

Chapter 5 ANIMALS

Article 1 PURPOSE AND 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. (Ord. 15-138, 8-3-2015)

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 human beings.

ANIMAL CONTROL ACT: The animal control act of the state of Illinois, 510 Illinois Compiled Statutes 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 chapter, including the power and authority to issue citations for any violations of this chapter.

ANIMAL UNDER RESTRAINT: Any animal:

- A. Either secured by a leash or lead;
- B. 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: 1) constructed to keep the animal from reaching through the fence; and 2) of sufficient height appropriate to the size of the animal to prevent the animal from jumping or reaching over the fence; or
- C. 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 ANIMAL: Any animal which meets any one of the following conditions:

- A. 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
- B. 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
- C. 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
- D. Any dog that is used as a guard dog; or

E. 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 [5-4-10](#) of this chapter.

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

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 wilful 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 Illinois Compiled Statutes 70/2.01C, 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. (Ord. 15-138, 8-3-2015)

Article 2

ADMINISTRATION OF ANIMAL PROGRAM

5-2-1: ADMINISTRATION:

The Village Manager or the Village Manager's designee is responsible for the administration of this chapter. The Village Manager

shall establish such animal control centers as are necessary to effectuate this chapter. (Ord. 15-138, 8-3-2015)

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

Animal control officers and/or police officers shall enforce this chapter. An animal control officer shall have control over the 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. (Ord. 15-138, 8-3-2015)

Article 3 IMPOUNDING PROCEDURES

5-3-1: IMPOUNDING ANIMALS:

An animal control officer or police officer may impound in an animal control center any stray animal, unrestrained animal, animal running at large or any animal maintained in violation of this chapter. (Ord. 15-138, 8-3-2015)

5-3-2: RECORD OF IMPOUNDED ANIMALS:

A record shall be made of all impounded animals, entering the breed, color and gender, whether licensed or not, if known, date of impoundment and the name and address of the owner or keeper, if known. If practicable, vaccinated animals shall be kept separated from unvaccinated ones. (Ord. 15-138, 8-3-2015)

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

Immediately upon impoundment of an animal, notice shall be provided to the owner of the animal if ownership is ascertainable through a current license tag, microchip or other form of identification. Such notice shall inform the owner of the procedure to regain custody of the animal. (Ord. 15-138, 8-3-2015)

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 upon the payment of the following fees and compliance with the applicable license requirements, including:
1. Ten dollars (\$10.00) for animals impounded for the first time;
 2. Twenty five dollars (\$25.00) for animals impounded for the second or subsequent time;
 3. In addition to the foregoing fees, a fee of twenty five dollars (\$25.00) for each day the animal has been impounded to reimburse the Village for boarding costs; and
 4. Any veterinary fees associated with the care of the animal during impoundment.
- C. 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.

- D. 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.
- E. Calendar days shall be counted as "days" for the purpose of computing fees authorized under this article. The payment of the fees provided for in this section shall be in addition to any applicable fines. 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.
- F. 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. (Ord. 15-138, 8-3-2015)

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 Illinois Compiled Statutes 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. (Ord. 15-138, 8-3-2015)

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 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 reimposed. (Ord. 15-138, 8-3-2015)

5-3-7: IMPOUNDED ANIMALS; INTERFERENCE:

No unauthorized person shall interfere with the impounding of, or shall release, any animal that has been impounded by the Village. (Ord. 15-138, 8-3-2015)

5-3-8: UNWANTED PETS:

No owner of an animal shall abandon an animal. Oak Park residents may assign unwanted pets to the custody of the Village upon the payment of one hundred dollars (\$100.00) for each animal. (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

Article 4 OWNER'S DUTIES

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. 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 may avoid prosecution by presenting a certification of inoculation and paying to the Village the sum of twenty five dollars (\$25.00) within ten (10) days of the notice of violation. (Ord. 15-138, 8-3-2015)

5-4-2: ANIMAL BITES:

- A. The Village Manager shall cause to be investigated reports of animal bites. If an animal has bitten a person, the 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 shall take such animal promptly to a licensed veterinarian to be confined, as provided in the animal control act.
- 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 Village and the carcass delivered to the Village.
- 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 [5-4-2A](#) of this section, 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 [5-4-2A](#) of this section, 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 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. (Ord. 15-138, 8-3-2015)

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 Illinois Compiled Statutes 5/1 et seq., as defined herein, 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. (Ord. 15-138, 8-3-2015)

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 Village Manager and shall state the name,

address and telephone number of the owner and the name, breed, color, age, and 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. In addition, a certificate shall be required for each cat to be licensed that such cat has been sterilized. Upon payment of a license fee, the Village Manager shall issue a memorandum of registry and tag for each animal.

- B. In the case of a dangerous dog, the Village Manager 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.
- C. In the event a tag is lost, replacement tags may be purchased from the Village. No tag shall be transferred from one animal to another. The license shall expire on April 30 of each calendar year.
- 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 dangerous animal license tag, which must be worn by and clearly visible on the dog at all times.
- E. The Village Manager shall keep a complete registry of all licensed animals, describing the same by name, species, breed, color and 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 dangerous animals shall be clearly identified in the main registry and shall also be maintained in a separate registry of dangerous animals.
- F. Except for dangerous animals, animals belonging to nonresidents kept temporarily within the corporate limits of Oak Park shall be exempt from this 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.
- G. Except for dangerous animals, the annual license fees shall be twenty five dollars (\$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 animal shall be one hundred dollars (\$100.00). 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.

H. If the owner of a 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) days of receipt of such notice or citation, the Village may impound the animal and seek to have such dangerous animal humanely euthanized. (Ord. 15-138, 8-3-2015)

5-4-5: ANIMAL CARE:

An animal owner shall provide 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. (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

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 a violation of this section shall be subject to a fine in accordance with section [1-1-5](#) of this code. (Ord. 15-138, 8-3-2015)

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 subsection [5-4-9B](#) of this article, 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 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). (Ord. 15-138, 8-3-2015)

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.

- C. Any animal illegally running at large in the Village shall be impounded in the animal control center. (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

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 [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 [5-4-10](#) of this 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 [5-4-10](#) of this article.

D. Limit on total number of animals (not counting fish) allowed in a single-family residence is ten (10), and a unit of multi-family residence is five (5). (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

Article 5 PROHIBITED ACTIVITIES OF OWNERS AND OTHERS

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. (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

5-5-3: ANIMALS PROHIBITED IN PUBLIC BUILDINGS AND 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 business except a 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;
- B. Dogs used by persons in the employ of recognized local, state or federal law enforcement agencies;
- C. Animals presented in animal exhibits;
- D. Animals participating in authorized animal obedience training classes; or
- E. Animals kept by the owner or operator of a business establishment. (Ord. 15-138, 8-3-2015)

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.

- 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. (Ord. 15-138, 8-3-2015)

5-5-5: DANGEROUS 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](#) and [5-4-5](#) of this chapter and section [5-5-1](#) of this article, 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 [5-5-5I](#) 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 [5-5-5D1](#) of this section at all times and only allow the animal out under the conditions set forth in subsection [5-5-5D2](#) of this section 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 [5-5-5H](#) of this section, 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 [5-5-5D](#) of this section 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 [5-4-4](#) of this chapter and complies with this section. The holding period and impoundment procedures for animals of unknown ownership shall be governed by section [5-3-4](#) of this chapter. 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 [5-5-5D1](#) through D5 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 [5-5-5G](#) of this section shall apply. (Ord. 15-138, 8-3-2015)

5-5-6: DANGEROUS ANIMALS; VIOLATIONS:

- A. Any owner who fails to comply with any of the requirements of sections [5-5-5](#) and [5-5-7](#) of this article, 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 subsection [5-5-5D1](#) of this article, and not muzzled and under control as required by section [5-5-5](#) of this article; 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 subsections [5-5-5C](#) and D of this article, 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](#) of this article. (Ord. 15-138, 8-3-2015)

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](#) of this article.
- 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](#) of this article in order to protect the public health, safety and welfare. (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

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. (Ord. 15-138, 8-3-2015)

Article 6

DEALERS IN HOUSEHOLD PETS

5-6-1: LICENSE REQUIRED:

No person shall engage in the business of buying, selling, grooming, training or dealing in animals used as household pets or for domestic purposes without first obtaining a State and Village license.

5-6-2: APPLICATION; INVESTIGATION; ISSUANCE OF LICENSE:

Any person desiring a license to engage in the business of buying, selling or dealing in birds, dogs and other small animals used as household pets and for domestic purposes, shall make written application to the Village Clerk, stating the name and residence of the applicant and the place at which it is intended or desired to carry on such business, giving the location as well as a description of the premises. It shall be the duty of the Director of Public Health and other appropriate inspection personnel of the Village to cause an investigation of the premises named and described in such application for the purpose of determining the fitness and suitability of such premises for such business. Upon recommendation of the Director of Public Health and other appropriate personnel, and upon payment by such applicant to the Village Clerk of the license fee as set out in [Chapter 8](#) of this Code, on licenses, the Village Clerk shall issue or cause to be issued to such applicant a license. A valid license certificate shall be posted in a conspicuous place in such place of business. No license shall be issued hereunder unless the applicant is in compliance with the Animal Welfare Act of the State of Illinois, cited earlier.

Article 7

VETERINARY HOSPITALS

5-7-1: DEFINITION:

A veterinary hospital is defined as any place used for the treatment of animals operated by a veterinarian licensed by the State of Illinois.

5-7-2: LICENSE - REQUIRED:

No person shall manage, conduct, operate or carry on the business of a veterinary hospital without first having obtained a license therefor.

5-7-3: LICENSE - APPLICATION:

Any person desiring to conduct, carry on or operate a veterinary hospital, as defined in this Chapter, shall make a written application to the Village Clerk for a license to do so, which shall conform to the general requirements of [Chapter 8](#) of this Code relating to applications for licenses. Such application shall be filed with the Village Clerk who shall thereupon transmit it to the Director of Public Health.

5-7-4: LICENSE - INVESTIGATION OF APPLICANT; ISSUANCE:

Upon receipt of the application referred to in the preceding Section, the Director of Public Health shall cause such investigation to be made as in his judgment is necessary for the issuance of the license. If the Director of Public Health approves the application, and the applicant has paid the license fee required by [Chapter 8](#) of this Code, the Village Clerk shall issue a license required by this Article to the applicant.

5-7-5: LICENSE - SANITARY REGULATIONS; SUSPENSION:

All veterinary hospitals shall be kept free and clean from decaying food and from filth of any kind. Every veterinary hospital conducted, maintained or managed by any person licensed by this Article shall at all times be open to the inspection of the Director of Public Health, or any duly appointed assistants or inspectors; the Director of Public Health is hereby authorized and empowered to inspect the same, or cause inspection thereof to be made, whenever and as often as he may deem proper; if, upon such inspection, he shall find any such hospital to be conducted, managed or maintained in violation of the terms of the application for the license under which such hospital was opened, conducted, managed or maintained, or in violation of any of the provisions of this Chapter, or any of the health or sanitary ordinances, rules or regulations of the Village, then, and in that event, he may suspend the license for ten (10) days pending final action by the President and Board of Trustees on revocation.

It shall also be the further duty of all persons licensed under this Article to make a report to the Director of Public Health of any communicable diseases or disease due to poisoning which may exist in such veterinary hospital.

Provisions shall be made in such veterinary hospital for securely impounding any animal confined for observation for rabies. Special precaution shall be taken to securely and separately confine any such animals during such period of observation, and report shall be made to the Director of Public Health of any such animal confined in any veterinary hospital. Said veterinary hospitals shall comply with the Animal Welfare Act of the State of Illinois, [Chapter 8](#), Illinois Revised Statutes.