

CHAPTER 2

ANIMALS

ARTICLE I - DOGS

2-1-1 DEFINITIONS.

(A) Dog. Whenever "Dog" is used in this Chapter, it shall include a female as well as a male dog.

(B) Owner. For the purpose of this Chapter, the word

"owner" 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 care or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him.

(C) At Large. Any dog shall be deemed to be at large when it is off the property of his owner and not under the control of a responsible person.

(D) Inoculation Against Rabies. Inoculation means the injection, subcutaneously or otherwise, as approved by the Department of Agriculture of the State of Illinois of canine antirabic vaccine, approved by the Department of Agriculture.

(E) Department of Agriculture. Department of Agriculture means the Department of Agriculture of the State of Illinois.

(F) Restraint. A dog is under restraint within the meaning of this Chapter if he is controlled by a leash; at "heel" beside a responsible person, or obedient to that person's commands; within a vehicle being driven or parked on the streets, or within the property limits of his owner or keeper.

2-1-2 DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.

(A) Each calendar year, or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog four (4) months or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

2-1-3 INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE. The inoculation of dogs required by Section 3-1-2(A) shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar, or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

2-1-4 DURATION OF INOCULATION. The inoculation performed under the provisions of Section 3-1-3 of this Chapter shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

2-1-5 SPECIFICATIONS FOR TAG. The tag issued under the provisions of Section 3-1-3 of this Chapter shall be in such form as shall be determined by the Department of Agriculture.

2-1-6 EXHIBITION OF CERTIFICATE UPON REQUEST. At any reasonable time upon request of any member of the Police Department, the owner or keeper of any unmuzzled dog shall exhibit his certificate, issued under the provisions of Section 3-1-3 of this Chapter, showing the inoculation against rabies of any dog owned or controlled by him.

2-1-7 RESTRAINT OF DOGS. The owner or keeper of a dog shall keep the dog under "restraint" at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in Section 3-1-1 of this Chapter.

2-1-8 IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.

(A) It shall be the duty of such employees and officers of the Police Department as shall be designated for that purpose by the Chief of Police to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the City, contrary to any of the provisions of this Chapter or other Code of the City.

(B) When dogs are found running "at large" or unlicensed and their ownership is known to the designated employees, such dogs may be impounded at the discretion of such employees, but the employees may cite the owner of such dog to answer charges of violation of this Chapter.

2-1-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.

In case of impounding and where the owner or keeper of such dog is disclosed by an tax or license tag worn by it, or it otherwise known to the officers impounding same, the Police Department shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

2-1-10 DOGS PROHIBITED FROM RUNNING LOOSE. It is hereby declared to be a public nuisance for any dog to run at large at any time within the corporate limits of the Village of Mt. Auburn, and that any owner or keeper of any dog who knowingly permits a dog to run at large within the Village limits shall be in violation of these Village Ordinances and is subject to a penalty as herein provided.

Any owner or keeper of a dog who knowingly permits a dog to run at large within the Village limits in violation of this ordinance shall be fined as follows:

- (A) Thirty-Five Dollars (\$35.00) for the first violation;
- (B) Fifty Dollars (\$50.00) for the second violation;
- (C) Seventy-Five Dollars (\$75.00) for the third violation;
- (D) Any fourth or subsequent violation shall require a court appearance and anyone convicted of a fourth or subsequent

violation shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00).

All fines shall be paid by mail or in person to the Village Clerk on or before the designated date given on the citation or in the event that the violation is a fourth or subsequent violation it shall be paid prior to the date designated by the Court, and checks shall be made payable to the Village of Mt. Auburn.

2-1-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN 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 and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the 14 days, no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not under any circumstances, permit such animal to be at large unless securely muzzled.

2-1-12 CITY POUND DESIGNATED. The County Animal Control Center is hereby designated as the City pound.

2-1-13 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

2-1-14 RESERVED.

## ARTICLE II - GENERAL REGULATIONS

2-2-1 INJURY TO PROPERTY.

It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

2-2-2 MANNER OF KEEPING.

(A) Pens, Yards, or Runs. All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) Fences. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

2-2-3 KEEPING BARKING DOGS AND CRYING CATS.

(A) Harboring. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) Petitions Complaining of Vicious or Barking Dogs or Crying Cats. Whenever any person shall complain to the police that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the City, the police department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying, and if not, the owner or keeper of such animal shall answer to charges of violation of this chapter of this Code of Ordinances.

2-2-4 CRUELTY TO ANIMALS PROHIBITED.

(A) Cruelty to Animals Prohibited. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly 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 for proper disposal.

(B) Food and Shelter. It shall be unlawful for any person

in charge of any animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly 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 manner.

(1) As used in this paragraph:

- (a) "Shade" shall mean protection from the direct rays of the sun during the months of June through September.
- (b) "Shelter" as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog 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.

2-2-5 WILD OR VICIOUS ANIMALS.

Keeping Wild or Vicious Animals.

- (1) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- (2) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State.
- (3) It shall be unlawful for any person to harbor or keep a vicious animal within the City. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided

that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(4) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

(b) Definitions.

(1) "Wild Animal" shall mean any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

(2) A "Vicious Animal" shall mean any animal which has previously attacked or bitten any person 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.

2-2-6 ANIMALS, ETC. IN VILLAGE.

(A) Certain Prohibitions. Except as otherwise provided in this Chapter, no person shall keep within the Village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, or other livestock.

B) Exceptions. This Section 2-2-6 shall not apply in areas of the City that are zoned agricultural or in residential areas where at the time of the adoption of this code of ordinance horses and sheep were kept, and in such a case, only so long as it is a continuing use without a lapse of more than six months and the property is not sold, assigned or leased to another person. Also this Section 2-2-6 shall not apply to chickens, ducks, turkeys, and geese kept for personal use and not for commercial sale.

(C) Powers of Health Officer. The Police shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

2-2-7 KEEPING OF NUMEROUS DOGS AND CATS IN THE CITY.

(A) Nuisance. The keeping of an unlimited number of dogs and cats in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance.

(1) "Dog" shall mean any canine, regardless of age or sex.

(2) "Cat" shall mean any feline, regardless of age or sex.

(B) Number of Dogs and Cats Limited.

(1) It shall be unlawful for any person or persons to keep more than five dogs or five cats within the City, with the exception that a litter of pups, or a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding five months from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) Kennels. In the areas where kennels are permitted, no kennel shall be located closer than one hundred feet to the boundary of the nearest adjacent residential lot.