

VILLAGE OF MT. AUBURN

ORDINANCE NO. 196

**AN ORDINANCE AMENDING SECTION 2-1-10 OF THE MT. AUBURN VILLAGE CODE AND SUBSEQUENT REPLACEMENT OF ORDINANCE NO. 91**

**ORDINANCE PROHIBITING DOGS RUNNING LOOSE  
WITHIN THE VILLAGE OF MT. AUBURN**

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

**SECTION 1: Repeal and Replace Ordinance No. 91**

Ordinance No. 91 is repealed and replaced by this Ordinance and Section 2-1-10 of the Mt. Auburn Village Code is hereby amended.

**SECTION 2: Purpose:**

The purpose of this ordinance is to protect the Village residents from dogs unlawfully running loose within the Village of Mt. Auburn. The Board notes that dogs who are not restricted by a leash and confined to the owner's property creates a risk of harm to persons, other animals and property.

**SECTION 3: Definition:**

- A. At Large. At large refers to a dog who is running freely and unrestrained off of the owner's property.
- B. Owner/keeper: Owner/keeper means anyone who is responsible for the control and care of the dog. To the extent the owner of the dog is a minor or resides in a household, the owners of the dog will refer to the person or persons who own/rent the residence to which the dog resides. This excludes landlords.

**SECTION 3: Prohibition**

- A. Dog(s) Running at large is prohibited: It is 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 wherein the dog is not under direct control of the owner/keeper of said dog.
- B. Leash Required: It is unlawful for any dog to leave the premises of its owner or keeper when not under control by leash.

#### SECTION 4: Subject to Impoundment

(Consistent 510 ILCS 5/9Sec. 9. This ordinance does not replace but rather acts in conjunction with County State and Federal Law.)

- A. Any dog found running at large contrary to provisions of this ordinance may be apprehended and impounded. The dog's owner/keeper shall pay a \$25 public safety fine to be deposited into the county animal control fund or the county pet population control fund. This is separate and distinct from the fines and penalties listed in Section 6. below.
- B. A dog found running at large contrary to the provisions of this Act a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

#### SECTION 5: Animal Attacks, Injuries or Damage

- A. Animal attacks, injuries. If a dog, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby including attorney fees and costs if allowed by County, State and Federal Law.
- B. Property Damage. If a dog causes property damage, the owner of such dog is liable in civil damages to such person for the full amount of the damages proximately caused thereby including attorney fees and costs if allowed by County, State and Federal Law.

#### SECTION 6: Penalties

In Addition to any County, State or Federal fines or fees as well as any damages caused herein, the Owner/Keeper of a dog in violation of this statute shall be subjected to the following Village penalties:

- A. These penalties are based upon any given 12-month time period. After 12 months, prior violation(s) are removed from the 12-month time period and said 12-month time period then starts from the next oldest violation.
  - (i) First Offense: Written Warning
  - (ii) Second Offense: \$50.00
  - (iii) Third Offense: \$100.00

(iv) Each offense thereafter: \$250.00

B. Any fine not paid within 30 days to the Village, shall be increased by an additional \$500.00

**SECTION 7: Severability**

The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

**SECTION 8: Effective Date**

This ordinance shall be in full force and effect April 6, 2021.

ADOPTED this 6th day of April, 2021 pursuant to roll call vote as follows:

AYES: 4  
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\_\_\_\_\_

NAYS: Ø  
\_\_\_\_\_  
\_\_\_\_\_

Amber Dooley  
Amber Dooley, Village Mayor

ATTEST: Sheri Clayton  
\_\_\_\_\_  
Sheri Clayton, Village Clerk

FILED IN THE OFFICE OF THE VILLAGE CLERK  
VILLAGE OF MT. AUBURN, ILLINOIS  
ON THE 6th DAY OF April, 2021.

CERTIFICATE

STATE OF ILLINOIS                    )  
  )  
COUNTY OF CHRISTIAN                )

I, Sheri Clayton, certify that I am the Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on April 6, 2021, the Board of Trustees of said Village passed and approved Ordinance No. 196 entitled **ORDINANCE PROHIBITING DOGS RUNNING LOOSE WITHIN THE VILLAGE OF MT. AUBURN.**

The pamphlet form of Ordinance No. 196 including the Ordinance and the cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on April 6, 2021, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois this 6 day of April, 2021.

  
\_\_\_\_\_  
Sheri Clayton, Village Clerk

(SEAL)