispose of any animal not redeemed within ten (10) days after posting or sending of notice of impoundment.

Sec. 9.304 Penalties:

- A. For any violation involving any dangerous or vicious animal, the penalty shall be not less than One Hundred Dollars (\$100) nor more than Seven Hundred Fifty Dollars (\$750).
- B. For any violation of any section of this chapter for which a penalty is not provided, the penalty shall be not less than One Hundred Dollars (\$100) nor more than Seven Hundred Fifty Dollars (\$750).
- C. Each day a violation continues shall be deemed a separate offense.

Revised Nov. 19, 2010 Ord. 566

Article 4 – Dangerous or Vicious Animals

Sec. 9.401 Definition: Any animal which shall at any time have bitten any human being or whom the owner or keeper should reasonable know to have dangerous propensities and to pose a threat to the public or which has been or is trained to attack persons or animals on command or which at any time has killed or seriously injured another domestic animal. In addition, any animal which, when either unmuzzled, unleashed or unattended by it's owner or keeper, or a member of the owner or keeper's family in a vicious or terrorizing manner approaching any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places or private property not owned or controlled by the owner

Sec. 9.402 Housing and Confinement:

1. Except as otherwise provided within this Chapter, it shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the Village nor 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.
2. No person shall possess any vicious or dangerous animal unless such vicious or dangerous animal unless such vicious or dangerous animal is confined in a confinement structure.
3. Such confinement structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dangerous or vicious animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structured erected to house dangerous or vicious animals must comply with all zoning and building regulations of the Village. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition. In addition to the confinement of a dangerous or vicious animal in a confinement structure a dangerous or vicious animal may be confined indoors but such dangerous or vicious animal may not be kept on a porch, patio or any part of a house or structure that could allow the dangerous or vicious animal to exit the structure on its' own volition. In addition, if a dangerous or vicious animal is kept confined indoors the house or structure may not have windows open or have screen windows or screen doors as the only obstacle preventing the dangerous or vicious animal from exiting the structure. The only time that a dangerous or vicious animal may be allowed out of indoor confinement or a confinement structure are as follows:
 - a.) If it is necessary for the owner or keeper to obtain veterinary care for the dangerous or vicious animal
 - b.) The seller gives away the dangerous or vicious animal; or
 - c.) Comply with the order of a court of competent jurisdiction.

Sec. 9.403 Probable Cause Hearing:

1. In the event that the Animal Control Officer or a law enforcement officer has probable cause to believe that an individual animal is a dangerous or vicious animal the Village President may convene a hearing for the purpose of determining whether the individual animal in question shall be declared a dangerous or vicious animal and to determine whether the animal constitutes a significant threat to the public health and safety. Prior to conducting a hearing, the President shall conduct or cause to be conducted an investigation and shall provide reasonable notification of the hearing to the owner.
2. Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement agent or the Animal Control Officer has probable cause to believe that an individual animal is a dangerous or vicious animal and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement agent or Animal Control Officer

may seize and impound the animal pending disposition of the hearing. The owner of the animal shall be responsible for payment to the village for the costs and expenses of keeping the animal.

3. The hearing shall be held within no less than five nor more than ten days after service of notice upon the owner of the individual animal. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence on behalf of his animal setting forth reasons why the animal should not be declared a dangerous or vicious animal and not determined to be a significant threat to the public health and safety if returned to its owner. The President may decide all issues for or against the owner of the animal regardless of whether the owner appears at the hearing.
4. Within five days after the conclusion of the hearing, the President of the Board of Trustees shall make his determination of the status of the individual animal. The President shall then notify the owner in writing of the determination.

Sec. 9.404 Licensing:

1. No person shall possess any dangerous or vicious animal for a period of more than 48 hours without having first obtained a license therefore from the village.
2. An application for a license to possess a dangerous or vicious animal shall be filed with the village on a form prescribed and provided by the village and shall be accompanied by all of the following:
 - (a) Verification of the identity of the owner and current address by providing a photo copy of the owners driver's license.
 - (b) Proof of ownership of the dangerous or vicious animal.
 - (c) A copy of the current immunization and health record of the dangerous or vicious animal prepared by a veterinarian licensed to practice in the state.
 - (d) A certificate of insurance evidencing coverage in an amount not less than \$50,000, insuring said person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dangerous or vicious animal.
 - (e) Two photographs of the dangerous or vicious animal to be licenses taken not less than one month before the date of application. One photograph shall provide a front view of the -dangerous or vicious animal and shall clearly show the face and ears of the dangerous or vicious animal. One photograph shall show a side view of the dangerous or vicious animal.
 - (f) A license fee of \$50.
 - (g) Such other information as may be required by the Village Clerk.
3. Upon receipt of an application, the Village Clerk shall forward such application to the Police Department or Animal Control Officer which shall cause an inspection of the premises on which the dangerous or vicious animal shall be kept to determine that all provisions of this chapter relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the Police Department or Animal Control Officer shall notify the Village Clerk, in writing, of the results of the inspection.
2. Upon receipt of the results of the Police Department or Animal Control Officer inspection, the Village Clerk shall notify the applicant of the approval, or denial of the license. In the event the license is denied, the notification shall be provided in writing and the reasons for such denial shall be stated. Upon denial, the owner of keeper of the dangerous or vicious animal shall remove the dangerous or vicious animal from the village within 48 hours. Upon approval, the Village Clerk shall issue a license to the applicant.

Sec. 9.405 Impoundment:

1. Any dangerous or vicious animal that is not properly confined in a confinement structure or confined indoors shall be impounded by the Animal Control Officer or any law enforcement

authority; provided however, that if the Village Animal Control Officer reasonably believes that such animal poses an immediate threat of severe injury to person, such officials are authorized to kill such animal. Any dangerous or vicious animal found to be running at large by any member of the Village Police Department or Animal Control Officer shall be presumed to be in violation of this section and shall be subject to impoundment.

2. If the incident giving rise to the impoundment has resulted in an injury to a person, upon impoundment by the Village Police Department, or his designee shall notify the Rabies Control Officer of the county pursuant to ILCS Ch. 510, Act 5, § 12, as amended, and shall transfer control of the dangerous or vicious animal to the officer in accordance with ILCS Ch. 510, Act 5, § 13, as amended.
3. Any animal which attacks a human being or other domestic animal may be ordered destroyed in an expeditious and humane manner, when in the court's judgment; such dog represents a continuing threat of serious harm to human beings or other domestic animals. However, prior to the destruction of the animal, control of the animal must be transferred to the Officer pursuant this Article.
4. Any dangerous or vicious animal which has previously been impounded for not properly being confined or for running at large in violation of this Article, or which has previously bitten or attacked a human being or other domestic animal without provocation, shall be ordered destroyed in an expeditious and humane manner upon any subsequent violations of those subsections or upon any subsequent unprovoked attack or bite.
5. Any dog, which attacks a human being, which results in severe injury, shall automatically be destroyed in an expeditious and humane manner.

Sec. 9.406 Reporting Requirements of License:

Any person holding a license pursuant to this Article shall report the incidence of any of the following events:

- (a) The sale, barter, exchange, gift or death of any dangerous or vicious animal shall be reported within 48 hours.
- (b) The escape from confinement of any dangerous or vicious animal shall be reported upon discovery of the escape.
- (c) The biting or nipping of any person or animal by a dangerous or vicious animal shall be reported upon occurrence.
- (d) The birth of any offspring of a dangerous or vicious animal shall be reported within 48 hours of the birth of the offspring.
- (e) The permanent removal of any dangerous or vicious animal from the territorial limits of the village shall be reported within 48 hours of such removal by surrender of the license of the owner to the Village Clerk.

Except as otherwise provided in this section, the report of any incident required to be reported under this division shall be made to the Village Police Department. Further, all animal owners, whether or not their animal is licensed as a dangerous or vicious animal, receiving notice or having knowledge that their animal has bitten or attacked a human being or domestic animal without provocation shall immediately notify the Police Department or the Animal Control Officer of said incident.

Sec. 9.407 Sign required: All persons possession a dangerous or vicious animal shall display in a prominent place on the premises where a dangerous or vicious animal is kept a sign which is readable by the public from a distance of not less than 100 feet using the words "Beware of Animal." A similar sign shall be posted on any confinement structure.

Sec. 9.408 Revocation of License: A license granted pursuant to this Chapter shall be automatically

revoked upon the second violation by the licensee of any provision of this Chapter. In the event of a revocation of the license, the license fee shall be retained by the Village and the dangerous or vicious animal must be removed from the Village within 48 hours.

Sec. 9.409 Exceptions: This Chapter shall not apply to any K-9 patrol dogs or police dogs. These dogs are defined as a professionally trained dog used by law enforcement purposes and activities.

Sec. 9.410 Failure to Comply: It shall be unlawful for the owner, keeper or harbinger of a dangerous or vicious animal registered with the Village to fail to comply with the requirements and conditions set forth in this Article. Any dangerous or vicious animal found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Village.