

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 5 ("ANIMALS"), ARTICLE 4 ("OWNER'S DUTIES"), SECTION 5-4-11 ("LIMITATION ON THE NUMBER OF ANIMALS PER HOUSEHOLD") OF THE OAK PARK VILLAGE CODE REGARDING THE NUMBER OF DOGS THAT MAY KEPT IN A DWELLING UNIT OF A MULTI-FAMILY RESIDENTIAL BUILDING**

**WHEREAS**, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 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 of Oak Park's powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, the Village may further regulate the dogs in the Village, including the number of dogs that may be kept by a household, pursuant to Section 24 of the Illinois Animal Control Act, 510 ILCS 5/24; and

**WHEREAS**, at the Village Board meeting held on February 4, 2019, the Board directed that an ordinance be presented for Board consideration to amend the Village Code so that two (2) dogs may be kept in any dwelling unit of a multi-family residential building containing four (4) or more dwelling units within the Village; and

**WHEREAS**, pursuant to the Village's home rule authority and the Illinois Animal Control Act, the Village Board has determined to amend the Village Code as set forth herein.

**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 4 ("Owner's Duties"), Section 5-4-11 ("Limitation on Animals Per Household") of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

#### **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~~ two (2) dogs 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).

**Section 3. 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 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 18<sup>th</sup> day of March, 2019, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

**APPROVED** this 18<sup>th</sup> day of March, 2019.

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Anan Abu-Taleb, Village President

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 18<sup>th</sup> day of March, 2019.

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Vicki Scaman, Village Clerk