

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 5 (“ANIMALS”), ARTICLE 1 (“PURPOSES AND DEFINITIONS”) THROUGH ARTICLE 5 (“PROHIBITED ACTIVITIES OF OWNERS AND OTHERS”) OF THE OAK PARK VILLAGE CODE

WHEREAS, the Village of Oak Park (“Village”) is a home rule unit of government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 and as such, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village is authorized to adopt regulations for the public health, safety and welfare, which includes the authority to adopt regulations to protect animals from neglect and abuse, to protect residents from annoyance and injury by animals, to assist in providing housing for animals in the custody of the Village, to cover the cost of licensing and caring for animals and to establish a program to discourage the excessive multiplication of animals; and

WHEREAS, Section 24 of the Animal Control, Act, 510 ILCS 5/24, also empowers the Village to prohibit animals from running at large and to control and regulate dogs, cats or other animals; and

WHEREAS, Section 11-20-9 of the Illinois Municipal Code, 65 ILCS 5/11-20-9, further empowers the Village to prohibit the running at large of horses, asses, mules, cattle, swine, sheep, goats, geese, and dogs, and to impose a tax on dogs; and

WHEREAS, the Village has determined to amend the Chapter 5 (“Animals”), Articles 1 (“Purpose and Definitions”) through Article 5 (“Prohibited Activities of Owners and Others”) of the Village Code to control and regulate dogs, cats or other animals as more fully set forth herein pursuant to the state statutes set forth above and the Village’s home rule authority.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 5 (“Animals”), Article 1 (“Purposes and Definitions”) through Article 5 (“Prohibited Activities of Owners and Others”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

Article 1
PURPOSE AND DEFINITIONS

5-1-1: PURPOSE OF CHAPTER:

5-1-2: DEFINITIONS:

5-1-1: PURPOSE OF CHAPTER:

It is the purpose of the Village of Oak Park to protect animals from neglect and abuse, to protect residents from annoyance and injury by animals, to assist in providing housing for animals in the custody of the Village, to cover the cost of licensing and caring for animals and to establish a program to discourage the excessive multiplication of animals.

5-1-2: DEFINITIONS:

The following words and phrases shall have the meanings, and are hereby defined, as follows:

ANIMAL: Every living creature, domestic or wild, not including ~~man~~ human beings.

ANIMAL CONTROL ACT: The Animal Control Act of the State of Illinois, 510 ILCS 5/1 et seq., as amended.

ANIMAL CONTROL CENTER: A place designated by the Village Manager for the housing of animals in the temporary custody of the Village.

ANIMAL CONTROL OFFICER: A person performing duties prescribed by the Village Manager to effectuate this Act Chapter, including the power and authority to issue citations for any violations of this Chapter.

ANIMAL UNDER RESTRAINT: Any animal:

(1) Either secured by a leash or lead;

(2) Within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or on the premises of another person with the consent of that person, provided that any animal not secured by a leash or lead and that is outdoors on the premises of its owner or outdoors on the premises of another person with consent of that person shall not be considered under restraint unless the animal is on a fenced portion of the premises and the fence is: (i) constructed to keep the animal from reaching through the fence; and (ii) of sufficient height appropriate to the size of the animal to prevent the animal from jumping or reaching over the fence; or

(3) Within an area specifically designated by the Park District of Oak Park or by the Village as a dog park, or as an animal exercise run, provided that the animal is under the control of a competent person.

BITE: Seizure with teeth or jaws of an animal so that the skin of a human being or an animal has been pierced or broken and further includes contact of the saliva of the biting animal with any break or abrasion of the skin of the human being or animal bitten.

CAT: Any live male or female cat (felis catus).

~~DANGEROUS DOG ANIMAL: Any animal which meets any one of the following conditions: individual dog which, when unlawfully unmuzzled, unleashed or unattended by its owner or a member of its owner's family while off the premises of the owner, exhibits behavior other than attack behavior that either does or may cause injury or otherwise endanger the safety of a person or domestic animal, or when unlawfully unmuzzled, unleashed or unattended by its owner or a member of its owner's family, and, when unprovoked, approaches any person or domestic animal in a vicious or terrorizing manner, in an apparent attitude of attack upon any street, sidewalk or public ground or place, or upon any private property other than that of the owner or keeper of the animal.~~

(1) Any animal which bites, inflicts injury on, kills or otherwise attacks a human being or domestic animal without provocation on any public or private property; or

(2) Any animal which on more than one occasion, without provocation, chases or approaches any person in an apparent attitude of attack, on any public property or in any place outside or over the boundaries of its owner's property; or

(3) Any animal owned or harbored primarily or in part for the purpose of dog or other animal fighting or any animal trained for dog or other animal fighting; or

(4) Any dog that is used as a guard dog; or

(5) Any dog which has been found to be a vicious dog under state law.

DAYS: Any reference to the term "days" set forth in this Article shall mean calendar days.

DOG: Any live male or female dog (canis familiaris).

DOMESTIC ANIMAL: Any animal, except birds or fish, the ownership of which within the Village is not prohibited under Section 5-4-11 of the Village Code.

EUTHANASIA: Death brought about by any method which produces instant loss of consciousness and results in painless death.

~~FOUND TO BE A DANGEROUS DOG: A. The Village Manager or his designee, an Animal Control Officer, or a law enforcement officer has conducted an investigation and made a finding, in writing, that the dog is a dangerous dog as defined in this Section and, based on that finding, the Village Manager or his designee, or an Animal Control Officer has declared, in writing, that the dog is a dangerous dog; and the owner of the dog having been so notified in writing has not appealed the finding of the Village Manager or his designee to the Panel on Dog Behavior within seven (7) days of receipt of such notice; or~~

~~B. The owner of a dog found to be a "dangerous dog" by the Village Manager or his designee has appealed such finding to the Panel on Dog Behavior in a timely manner, and the Panel has sustained the finding of the Village Manager or his designee; or~~

~~C. The Circuit Court has found the dog to be a dangerous dog as defined in this Section and has entered an order based on that finding.~~

~~FOUND TO BE A VICIOUS DOG: A. The Panel on Dog Behavior, established under subsection 5-5-5E1 of the Village Code, has conducted a hearing and made a finding, in writing, in accordance with subsection 5-5-5F of the Village Code that the dog is a vicious dog as defined in this Section and, based upon that finding, the Animal Control Officer, or the Village Manager or his designee has declared, in writing, that the dog is a vicious dog; or~~

~~B. The Circuit Court has found the dog to be a vicious dog as defined in this Section, and has entered an order based on that finding.~~

GUARD DOG: Any dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment, not including any dog that is the property of any local, state or federal government body or agency.

IMPOUNDED: To be taken into the custody of the Village.

LICENSED DOG: Any dog four (4) months of age or older for which the owner can produce proof of having paid the license for the current year.

MICROCHIP: A passive electronic device that is injected into an animal by means of a prepackaged sterilized implanting device for purposes of identification or recovery.

NEUTERED ANIMAL: A male or female animal treated by a licensed veterinarian to render it incapable of reproduction.

OWNER: Any person who has a) a right of property in the animal, b) keeps an animal, c) has an animal in his or her care or custody, or d) who knowingly permits an animal to remain on or about any premises occupied by him or her and feeds an animal.

PET: Any species of domesticated animals customarily regarded as suited to live within an abode used for human occupancy.

PROVOCATION: A willful trespass or other tort, or committing or attempting to commit a crime upon premises occupied by the owner of an animal or the tormenting, abusing or assaulting of an animal.

RUN AT LARGE: To be free of restraint off the premises of the owner.

SERVICE ANIMAL: An animal trained in obedience and task skills to meet the needs of a disabled person as defined in the Human Care for Animals Act of the State of Illinois, 510 ILCS 70/2.01, as amended, including dogs that are individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

SEVERE INJURY: Any physical injury that results in death, loss of soft tissue, a broken bone, hospitalization admittance, impairment of any bodily function, disfiguring laceration, laceration requiring sutures or cosmetic surgery or lacerations or puncture wounds caused by more than one bite or a bite to the face of a child under the age of sixteen (16).

SPECIAL 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 or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of 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.

STERILIZATION OR STERILIZE: The rendering of an animal unable to reproduce by altering the animal's reproductive organs. Sterilization includes the spaying of a female dog or cat, or the neutering of a male dog or cat.

STRAY ANIMAL: Any animal not under restraint and not in the presence of its owner.

VACCINATION: The injection of an antirabies vaccine as approved by the Illinois Department of Agriculture, with verification thereof consisting of a current certificate and current tag issued in accordance with the laws of the State of Illinois.

VETERINARY HOSPITAL: Any place used for the treatment of animals operated by a veterinarian and licensed by the State of Illinois.

VILLAGE MANAGER: The Village Manager or the Village Manager's designee.

VICIOUS DOG: A. Any individual dog that, when unprovoked, inflicts bites or attacks a human being or domestic animal, either on public or private property.

~~B. Any individual dog with a known propensity, tendency or disposition to attack without provocation and cause injury to human beings or domestic animals.~~

~~C. Any individual dog which has been found to be a "dangerous dog" as defined in this Section, upon at least three (3) separate occasions as a result of at least three (3) separate occurrences. Any occasions upon which a finding of "dangerous dog" is made, which result from or are connected with the same occurrence or result from incidents occurring at the same time, shall be counted, for purposes of this definition, as one finding of "dangerous dog". Subsection C shall not apply unless:~~

~~1. All three (3) occurrences are subsequent to the adoption of this Ordinance; and~~

~~2. All three (3) occurrences are within a thirty six (36) month period.~~

~~No dog shall be deemed "vicious" if it bites, attacks or menaces a) a trespasser on the property of its owner; b) anyone who has tormented or abused it; c) a person, while the dog is performing within the scope of its duties as a professionally trained law enforcement or guard dog within the owner's secured, enclosed premises when such enclosure is either locked or clearly marked with "dangerous dog" or "guard dog" signage in compliance with the Village Sign Ordinance and such trained law enforcement or guard dog is otherwise in compliance with subsection 5-5-5B2 of this Chapter; or d) a child on the property of the dog's owner, when the dog has not been previously declared to be a dangerous dog as defined herein, the property is enclosed and not easily accessible to children and the bite or attack does not cause great bodily harm. Vicious dogs shall not be classified in a manner that is specific as to breed.~~

Article 2

ADMINISTRATION OF ANIMAL PROGRAM

5-2-1: ADMINISTRATION:

5-2-2: AUTHORITY OF ANIMAL CONTROL OFFICERS AND POLICE OFFICERS:

5-2-1: ADMINISTRATION:

The Village Manager or the Village Manager's designee is responsible for the administration of this Chapter. ~~Powers delegated to the Village Manager may be delegated by him to other appropriate Village departments as he may deem expedient for the effectuation of this Chapter.~~ The Village Manager shall establish such Animal Control Centers as are necessary to effectuate this Chapter.

5-2-2: AUTHORITY OF ANIMAL CONTROL OFFICERS AND POLICE OFFICERS:

~~Animal Control Officers~~ control officers and/or police officers shall enforce animal regulations this Chapter. An ~~Animal Control Officer~~ animal control officer shall have control over the

~~Animal Control Center~~ animal control center; shall have authority to issue citations for violations of this Chapter; and shall wear a uniform and a numbered badge identifying the person as an ~~Animal Control Officer~~ animal control officer.

Article 3 IMPOUNDING PROCEDURES

5-3-1: IMPOUNDING ANIMALS:

5-3-2: RECORD OF IMPOUNDED ANIMALS:

5-3-3: NOTICE TO OWNER OF IMPOUNDMENT:

5-3-4: REDEMPTION OF IMPOUNDED ANIMALS:

5-3-5: IMPOUNDMENT OF DOGS AND CATS – COMPULSORY MICROCHIP IMPLANTATION:

~~5-3-5~~5-3-6: DISPOSITION OF ANIMALS NOT REDEEMED:

~~5-3-6~~5-3-7: IMPOUNDED ANIMALS; INTERFERENCE:

~~5-3-7~~5-3-8: UNWANTED PETS:

5-3-9: REMOVAL OF NEGLECTED ANIMAL:

5-3-1: IMPOUNDING ANIMALS:

An ~~Animal Control Officer~~ animal control officer or police officer may impound in an ~~Animal Control Center~~ animal control center ~~unlicensed dogs four (4) months of age or over; unlicensed cats running at large, four (4) months of age or over; any dog found running at large; any abandoned stray animal, unrestrained animal, animal running-at-large or any animal maintained in violation of this Chapter.~~

5-3-2: RECORD OF IMPOUNDED ANIMALS:

A record shall be made of all impounded animals, entering the breed, color and ~~sex~~ gender, whether licensed or not, if known, date of impoundment and the name and address of the owner or keeper, if known. If practicable, ~~licensed~~ vaccinated animals shall be kept separated from ~~unlicensed~~ unvaccinated ones.

5-3-3: NOTICE TO OWNER OF IMPOUNDMENT:

Immediately upon impoundment of ~~dogs or cats wearing a current license tag~~ an animal, notice ~~by mail shall be sent provided to the address of the owner of the animal if ownership is ascertainable through a current license tag, microchip or other form of identification, as set forth in the license application.~~ Such notice shall inform the owner of the procedure to regain custody of the animal.

5-3-4: REDEMPTION OF IMPOUNDED ANIMALS:

A. An animal of unknown ownership shall be available for redemption for a minimum of

five (5) days, or for such longer length of time as the Village Manager may deem necessary to permit location of and redemption by the rightful owner, except that wild animals which are noxious by their very nature, such as wild rats, and undomesticated rodents may be euthanized immediately. An animal whose owner is known to the Village shall be available for redemption for a minimum of seven (7) days.

B. An animal impounded under the provisions of this Article may be redeemed by the owner within three (3) business days after the impounding thereof in the case of an animal not wearing a current license tag and within seven (7) business days in the case of an animal wearing a current license tag upon the payment of the following fees and compliance with the applicable license requirements, including:

1. Ten dollars (\$10.00) for animals wearing a current animal license tag impounded for the first time;

2. Twenty-five dollars (\$25.00) for animals wearing a current animal license tag impounded for the second or subsequent times;

~~\$25.00 for animals not wearing a current license tag, plus payment of the license fee if the animal is unlicensed;~~

3. In addition to the foregoing fees, a fee of ~~six~~ twenty-five dollars (~~\$6.00~~25.00) for each day the animal has been impounded ~~for board~~ to reimburse the Village for boarding costs; and

4. Any veterinary fees associated with the care of the animal during impoundment.

B. Once the above referenced owner redemption period has lapsed for an animal, the animal shall become the property of the Village and the Village is authorized to place such animal for adoption, place such animal with a humane society or other agency dedicated to placing animals for adoption or, under certain prescribed conditions, to dispose of such animal in accordance with the provisions of Section 5-3-6 of this Article.

C. An animal which has not been redeemed by the owner within the above stated redemption period shall remain eligible for redemption by the owner upon payment of the above referenced fees as long as the animal has not been placed for adoption, placed with another agency or has not otherwise been disposed of in accordance with Section 5-3-6 of this Article.

D. Calendar days shall be counted as "days" for the purpose of computing ~~board~~ fees authorized under this Article. The payment of the fees provided for in this Section shall be in addition to any applicable fines ~~levied by the Circuit Court of Cook County~~. Any redeemed cat or dog not inoculated against rabies shall be taken forthwith by the owner to

a licensed veterinarian for a rabies inoculation, and the owner shall be responsible for the payment of any costs associated with the rabies inoculation.

E. The impoundment period shall not apply to an animal relinquished by its owner to the Village under owner signature authorizing the Village to make immediate disposition of the animal at its discretion, nor shall any required holding period apply to an animal received for impounding in obviously critical physical condition or for which immediate euthanasia shall be deemed proper for humane reasons by the Village Manager.

5-3-5: IMPOUNDMENT OF DOGS AND CATS – COMPULSORY MICROCHIP IMPLANTATION:

A. Any impounded dog or cat shall, prior to redemption, have a microchip implanted pursuant to Section 10 of the Animal Control Act, 510 ILCS 5/10, as amended.

B. In addition to all other applicable fees, the cost of the sterilization and the implantation of the microchip shall be charged to the owner upon redemption.

5-3-5-3-6: DISPOSITION OF ANIMALS NOT REDEEMED:

A. The Village and its agents and contractors shall make a good faith effort to place any animal not redeemed, as provided herein, with an appropriate individual or individuals for adoption or with a humane society or other agency which has, as one of its primary purposes, the placement of animals for adoption. Such agencies shall be licensed as required by State and/or local law. After all reasonable alternatives to place an animal for adoption have been exhausted, or after the passage of thirty (30) days from impoundment, whichever is greater, the animal may be destroyed in a humane fashion.

B. An unredeemed animal which has been examined by a licensed veterinarian and found by same to be seriously ill or injured or dangerous, may be immediately euthanized without regard to the required adoption efforts or time frames set forth hereinabove.

C. Every animal adopted from the Village Animal Control Center ~~an animal control center~~ shall be required to be licensed, inoculated for rabies and spayed or neutered within thirty (30) days. A deposit sufficient to cover the current cost of inoculation, spaying or neutering shall be made with the Village. The deposit shall be returned to the adopting party on receipt of a certification of a licensed veterinarian that the animal has been so inoculated and spayed or neutered. In the alternative, the deposit may be applied directly to the payment of the veterinarian's charges. If these requirements are not fulfilled, the animal shall be reimpounded.

5-3-6-3-7: IMPOUNDED ANIMALS; INTERFERENCE:

No unauthorized person shall interfere with the impounding of, or shall release, any animal that has been impounded by the Village.

5-3-75-3-8: UNWANTED PETS:

No owner of an animal shall abandon an animal. Oak Park residents may assign Unwanted unwanted pets may be assigned to the custody of the Village upon the payment of one hundred dollars (\$100.00) for each animal. Sick, injured or dangerous pets which require euthanasia may only be assigned to the Village upon the payment of a fifteen dollar (\$15.00) fee for each animal so assigned.

5-3-9: REMOVAL OF NEGLECTED ANIMAL:

A. Whenever an animal control officer or police officer shall determine: (1) that any animal is kept within a building or upon any premises without food, water, shelter, or proper care and attention for a period of time sufficient within his or her judgment to cause undue discomfort or suffering, and the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration, eviction, or other involuntary circumstance; or (2) that any animal is kept at a residence under such conditions that endanger the public health, safety and welfare, or the safety and welfare of the animal, it shall be the duty of the Village Manager to take the necessary legal steps to enter or to cause to have entered such building or premises to take possession and remove such animal to an animal control center.

B. The animal control center shall exercise due caution for the welfare and temporary safekeeping of any animal so removed. After due notification to the owner, or, if the owner cannot be located or contacted, after reasonable effort by the animal control center, any animal so removed and unredeemed shall become the property of the Village and shall be disposed of in the discretion of the animal control center.

**ARTICLE 4
OWNER'S DUTIES**

5-4-1: RABIES VACCINATION:

5-4-2: ANIMAL BITES:

5-4-3: ADOPTION OF STATE LAW BY REFERENCE:

5-4-4: FEMALE DOGS OR CATS IN HEAT LICENSE REQUIRED; RECORD; LICENSE TEMPORARILY WAIVED; EXEMPT OWNERS; FINE:

5-4-5: LICENSE REQUIRED; RECORD; LICENSE TEMPORARILY WAIVED; EXEMPT OWNERS; FINE ANIMAL CARE:

5-4-6: ANIMAL CARE MISCELLANEOUS OFFENSES:

5-4-7: MISCELLANEOUS OFFENSES RESPONSIBILITY FOR REMOVAL OF EXCRETA; FINE:

5-4-8: ~~RESPONSIBILITY FOR REMOVAL OF EXCRETA; FINE~~ ANIMAL RESTRAINT:

5-4-9: UNLAWFUL TO RUN AT LARGE:

5-4-10: PROHIBITED ANIMALS:

5-4-11: LIMITATION ON ANIMALS PER HOUSEHOLD:

5-4-12: NUISANCE DEFINED:

5-4-1: RABIES VACCINATION:

It is the duty of all persons owning or keeping either a dog or cat over four (4) months of age to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunities from rabies for one year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be furnished to the Village Clerk. If the rabies inoculation is effective for a period in excess of one year, the certificate shall so state. Any person charged with the violation of this ~~section~~ Section may avoid prosecution by presenting a certification of inoculation and paying to the ~~office of the Village Clerk~~ the sum of ~~ten~~ twenty-five dollars (~~\$10.00~~25.00) within ten (10) days of the notice of violation.

5-4-2: ANIMAL BITES:

A. The ~~Police Department~~ Village Manager shall cause to be investigated reports of animal bites. If an animal has bitten a person, the ~~Police Department~~ Village Manager shall notify the owner of the animal and the animal shall be delivered promptly to a licensed veterinarian who shall confine or cause to be confined such animal as provided in the Animal Control Act. If the owner is not known, the police officer or ~~Animal Control Officer~~ animal control officer shall take such animal promptly to a licensed veterinarian to be confined, as provided in the Animal Control Act ~~of the State of Illinois, 510 Illinois Compiled Statutes.~~

B. If any animal, such as a mouse, rat, squirrel or any other animal, bites a person or other animal and subsequently expires, the bite shall be reported to the ~~Police Department or Animal Control Officer~~ Village and the carcass delivered to the Village ~~Department of Public Health.~~

C. It shall be the duty and responsibility of the owner of any animal which has bitten any other domestic animal or person to:

1. Notify the Village of such bite within twenty-four (24) hours of the bite;

2. Subject to subsection B above, confine such animal under the observation of a licensed veterinarian for a period of ten (10) days beginning within twenty-four (24) hours of the biting incident. If, however, a licensed veterinarian is presented evidence that such animal has been inoculated against rabies within the time prescribed by law prior to the biting, such animal shall be confined on the premises of its owner and in a manner which shall prohibit such animal from biting any other animal or person for a

period of ten (10) days; except that, where the animal bite has caused severe injury or death to a person, confinement on the owner's premises shall not be permitted.

D. After notification by the owner pursuant to subsection A(1) above, the Village may impound any animal that has bitten any other animal or person. The owner shall be responsible for all fees and costs of impoundment pursuant to Section 5-3-4 of this Chapter.

E. In the event of severe injury or death to a person, the Village shall immediately impound the animal and the owner shall be responsible for all fees and costs of impoundment pursuant to Section 5-3-4 of this Chapter. It further shall be the duty and responsibility of the owner to have such animal examined by a licensed veterinarian on the first and tenth day of impoundment or confinement or as soon thereafter as possible; provided, that the impoundment or confinement of the animal described above shall not be terminated until examination by a veterinarian.

F. Prior to the release of an impounded animal pursuant to this Section, vaccination and license certificates must be presented to the Village.

G. It shall be unlawful for the owner of any animal that has bitten any person to sell, euthanize, inoculate, or give away the animal or to permit or allow the animal to be taken beyond the limits of the Village during the time period for rabies observation.

H. Any person who violates any other provision of this Section shall be fined not less than one hundred dollars (\$100.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense. In addition to any fine that may be imposed by this Section, if the owner fails to make the animal available for impoundment, the animal shall become the property of the Village.

5-4-3: ADOPTION OF STATE LAW BY REFERENCE:

Every owner of an animal in the Village shall comply with the Animal Control Act, 510 ILCS 5/1 et seq., as defined herein "Animal Control Act" of the State of Illinois, 510 Illinois Compiled Statutes, the provisions of which are adopted by reference, three (3) copies of said Act being on file in the office of the Village Clerk, as provided by law.

5-4-4: FEMALE DOGS OR CATS IN HEAT:

~~Any person in control of a female dog or cat in heat shall confine such dog or cat in an enclosed area as to preclude other dogs or cats from being attracted to or coming in contact with such female animal, except for planned breeding. A cat allowed to run at large shall be neutered.~~

5-4-5-4-4: LICENSE REQUIRED; RECORD; LICENSE TEMPORARILY WAIVED; EXEMPT OWNERS; FINE:

A. Any person owning within the Village limits any dog four (4) months of age or over, or any cat allowed to run at large, four (4) months of age or over, shall obtain a license for each animal within ten (10) days of acquiring such animal or becoming a resident of the Village of Oak Park. Written application for such license shall be made to the ~~Director of Public Health or the Director's designee~~ Village Manager and shall state the name, address and telephone number of the owner and the name, breed, color, age, and ~~sex~~ gender of such animal, the rabies inoculation certificate number and date of issuance, and any other information deemed necessary. A current rabies inoculation certificate for a dog or cat shall be required at the time of the application for license, which shall certify that the inoculation is effective on or prior to the date of licensure for the full current license year. In addition, a certificate shall be required for each cat to be licensed that such cat has been ~~neutered~~ sterilized. Upon payment of a license fee, the ~~Director of Public Health~~ Village Manager shall issue a memorandum of registry and tag for each animal.

~~B. In the case of a vicious or dangerous dogs dog, the Village Manager Director of Public Health will obtain written approval for the issuance of a vicious or dangerous dog license from the Animal Control Officer before issuing a license. The Director shall issue a red license tag for each vicious or dangerous dog license approved by the Animal Control Officer. The Animal Control Officer will base his or her approval shall issue a dangerous dog license which shall be contingent upon the owner's compliance with this chapter, including any conditions imposed pursuant to Section 5-5-5 of this Chapter of the vicious or dangerous dog license applicant with any existing Panel¹ order in relation to the owner's dog and with all other applicable provisions of chapter 5 of the Village Code.~~

C. In the event a tag is lost, replacement tags may be purchased from the Village Clerk. No tag shall be transferred from one animal to another. The license shall expire on April 30 of each calendar year.

~~B.D.~~ It shall be unlawful for the owner of any animal required to be licensed to keep such animal within the Village unless it wears a collar with the animal license tag for the current license year attached at all times the animal is off the premises of the owner, except for the red ~~vicious or dangerous dog~~ animal license tag, which must be worn by and clearly visible on the dog at all times.

~~C.E.~~ The Village Manager of ~~Public Health~~ shall keep a complete registry of all licensed animals, describing the same by name, species, breed, color and ~~sex~~ gender, the name, address, and telephone number of the owner as given, and the number and date of issuance of each rabies inoculation certificate and license tag. All licensed ~~vicious and dangerous dogs~~ animals shall be clearly identified in the main registry and shall also be maintained in a separate registry of ~~vicious and dangerous dogs~~ animals.

~~D.F.~~ Except for ~~vicious or dangerous dogs~~ animals, animals belonging to nonresidents ~~keeping animals~~ kept temporarily within the corporate limits of Oak Park shall be exempt from this ~~section~~ Section; provided, however, that such animals have a license from the jurisdiction of the owner, if required, and that all the other provisions of this Chapter must be complied with.

~~E.G.~~ Except for ~~vicious or dangerous dogs~~ animals, the annual license fees shall be ~~thirteen~~ twenty-five dollars (~~\$13.00~~ \$25.00) for each animal, provided the fee shall be ten dollars (\$10.00) for each neutered animal as established by a certificate from a licensed veterinarian. The annual license fee for each dangerous ~~dog~~ animal shall be one hundred dollars (\$100.00) and the annual license fee for each ~~vicious dog~~ shall be two hundred dollars (~~\$200.00~~). There shall be no license fee for dogs used to assist the blind, or for animals used by law enforcement agencies in the normal conduct of their activities.

~~F.H.~~ Any person, other than the owner or keeper of a ~~vicious or dangerous dog~~ animal, charged with the violation of this section may avoid prosecution by paying to the Village the sum of ten dollars (~~\$10.00~~) within ten (~~10~~) days of notice of the violation, in addition to the purchase of the license. The owner or keeper of a dangerous or vicious dog, charged with a violation of this section, may avoid prosecution by paying to the Village the sum of fifty dollars (~~\$50.00~~), plus the sum of no less than five hundred fifty dollars (~~\$550.00~~) and no more than one thousand dollars (~~\$1,000.00~~) per occurrence in addition to the purchase of the license. If the owner of a ~~vicious~~ dangerous dog does not obtain a license and/or rabies inoculation after receiving notice and/or a citation from the Village for same within ten (~~10~~) ~~working~~ days of receipt of such notice or citation, the Village may impound the ~~dog~~ animal and seek to have such ~~vicious dog~~ dangerous animal humanely euthanized.

~~5-4-6~~ **5-4-5: ANIMAL CARE:**

Each An animal owner shall provide for each of his animals the following for each animal:

A. Sufficient quantity of good and wholesome food and water;

- B. Adequate shelter and protection from the weather;
- C. Veterinary care when needed to prevent suffering; and
- D. Humane care and treatment.

~~5-4-7~~ 5-4-6: MISCELLANEOUS OFFENSES:

No owner shall permit or suffer his or her animal to:

- A. Molest persons or vehicles by chasing or barking or biting;
- B. Attack other animals;
- C. Damage property other than that of the owner;
- D. Bark, whine or howl excessively; or
- E. Create noxious or offensive odors.

~~5-4-8~~ 5-4-7: RESPONSIBILITY FOR REMOVAL OF EXCRETA; FINE:

The owner of every animal shall be responsible for removal and sanitary disposition of any excreta deposited by his animal(s) anywhere in the Village. When accompanying the animal outside his premises, he shall have on his person suitable means for the removal of such excreta. Any person charged with ~~the a~~ violation of this Section ~~section may avoid prosecution by paying to the office of the Village Clerk the sum of ten dollars (\$10.00) within ten (10) days of the notice of violation~~ shall be subject to a fine in accordance with Section 1-1-5 of this Code.

5-4-8: ANIMAL RESTRAINT:

- A. Each owner shall keep and maintain his animal under restraint; provided, however, that this Section shall not apply to any dog being used for rescue or law enforcement purposes performed by a local, state or federal governmental agency.
- B. It shall be unlawful for any owner to allow his or her animal, other than a cat pursuant to Section 5-4-9(B) below, to cross outside the property line of its owner to any extent, including reaching through, over or under a fence, or to keep or allow his or her animal to be outdoors on an unfenced portion of the owner's property, unless the animal is leashed and under the control of its owner or another responsible person or is outdoors in a fenced area on the premises of another person with consent of that person; provided that any animal not secured by a leash or lead and that is outdoors on a fenced portion of the owner's property or outdoors on the premises of another person with consent of that person shall not be considered under restraint unless the fence is of sufficient height

appropriate to the size of the animal to prevent the animal from jumping or reaching over the fence.

C. Failure to restrain an animal if the animal attacks, bites, threatens, or jumps on any person without that person's consent, outside the property of the animal's owner shall be unlawful. The provisions of this Section shall be a positive duty of the owner and the offenses described herein shall be strict liability offenses.

D. Any owner who violates any provision of this Section shall be subject to a fine of not less than one hundred dollars (\$100.00) or more than seven hundred and fifty dollars (\$750.00) if the violation does not result in severe injury or death to any person or damage to another person's property. If the violation results in severe injury or death to any person, the owner shall be subject to a fine of not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00).

5-4-9: UNLAWFUL TO RUN AT LARGE:

A. It shall be unlawful for an owner to permit a dog, except on a leash controlled by the owner, or any other responsible person authorized by the owner, to use or be upon any public street, sidewalk, parkway, public area or unenclosed premises within the Village. No leash shall be longer than eight feet (8') in length.

B. It shall be unlawful for any cat to run at large, unless neutered and inoculated for rabies, and wearing a license tag issued for the current year by the Village Clerk.

C. Any animal illegally running at large in the Village shall be impounded in the Animal Control Center.

~~D. Any person charged with the violation of this section may avoid prosecution by paying to the office of the Village Clerk the sum of ten dollars (\$10.00) within ten (10) days of the notice of violation.~~

5-4-10: PROHIBITED ANIMALS:

It shall be unlawful to keep any pigs, swine, sheep, cattle, horses, goats or similar animals, or any naturally wild animals, except birds or fish, within the Village, except in zoological parks, performing animal exhibitions, educational institutions, veterinary hospitals, or animal shelters.

5-4-11: LIMITATION ON ANIMALS PER HOUSEHOLD:

A. No person shall keep more than one pigeon, or more than two (2) of the following: rabbits, guinea pigs, gerbils, or fowl of any kind in the Village, except as in those circumstances enumerated in ~~section~~ Section 5-4-10 of this article or in pet shops.

B. No person shall keep or permit more than three (3) dogs to be or remain in or about any single-family residence (including townhomes), building or lot, more than two (2) dogs in any dwelling unit of a two (2) or three (3) flat residential building, or more than one dog in any dwelling unit of a multi-family residential building containing four (4) or more dwelling units within the Village, except as in those circumstances enumerated in ~~section~~Section 5-4-10 of this ~~article~~ Article.

C. Where cats are allowed to run at large, no person shall keep or permit more than two (2) cats to be or remain in or about any single-family residence, building or lot, or more than one cat in any unit of a multi-family residence; where cats are not allowed out of doors, no more than four (4) cats shall be allowed in a single-family residence, building or lot, and no more than two (2) cats in any unit of a multi-family residence, except as in those circumstances enumerated in ~~section~~ Section 5-4-10 of this article.

D. Limit on total number of animals (not counting fish) allowed in single-family residence is ten (10), and a unit of multi-family residence is five (5).

5-4-12: NUISANCE DEFINED:

Any animal that repeatedly violates the provisions of this Chapter shall constitute a nuisance and said animal may be destroyed in a humane fashion.

**Article 5
PROHIBITED ACTIVITIES OF OWNERS AND OTHERS**

5-5-1: CRUELTY TO ANIMALS:

5-5-2: UNAUTHORIZED REMOVAL OF COLLARS, TAGS AND MUZZLES; EXCEPTIONS:

5-5-3: ANIMALS PROHIBITED IN PUBLIC BUILDINGS AND STORES BUSINESSES:

5-5-4: ANIMALS PROHIBITED ON SCHOOL PREMISES AND VILLAGE PLAYGROUNDS:

5-5-5: ~~VICIOUS AND DANGEROUS DOGS~~ ANIMALS:

5-5-6: DANGEROUS ANIMALS – VIOLATIONS:

5-5-7: DANGEROUS ANIMALS – MISCELLANEOUS:

5-5-6 5-5-8: DISEASED ANIMALS:

5-5-7 5-5-9: BIRDS AND SQUIRRELS; HARMING AND TAKING YOUNG OR EGGS:

5-5-1: CRUELTY TO ANIMALS:

A. No person or owner may abandon, cruelly beat, torment, overload, overwork, or otherwise abuse animals in a manner to cause unnecessary suffering.

B. No person shall sell, offer for sale, or give away as a pet any rabbit or fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks,

ducklings, goslings, or turtles shall not be sold, offered for sale, bartered or given away as pets or novelties.

C. No person shall give away animals (other than fish) as a prize, or as an inducement to enter any competition or contest or a place of amusement, or offer such as an incentive to any business agreement for the purpose of attracting trade.

D. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

5-5-2: UNAUTHORIZED REMOVAL OF COLLARS, TAGS AND MUZZLES; EXCEPTIONS:

It shall be unlawful for any person, other than a police officer, Animal Control Officer, licensed veterinarian or owner, to remove the collar, license tag or muzzle from any dog or cat within the limits of the Village without the consent of the owner of such animal.

5-5-3: ANIMALS PROHIBITED IN PUBLIC BUILDINGS AND STORES BUSINESSES:

It shall be unlawful for any animal, even though on a leash, to be in or enter any public building, food establishment, or any ~~store~~ business except a ~~store~~ business for the sale or treatment of animals or business offering services or goods for animals, anywhere within the Village during the time that any of said places are open for use by the public, except for:

A. ~~Service animals. "Service animals" are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets;~~

B. Dogs used by persons in the employ of recognized local, state or federal law enforcement agencies;

C. Animals presented in animal exhibits; ~~or~~

D. Animals participating in authorized animal obedience training classes; or

E. Animals kept by the owner or operator of a business establishment.

5-5-4: ANIMALS PROHIBITED ON SCHOOL PREMISES AND VILLAGE PLAYGROUNDS:

It shall be unlawful for any animal, even though on a leash to go or be upon any school premises or Village maintained playground within the Village, or upon a path or sidewalk

extending through or within any school premises or Village maintained playground within the Village, except for:

- A. Service animals. ~~"Service animals" are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets;~~
- B. Dogs used by persons in the employ of recognized law enforcement governmental agencies;
- C. Animals presented in animal exhibits; or
- D. Animals participating in authorized animal obedience training classes.

5-5-5: ~~VICIOUS AND DANGEROUS DOGS~~ ANIMALS:

A. The Village Manager shall have the authority to make a determination that an animal is a dangerous animal as defined pursuant to this Chapter, and to order the owner to comply with any of the measures set forth below for the protection of public health, safety and welfare.

B. Upon receipt of a complaint or other report of an animal bite, attack, threatening behavior, or other reason to believe an animal may be a dangerous animal, the Village Manager or an animal control officer shall evaluate the seriousness of the complaint or report and, if the circumstances warrant, may conduct an investigation of the facts. Where practicable and readily located, the investigation shall include interviewing the complainant, the victim, if any, the animal's owner, any witnesses, observation of the animal and the scene, and any other information presented by the owner. The investigator then shall make a written finding of whether an animal is a dangerous animal as defined pursuant to this Chapter and of the basis for that finding. In addition, if during the course of the investigation, the investigator uncovers evidence of inhumane treatment of any animal in violation of Sections 5-3-9, 5-4-5 and 5-5-1 of this Chapter, the investigator shall make a written finding of the specific violation and forward such to the Village Manager. For purposes of this Section, a police report may constitute an investigation and may include a finding of dangerousness. Based upon the investigator's finding of a dangerous animal, the Village Manager shall declare in writing whether the animal is a dangerous animal.

C. Where an animal is declared to be a dangerous animal, and the animal has caused severe injury to any person or other domestic animal, then the Village Manager may order the humane destruction of the animal, where appropriate, taking into consideration the severity and the circumstances of injury. Where an animal is declared to be a dangerous

animal, and the animal has caused death to any person, then the Village Manager shall order the humane destruction of the animal.

D. Subject to subsection I of this Section, in all cases where an animal is declared to be a dangerous animal and the animal is not humanely destroyed, the Village Manager shall order the owner to comply with the following requirements:

1. While on the owner's property, the owner must securely confine the dangerous animal indoors or within a securely enclosed and locked pen, structure, or fence, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, structure, or fence must be a minimum of six feet (6') in height and must have secure sides and top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet (2') deep. The enclosure also must be humane and provide some protection from the elements for the animal. In addition to the enclosure required by this subsection, the owner shall erect a fence on the perimeter of that portion of the property where the enclosure is located. The location and height of the fence shall be approved by the Village Manager. The enclosure and fence shall be erected within thirty (30) days of the declaration that the animal is a dangerous animal.

2. While off of the owner's property, a dangerous animal must be muzzled securely to prevent the possibility of biting, restrained by a substantial chain or leash not exceeding six feet (6') in length, and under the control of a responsible adult twenty-one (21) years of age or older at all times. The muzzle must be made in a manner that will not cause injury to the animal or impair its vision or respiration but must prevent it from biting any person or animal.

3. Within ten (10) days of the declaration that the animal is a dangerous animal, the owner, at the owner's expense, shall have an identifying microchip installed under the animal's skin by a veterinarian.

4. Within ten (10) days of the declaration that the animal is a dangerous animal, the animal shall be sterilized at the owner's expense.

5. Within ten (10) days of the declaration that the animal is a dangerous animal, the owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the owner's animal, in an amount not less than one hundred thousand dollars (\$100,000.00) for each animal declared dangerous and provide proof of said insurance to the Village. The insurance shall include a provision requiring the insurer to notify the Village Manager not less than thirty (30) days prior to cancellation or lapse of coverage.

E. The Village Manager may order the owner to comply with any of the following requirements, in any combination, where an animal is declared to be a dangerous animal and the animal is not humanely destroyed:

1. The owner must confine the dangerous animal to the secure enclosure described above in subsection D(1) at all times and only allow the animal out under the conditions set forth in subsection D(2) when it is necessary to obtain veterinary care for the animal, comply with a court order, or where an emergency is declared by a government agency requiring evacuation of the owner.

2. The owner and the animal must complete a course of animal obedience training approved by the Village Manager.

3. The animal shall be permanently barred from the Village limits. The owner shall provide a statement, verified by affidavit, to the Village Manager indicating the new location of the animal, and the name and address of the person having custody of the animal.

4. The owner must display a sign in a conspicuous manner on the owner's premises warning that a dangerous animal is on the premises, which sign provides in capital letters as follows: WARNING – DANGEROUS ANIMAL – KEEP AWAY.

F. Where the owner's address can be reasonably ascertained, the Village Manager shall send written notice to the owner, by first class mail, stating that his or her animal has been declared a dangerous animal, describing the basis for such declaration by specific behavior and date(s) of occurrence, setting forth all applicable orders and restrictions imposed reason of such declaration, and informing the owner of his or her right to appeal such determination by filing a written request for an appeal hearing within fourteen (14) days of service of the notice. A notice shall be deemed served on the date the notice is mailed. A copy of such notice shall be sent to the complainant, if any. Where the animal has been impounded pursuant to subsection H below, such notice shall be sent within thirty (30) days after such impoundment.

G. If the owner requests an appeal of the Village Manager's determination, the Director of Adjudication shall appoint a hearing officer and hold an appeal hearing, at which all interested parties may present testimony and any other relevant evidence, within thirty (30) days of the request for an appeal hearing. The appeal hearing shall be taped or recorded by other appropriate means. If the hearing officer upholds the Village Manager's determination that the animal is dangerous, the owner shall have thirty (30) days to satisfy all requirements set out in subsection (c) and in the notice. In those cases where the Village Manager has ordered humane destruction of the dangerous animal, that order shall not be carried out until seven (7) days after the appeal hearing; if the owner files an appeal to the circuit court during that time period, that order shall be stayed until resolution of such appeal.

H. Where there is probable cause to believe that an animal is a dangerous animal, the Village Manager is authorized to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeals. Where the animal has caused severe injury or death to any person, the Village Manager is required to impound and hold such animal, at the owner's expense, pending the investigation and final resolution of any appeal. In no event shall a dangerous animal be released to its owner before the owner obtains a dangerous animal license pursuant to Section 5-5-4 and complies with Section 5-5-5 of this Article. The holding period and impoundment procedures for animals of unknown ownership shall be governed by Section 5-3-4. The Village Manager may in the Manager's discretion require a deposit in an amount or amounts to be paid by the owner to the Village in an amount sufficient to cover the cost of impoundment during the pendency of any investigation and final resolution of any appeals pursuant to this Article.

I. Guard dogs and dogs which have been found to be "vicious dogs" under state law, automatically are required to comply with the requirements of subsections D(1)-(4) and D(6) of this Section without the need for any individualized declaration or the right to any hearing, except that, to the extent an owner disputes the fact that his or her animal is used as a guard dog, the hearing procedure set forth in subsection G of this Section shall apply.

~~A. Owner Control And Village Impoundment And Destruction Of Vicious Dogs:~~

~~1. It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog, unless such dog is at all times kept in a special 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 vicious dog;~~

~~b. To attend training sessions for which prior approval has been obtained from the Animal Control Officer or the Panel on Dog Behavior;~~

~~c. To walk the dog to the owner's home, which must be located on the same lot as the special enclosure for the dog for the express purpose of keeping the dog in the home on a temporary or permanent basis, provided that the owner has obtained the prior approval of the Animal Control Officer or the Panel on Dog Behavior with regard to the location and manner in which the dog will be controlled in the house. The dog may, likewise, be walked from the home to the approved special enclosure;~~

~~d. To exercise the dog within the enclosed yard in which the special enclosure is located, provided that the owner has obtained the prior approval of the Animal Control Officer or the Panel on Animal Behavior for same, setting forth prescribed limits for the time and manner in which the exercise may be given; or~~

~~e. To comply with the order of a court of competent jurisdiction. The Animal Control Officer may not override the decision of the Panel with regard to subsections (b), (c) and (d) above.~~

~~In each instance in which a vicious dog is removed from the special enclosure it shall be 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.~~

~~Any dog which has been found by the Panel on Dog Behavior or by the court to be a vicious dog and which is not confined to an approved special enclosure subsequent to that determination, shall be impounded by an Animal Control Officer or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.~~

~~If the owner of a dog, which has been determined to be vicious and is subsequently found not to be confined to an approved special enclosure, does not appeal the Village's impoundment of the animal for purposes of destroying the animal to the Circuit Court of Cook County within seven (7) working days of impoundment, the dog may be humanely destroyed. A dog found to be a vicious dog, subsequent to impoundment, shall not be released to the owner until an Animal Control Officer approves the special enclosure as defined in Section 5-1-2 of this Article.~~

~~2. If any vicious animal cannot be safely taken and impounded when necessary for the protection of any person or property, such animal may be slain by a police officer or person authorized by the Village; provided, however, that in all cases where any animal so slain has bitten any person or caused an abrasion to the skin of such person, no injury shall be done to the head of the animal and it shall be the duty of the person slaying the animal to immediately deliver the carcass to a licensed veterinarian to prepare the head and brain for delivery to the Cook County Rabies Control Department.~~

~~B. Public Nuisance:~~

~~1. It is unlawful for any person to maintain a public nuisance by permitting any vicious or dangerous dog or other animal which represents a danger to public safety to leave the premises of its owner when not under control by leash or other recognized control methods, or other required means of control in the case of a vicious dog.~~

~~2. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped and professionally trained law enforcement and guard dogs are exempt from this Section; provided, however, that an attack or injury to a person occurs while the dog is performing duties as expected and the attack on a person or domestic animal is in some way provoked. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 5-4-1 of this Chapter. It shall be the duty of the owner of such exempted dog to notify an Animal~~

~~Control Officer of changes of address. In the case of a professionally trained law enforcement or guard dog, the owner shall keep the Animal Control Officer advised of the location where such dog will be stationed. The Animal Control Officer 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/her.~~

~~C. An Animal Control Officer or police officer shall seize and impound a dog when such officer has reasonable cause to believe that the dog may be a vicious or dangerous dog, as defined in Section 5-1-2 of this Chapter. The dog shall be impounded until a final disposition has been made as to whether the dog is vicious or dangerous and the owner has taken all required precautions for the safe return of the dog to his control.~~

~~D. 1. If the Animal Control Officer has reason to believe that he has seized and impounded a "vicious" animal, he shall notify the Director of Public Health no later than the next working day that he has seized and impounded a dog, which he has reason to believe is a vicious dog pursuant to subsection 5-5-5C of this Section, and that a hearing is required. The Animal Control Officer shall, through a reasonable effort, attempt to determine the identity of the owner of any dog seized and impounded. If its owner cannot be identified within seven (7) days, that dog may be humanely destroyed.~~

~~2. The Director of Public Health shall, within three (3) working days of the determination of the identity of the owner of a dog seized and impounded pursuant to subsection 5-5-5C, notify, by certified mail, return receipt requested, the owner concerning the seizure and impoundment and the grounds for a hearing pursuant to subsection 5-5-5E. This notice shall also require that the owner return within seven (7) days of receipt of the notice of hearing, by certified mail or hand delivery, a signed statement indicating whether the owner wishes that a hearing be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter within ten (10) days of the date of the mailing, or does not reply to the certified letter with a signed statement within seven (7) days of receipt of the notice, the dog may be humanely destroyed.~~

~~3. If the owner of an impounded dog is notified that the owner's dog has been found to be a dangerous dog, the owner may, within seven (7) days of receipt of said notice, file a written appeal of that determination with the Director of Public Health.~~

~~E. 1. The Director of Public Health shall select a Panel of three (3) qualified individuals, knowledgeable about dog behavior, to conduct a hearing within thirty (30) days of the receipt of the signed statement from the dog's owner as required by subsection 5-5-5D₂ of this Section or the written appeal by the dog's owner as required by subsection 5-5-5D₃ of this Section to determine whether the dog impounded pursuant to subsection 5-5-5C of this Section is vicious or dangerous. The Director of Public Health shall select the Panel and conduct the hearing. To greatest extent practicable, the~~

~~selected panel shall collectively represent a diverse background in dog behavior and in no case may all of the members of the Panel be from the same discipline nor may a Panel include any individual connected to the case. For the purposes of this Section, "qualified individuals" means:~~

~~a. Veterinarians specializing in the treatment of dogs and cats;~~

~~b. Dog behavior modification trainers who are recommended by a veterinarian specializing in the treatment of dogs and cats, an American Kennel Club dog obedience judge, a National Association of Dog Obedience Instructors member or persons in subsection E1c below; or~~

~~c. Animal behaviorists with at least a bachelor's degree in animal behavior specializing in the treatment of canine behavior disorders.~~

~~2. The Director of Public Health shall notify the owner of the impounded dog by certified mail, return receipt requested, and the Animal Control Officer of the date and time of the hearing and the names of the Panel members selected. During the hearing, the owner shall have the opportunity to present evidence to demonstrate that the dog is not vicious or dangerous.~~

~~F. The Panel shall declare the dog vicious or dangerous if it finds, by a preponderance of the evidence, that the behavior of the dog under the circumstances presented at the hearing meets the definition of a vicious or dangerous dog as set forth in Section 5-1-2 of this Chapter.~~

~~G. If the Panel declares a dog to be vicious and no appeal is made of this ruling pursuant to subsection 5-5-5H of this Section, the Panel may order that:~~

~~1. The dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal; or~~

~~2. The owner or keeper of the vicious dog shall adhere to a schedule for compliance with this Article which in part:~~

~~a. Shall require the owner to comply with the following conditions:~~

~~(1) To apply, at the owner's own expense, to the Village Clerk for a special Municipal vicious dog license, Municipal registration number and red identification tag issued pursuant to subsection 5-4-5A of this Chapter. A vicious dog shall be impounded until the owner obtains a Municipal vicious dog license, Municipal registration number and red identification tag;~~

~~(2) To display, in a conspicuous manner, a sign on the owner's premises warning that a vicious dog is on the premises. The sign shall be visible and legible from fifty feet (50') of the approved special enclosure required pursuant to subsection G2a(3) of this Section.~~

~~(3) To immediately erect and maintain a special enclosure for the vicious dog on the property where the vicious dog will be kept and maintained in a manner consistent with the definition of "special enclosure" set forth in Section 5-1-2 of this Chapter.~~

~~(4) To maintain liability insurance in an amount determined by the Panel to reasonably cover any damage or injury which may be caused by the vicious dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the Village to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;~~

~~b. May require the owner to comply with the following conditions:~~

~~(1) To tether the dog within the enclosure with a tether approved by the Animal Control Officer and having a minimum tensile strength in excess of that required to fully secure the dog and of a length which prohibits the dog from climbing, jumping or digging out of the confined area.~~

~~H. If the Panel declares the dog to be dangerous, it shall issue an order and a schedule for compliance which, in part:~~

~~1. Shall require the owner to comply with the following conditions:~~

~~a. To apply, at the owner's own expense, to the Village Clerk for a special Municipal dangerous dog license and red identification tag, issued pursuant to subsection 5-4-5A of this Chapter. A dangerous dog shall be impounded until the owner obtains a Municipal dangerous dog license and red identification tag;~~

~~b. To display, in a conspicuous manner, a sign on his premises warning that a dangerous dog is on the premises. The sign shall be visible and legible from fifty feet (50') of the enclosure required pursuant to subsection H2a of this Section.~~

~~2. May require the owner to comply with the following conditions:~~

~~a. To immediately erect and maintain an enclosure for the dangerous dog on the property where the dangerous dog will be kept and maintained, which enclosure may be constructed in a manner consistent with the definition for "special enclosure" set forth in Section 5-1-2 of this Chapter, if such enclosure appears to be reasonably necessary to confine the dangerous dog.~~

b. ~~To maintain liability insurance in an amount determined by the Panel to reasonably cover any damage or injury which may be caused by the dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the Village to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;~~

c. ~~To tether the dog within the enclosure with a tether approved by the Animal Control Officer and having a minimum tensile strength in excess of that required to fully secure the dog and of a length which prohibits the dog from climbing, jumping or digging out of the confined area.~~

~~1. 1. After the Panel hearing, the Director of Public Health shall notify, in writing, the owner of the dog and the Animal Control Officer of the determination by the Panel.~~

~~2. If the owner does not contest the Panel's finding, the owner shall comply with the provisions of this Article in accordance with a schedule established by the Panel, but in no case more than sixty (60) days subsequent to the date of determination.~~

~~3. If the owner wishes to contest the Panel's determination, the contesting owner may, within thirty five (35) days of such determination, bring a petition for administrative review in the Circuit Court in accordance with the procedures established for administrative review under section 3-101 et seq. of chapter 110 of the Illinois Revised Statutes (1989), as amended, petitioning the Court to review the record of the Panel hearing and admitted evidence and render a determination as to whether the dog should be declared vicious or dangerous or whether the conditions imposed on the owner of a dangerous dog are appropriate.~~

~~4. After the petitioner files the petition for administrative review and causes the issuance of summons upon the Village, within thirty five (35) days of petitioner's receipt of the Panel's order, the Court shall conduct a hearing on the record and make its own determination on the record as to whether or not the decision of the Panel is against the manifest weight of the evidence.~~

~~5. If the Court finds that the Panel's determination that the dog is vicious is not against the manifest weight of the evidence, the dog shall either be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal; or if the Court finds the Panel's determination that the dog is vicious or dangerous and the established schedule for compliance are not against the manifest weight of the evidence, the established schedule shall be enforced to insure compliance with this Article, but in no case may complete compliance be allowed more than sixty (60) days subsequent to the date of the Court's determination.~~

~~6. If the dog has bitten or exposed a person within ten (10) days previous to the time of euthanasia, its head shall be transported to the Cook County Rabies Control Department for rabies testing.~~

~~J. If a dog is declared vicious or dangerous in the final disposition of this matter and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the Village for the costs and expenses of impounding and/or destroying the dog.~~

~~K. If the Circuit Court or the Panel finds that the dog is not vicious or dangerous, the Director of the Department of Public Health shall retain the right to convene a hearing to determine whether the dog is vicious or dangerous for any subsequent actions of the dog.~~

~~L. The owner of a vicious or dangerous dog shall:~~

~~1. Comply with the provisions of this Article in accordance with a schedule established by the Panel, but in no case more than sixty (60) days subsequent to the date of determination;~~

~~2. Notify the Village Clerk, the Police Department and the Animal Control Officer if the owner's vicious or dangerous dog is at large or has attacked a human being or injured or killed a domestic animal;~~

~~3. In addition to any license fee required pursuant to subsection 5-4-5E of this Chapter, pay a vicious or dangerous dog fee to the Municipality also as provided in subsection 5-4-5E of this Chapter;~~

~~4. Notify the Village Clerk, the Police Department and the Animal Control Officer within twenty four (24) hours of the death, sale or donation of a vicious or dangerous dog;~~

~~5. Prior to selling or donating the dog, inform the prospective owner that the dog has been declared vicious or dangerous; and~~

~~6. Upon the sale or donation of the dog to a person residing in a different municipality, notify the licensing authority, police department and animal control officer of that municipality of the transfer of ownership and the name, address and telephone number of the new owner.~~

~~M. The owner of a dangerous dog who is found by a preponderance of the evidence to have violated this Article or any rule or regulation adopted pursuant thereto, or to have failed to comply with a Panel's order shall be subject to a fine of not more than five hundred dollars (\$500.00) per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation. An Animal Control Officer is authorized to seize and impound any dangerous dog whose owner fails to comply with the provisions of this Article or any rule or regulation adopted pursuant thereto, or a Panel's order. The Circuit~~

~~Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.~~

~~N. The owner of a vicious dog who is found by a preponderance of the evidence to have violated this Article or any rule or regulation adopted pursuant thereto, or to have failed to comply with a Panel's order shall be subject to a fine of not more than one thousand dollars (\$1,000.00) per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation. An Animal Control Officer is authorized to seize and impound any vicious dog whose owner fails to comply with the provisions of this Article or any rule or regulation adopted pursuant thereto, or a Panel's order. The Circuit Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.~~

~~O. The Animal Control Officer shall inspect the special enclosure and the owner's property at least semi-annually to determine continuing conformity with the definition of "special enclosure" set forth in Section 5-1-2 of this Chapter.~~

~~P. If a dog found to be dangerous does not exhibit the behavior defined in Section 5-1-2 of this Chapter as dangerous within a thirty six (36) month period from the date of designation as a dangerous dog, the dog shall be removed from the list of dangerous dogs. Any dog shall be removed from the list of vicious dogs at any time and any dog may be removed from the list of dangerous dogs prior to the expiration of the thirty six (36) month period if the owner or keeper of the dog demonstrates to the Panel on Dog Behavior, through the same hearing process established under Section 5-5-5 hereinabove for the purpose of determining whether a dog is vicious or dangerous, that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to public safety. If the Panel finds, by a preponderance of the evidence, that the dog is no longer vicious or dangerous, then the Panel shall order the dog removed from the appropriate list.~~

5-5-6: DANGEROUS ANIMALS – VIOLATIONS:

A. Any owner who fails to comply with any of the requirements of Section 5-5-5, Section 5-5-7, or any additional orders of the Village Manager as authorized by those sections shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), plus impoundment of the animal. If the owner fails to make the animal available for impoundment or fails to come into compliance with any applicable requirements of this Article within seven (7) days after the impoundment of the animal or such additional time as may be determined by the Village Manager, the animal shall become the property of the Village.

B. Any animal which has been declared a dangerous animal and which: (1) is seen outside and not confined within the enclosure required by Section 5-5-5(D)(1), and not muzzled and under control as required by Section 5-5-5; or (2) thereafter attacks or injures a person or

domestic animal, shall be impounded by an animal control officer or a police officer, at the owner's expense, and the Village Manager may order the owner to comply with any of the alternatives set forth in Section 5-5-5(C)-(D), including humane destruction of the animal. If the owner fails to make the animal available for impoundment or fails to come into compliance with the requirements or orders within seven (7) days after the impoundment of the animal, the animal shall become the property of the Village. The owner shall be entitled to notice and an opportunity for a hearing in the same manner as provided in Section 5-5-5 above.

5-5-7: DANGEROUS ANIMALS – MISCELLANEOUS:

A. Every owner of a dangerous animal shall allow inspection of the required enclosure by the Village Manager.

B. All dangerous animals as defined in this Chapter are hereby declared to be a public nuisance; provided that they are lawful if maintained in strict compliance with the requirements set forth in Section 5-5-5 above.

C. Where an animal has caused severe injury or death to any person, but it is not found to be a dangerous animal on the grounds that the attack was provoked, the Village Manager shall advise the owner to comply with the safety measures set forth in Section 5-5-5 above in order to protect the public health, safety and welfare.

5-5-6 5-5-8: DISEASED ANIMALS:

No domestic animal afflicted with a contagious disease or an infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of other animals or man may be affected.

5-5-7 5-5-9: BIRDS AND SQUIRRELS; HARMING AND TAKING YOUNG OR EGGS:

It shall be unlawful for any person to kill or wound or attempt to kill or wound any squirrel or bird or for any person to take the eggs or young of any bird within the limits of the Village.

Section 3. Compliance Period. The owner of an animal that is not in compliance with any of the provisions of this Ordinance on the date of its adoption shall have until September 1, 2015 to come into compliance.

Section 4. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 3rd day of August, 2015, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Lueck				
Trustee Ott				
Trustee Salzman				
Trustee Tucker				

APPROVED by this 3rd day of August, 2015.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 3rd day of August, 2015.

Teresa Powell, Village Clerk