

VILLAGE OF HAMBURG
ORDINANCE NO. 96-1
ANIMALS
GENERAL PROVISIONS

1-1-1 DEFINITIONS.

"ANIMAL" shall mean any animal, other than man, which may be affected by rabies.

"ANIMAL CONTROL WARDEN" means any person appointed by the Mayor and approved by the Village Board to perform duties as assigned by the Mayor to effectuate this Code.

"AT LARGE" Any dog shall be deemed to be at large when it is off the property of his owner and not under the control of a responsible person.

"CAT" shall mean any feline, regardless of age or sex.

"CONFINED" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.

"DEPARTMENT OF AGRICULTURE" means the Department of Agriculture of the State of Illinois.

"DOG" Whenever "dog" is used in this Code it shall include any canine, female as well as a male dog, regardless of age.

"HAS BEEN BITTEN" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

"INOCULATION AGAINST RABIES" means the injection of an anti-rabies vaccine approved by the Department.

"LEASH" means 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.

"OWNER" For the purpose of this Code, the word "owner" means a person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him.

"RESTRAINT" A dog is under "restraint" within the meaning of this Code if he is controlled by a leash, at "heel" beside a responsible person; within a vehicle being driven or parked on the streets, or within the property limits of his owner or keeper.

"SHADE" shall mean protection from the direct rays of the sun during the months of June through September.

"SHELTER" as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches (2") from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

"VICIOUS ANIMAL" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bit persons.

"WILD ANIMAL" shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. (See 510 ILCS Sec. 5/24)

1-1-2 INJURY TO PROPERTY

(A) Unlawful. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) Waste Products Accumulations. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

1-1-3 MANNER OF KEEPING.

(A) Pens, Yards, or Runs. All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) Fences. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

1-1-4

KEEPING BARKING DOGS AND CRYING CATS.

(A) **Harboring.** It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to a public nuisance.

(B) **Petitions of Complaint.** Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

1-1-5

CRUELTY TO ANIMALS PROHIBITED.

(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to a County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with Section 1-1-1.

1-1-6

EXHIBITING WILD OR VICIOUS ANIMALS.

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purpose, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer, provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property provided that such are restrained by a leash or chain, cage,

fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

1-1-7 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

(A) Nuisance. The keeping of an unlimited number of dogs and cats in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in Section 3-1-1.

(B) Limitation; Exception.

1. It shall be unlawful for any person or persons to keep more than three (3) dogs and/or three (3) cats within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding five (5) months from birth.
2. The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

ARTICLE II-DOGS

1-2-1 DEFINITIONS.

The terms used in this Article shall comply with Section 3-1-1 of this Chapter unless otherwise provided in this Article.

1-2-2 DOGS TO BE INOCCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.

Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog four (4) months or more of age shall cause such dog to be inoculated against rabies.

1-2-3 INOCCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE. The inoculation of dogs required by Section 1-2-2 shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact.

1-2-4 DURATION OF INOCCULATION. The inoculation performed under the provisions of Section 1-2-3 shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

1-2-5 EXHIBITION OF CERTIFICATE UPON REQUEST. At any reasonable time upon request of any member of the Police Department or Village employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of Section 1-2-3, showing the inoculation against rabies of any dog owned or controlled by him.

1-2-6 RESTRAINT OF DOGS. The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in Section 1-1-1. (See 65 ILCS Sec. 5/11-20-9)

1-2-7 IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.

A. It shall be the duty of such employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the Village, contrary to any of the provisions of this Chapter or other regulations of the Village.

B. When dogs are found running at large or unlicensed and their ownership is known to the designated employee(s), such dogs may be impounded at the discretion of such employee(s), but the employee(s) may cite the owner of such dog to answer charges of violation of this Chapter.

C. Any dog permitted to run at large within the Village is hereby declared to be a nuisance.

D. Any impounded dog with tags which, shall not be redeemed within five (5) days, shall be humanely destroyed or otherwise disposed of by the poundkeeper.

E. If the impounded dog does not have identification tags and is not redeemed within three (3) days, shall be humanely destroyed or otherwise disposed of by the poundkeeper.

F. The Village Board may establish a reasonable fee by motion for each day that a dog is housed in the pound. (See 510 ILCS Sec. 5/10)

1-2-8 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

1-2-9 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog into the Village for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first

1-3-5 INJUNCTION. The Administrator, the Village Attorney, or any citizen of the Village in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. (See 510 ILCS Sec. 5/17)

1-3-6 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON. If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. (See 510 ILCS Sec. 5/16)

1-3-7 RIGHT OF ENTRY-INSPECTIONS. For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request thereof, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. (See 510 ILCS Sec. 5/17)

DIVISION IV-GENERAL PENALTY

1-4-1 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)** for any one (1) offense

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred (\$500.00)** for any one (1) offense, but may not be confined except by provisions of the Juvenile Court Act of the State of Illinois.

(C) Whoever commits an offense against the Village or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the Village, is punishable as a principal.

(E) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs,

paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the Village, upon conviction of any part of this Chapter shall be fined according to Chapter 1--Administration of this Code

1-2-10 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.

Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for ten (10) days. If during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the ten (10) days no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled. (See 510 N.C.S. Sec. 5/12 and 5/13)

1-2-11 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

1-2-12 REDEMPTION OF IMPOUNDED ANIMALS. The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if any, that have accrued up to the time of making the redemption and on paying the same, it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

1-2-13 VILLAGE POUND DESIGNATED. The Village Board shall designate a Village Pound.

1-2-14 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

1-2-15 DANGEROUS DOG-FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this Village.

ARTICLE III- VICIOUS AND DANGEROUS DOGS

1-3-1 DEFINITIONS. For purposes of this Article:

(A) "Vicious dog" means:

- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
- (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.
- (3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (4) Any individual dog which attacks a human being or domestic animal without provocation.
- (5) Any individual dog which has been found to be a "dangerous dog" upon three (3) separate occasions.

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. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B) "Dangerous Dog" means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrifying manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C) "Enclosure" means a fence or structure of at least six (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 which may be taken by the owner or keeper, such as tethering a vicious dog within the enclosure. 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.

(D) "Impounded" means taken into the custody of the public pound in the Village or town where the vicious dog is found.

(E) "Found To Be Vicious Dog" means:

- (1) that the Administrator, 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

- paragraph (1) of Subsection (A) and, based on that finding, the Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or
- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

1-3-2 UNLAWFUL TO MAINTAIN. It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

1-3-3 OWNER'S RESPONSIBILITY. If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within seven (7) working days, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

No owner or keeper of a vicious dog shall sell or give away the dog.

1-3-4 DOG PERMITTED TO LEAVE PREMISES. It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

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 this Code. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

unless a court appearance is required by the ordinance violated. (See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)

1-4-2 LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ADOPTED this _____ day of May, 1996, pursuant to a roll call vote by the Board of Trustees of the VILLAGE OF HAMBURG, Calhoun County, Illinois.

<u>X</u> AYE	_____ NAY	<u>David Decker</u> TRUSTEE
<u>X</u> AYE	_____ NAY	<u>Richard Brown</u> TRUSTEE
_____ AYE	<u>X</u> NAY	<u>William Smith</u> TRUSTEE
<u>X</u> AYE	_____ NAY	<u>Steven M. Paer</u> TRUSTEE
_____ AYE	_____ NAY	_____ TRUSTEE
_____ AYE	_____ NAY	_____ TRUSTEE
		<u>Donna Kelly</u> MAYOR

ATTEST: Colleen B. Doss
VILLAGE CLERK