

VILLAGE OF MT. AUBURN

ORDINANCE NO. 205

**AN ORDINANCE AMENDING IN TOTAL THE ENTIRE CHAPTER 2
OF THE MT. AUBURN VILLAGE CODE**

2023 VILLAGE OF MT. AUBURN ANIMAL CONTROL ORDINANCE

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS, AS FOLLOWS:

WHEREAS the Village Code Chapter 2 as well as ordinances 91, 137, 143, and 156 deal with the same or similar subject matter.

WHEREAS the Board believes it best to consolidate each of the respective codes and ordinances into one comprehensive ordinance as follows:

SECTION 1: DEFINITIONS:

- (A) **DOG:** Shall mean any canine, regardless of age or sex.
- (B) **CAT:** Shall mean any feline, regardless of age or sex.
- (C) **OWNER/KEEPER:** For the purpose of this Ordinance, the word Owner/Keeper means a person having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in his or her care.
- (D) **AT LARGE:** Any dog shall be deemed to be at large when it is off the property of its owner/keeper and not on restrained by the Owner/Keeper
- (E) **RESTRAINT:** A dog is under restraint within the meaning of this Ordinance if the dog is controlled by a leash; at "Heel" beside a responsible person; or obedient to that person's command; within a vehicle being driven or parked on the streets, or within the property limits of its Owner/Keeper.
- (F) **SHADE:** Shall mean protection from the direct rays of the sun during the months of June through September.
- (G) **SHELTER:** As it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog(s) and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind-proof material. Such structure

shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

(H) **FENCE:** Fences that are structures intended to secure an animal.

(I) **KENNEL:** Means any structure that enclosed on all sides including top and bottom that has a suitable size to accommodate the dog(s).

(J) **WILD ANIMAL:** Shall mean any live monkey, ape, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or other animal or any bird of prey which can normally be found in the wild.

(K) **VICIOUS ANIMAL:** Shall mean any animal which has previously attacked or bitten any person or animal or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons or other animals.

(L) **GUARD DOGS:** For purposes of this Ordinance, a guard dog means any dog whose primary purpose is as a security measure in protecting a person or business within the Village. This excludes household pets.

SECTION 2: INNOCULATION:

(A) **RABIES INNOCULATION:** Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first and every year thereafter.

(B) **TAGS/CHIPPED:** After each vaccination, the owner/keeper shall affix to the dog either by tag or by chip indicating current vaccination.

SECTION 2: RUNNING AT LARGE PROHIBITED:

It shall hereby declared to be a public nuisance and unlawful for any dog to run at large at any time within the corporate limits of the Village of Mt. Auburn. This violation shall be considered a violation of Ordinance No. 205, Section 1 and is subject to Penalties outlined in Section _____ below.

SECTION 3: LEASH REQUIRED:

It is unlawful for any dog to leave the premises of its owner or keeper when not under control by leash or other recognized control methods. The owner or keeper of such dogs that leaves the premises of its owner or keeper when not under control by leash or other recognized control methods shall be in violation of Ordinance No. 205 Section 2 and is subject to Penalties outlined in Section _____ below.

SECTION 4: IMPOUNDMENT:

(A) **DOGS RUNNING AT LARGE:** The Village through its members of the Board, Mayor, Village employee, Law enforcement or County Animal Control Agent may impound any dog or dogs running at large or unlicensed. If the dog's owner/keeper is known, the impounder of said dog shall make reasonable attempts to contact the Owner/Keeper, informing said person of the impoundment and shall cite the Owner/Keeper of such dog as a violation of Section 2.

(B) **DOGS HAVING BITTEN OR OTHERWISE INJURED PERSONS** Any dog which shall have bitten, or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for 14 days. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed, in such a manner, however as to preserve intact the head, which shall thereupon be detached immediately then sent to the Diagnostic Laboratory of the Department of Agriculture (or its successor handling such issues). In case such dog cannot be safely take up and impounded it may be shot, care being taken to preserve the head intact which shall thereupon be detached immediately then sent to the Diagnostic Laboratory of the Department of Agriculture (or its successor handling such issues)

If at the expiration of the 14 days, no symptoms of rabies have developed in such dog so impounded, the same bay be redeemed by the owner upon payment of any redemption fees or charges related to the impoundment. The dog then must be secured on the property in a kennel or house and cannot be out in the public with^{out} a muzzle. Based upon the facts of each case, the Village can deem a Dog "Vicious" as defined herein and require the owner to remove the dog from said Village.

(C) **DISPOSTION OF DOGS DEEMED NUISANCES** Any dog which may, in any manner, continually distur**b** the quiet of any person or neighborhood or shall destroy or in any manner injury any animal, or other property not on the premises of the Owner/Keeper is hereby declared to be a nuisance. The Owner shall have 30 days to enact certain measures to cure this nuisance. If after the 30 days the Owner/Keeper has not enacted measures to cure the nuisance, the Village may order that said dog be removed from said Village.

SECTION 5: MANNER OF KEEPING

(A) **PENS, YARDS, OR RUNS.** All pens, Yards, runs or other structure wherein any animal is kept shall be of such construction so as to insure the containment of said dog, easily cleaned and kept in good repair.

(B) **FENCES:** Fences, whether underground or above ground, which are intended as enclosures for any animal shall be properly constructed with adequate capacity to retain the animal. Said Fence must be kept in good repair and shall not be allowed to become unsightly.

SECTION 6: CRUELTY TO ANIMALS

(A) **CRUELTY TO ANIMALS PROHIBITED:** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelty beat, strike or abuse any animal, or by an act, omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility and should not be abandoned.

(B) **FOOD AND SHELTER:** It shall be unlawful for any Owner/Keeper of any animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelty or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane way.

SECTION 7: WILD OR VICIOUS ANIMALS ARE PROHIBITED

(A) **WILD ANIMALS:** It shall be unlawful for any person to keep or permit to be kept on his premises any wild animal as defined herein unless a permit is granted by the Department of Agriculture.

(B) **VICIOUS ANIMALS:** It shall be unlawful for any person to keep or permit to be kept on his premises any vicious animal. This Section shall not be applicable of a law enforcement or military agency or personnel who utilizes his/her dog in the line of employment and harbors said dog at his/her premises. Similarly, any dog kept for the primary purpose of protection of property, both private and business, shall also be excluded so long as the animals are restrained by a leash, chain, cage, fence, kennel or other means to protect the general public or those persons who, with permission, has entered onto the property of the Owner/Keeper.

SECTION 8: MISCELLANEOUS PROVISIONS:

(A) **CERTAIN PROHIBITIONS:** In addition to wild or vicious animals, it is also unlawful to keep with the Village any Cattle, cow, horses, sheep, swine, Goats, ~~Chickens, ducks~~ turkeys geese or other livestock unless there is a certification from a qualified physician that said animal(s) are service related animals.

(B) **KEEPING OF NUMEROUS DOGS AND CATS:** The Harboring of more than 5 dogs or 5 cats is considered a nuisance and shall not exceed said number. This does not apply to litters who are under one year of age.

SECTION 9: PENALTIES:

(A) **FIRST OFFENSE:** Except for vicious animal/attacks, Any owner or keeper of a dog in violation of this Ordinance shall be given a written warning.

(B) **SECOND OFFENSE:** The fine shall not exceed \$50;00 if paid within 30 days. After 30 days, the fine shall be up to \$500.00.

(C) **THIRD OR MORE OFFENSES:** The fine shall not exceed \$250.00 if paid within 30 days. After 30 days, the fine shall be up to \$1,000.00.

(D) **VICIOUS ANIMALS:** No Written Warning shall issue. An Ordinance Violation may be issued and brought before a Court of Competent Jurisdiction on even the first act which may qualify the dog(s) as vicious. If any Court finds that more likely than not, the dog(s) in question are Vicious animals as defined herein, The Fine for said animal shall not exceed \$2,500.00 and said dog is to be removed from the Village within 30 days.

SECTION 10: If any section, clause provision or portion of this Ordinance shall be held to be in valid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

SECTION 11: EFFECT DATE

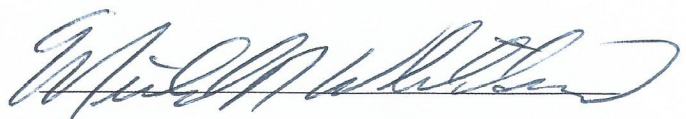
This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

ADOPTED this 7th day of March, 2023 pursuant to roll call vote as follows:

AYES: Sandy Gooder, Rick Clayton, Don Henderson,
Mike Whitehead

NAYS: _____

Absent: Brenda Patton, Dee Dee Carey, Scott Vincent



MIKE WHITEHEAD, Village Mayor

ATTEST:



TAMMY HAMEL

FILED IN THE OFFICE OF THE VILLAGE CLERK

VILLAGE OF MT. AUBURN, ILLINOIS

ON THE 7th DAY OF March, 2023.

