

CHAPTER 3

ANIMALS AND FOWL

ARTICLE I - GENERAL PROVISIONS

3-1-1 **CRUELTY TO ANIMALS.** No person shall be cruel to any animal in any of the ways mentioned in this Section:

(A) Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal; or cause any of these acts to be done.

(B) Unnecessarily fail to provide any animal in his charge or custody, as the owner or otherwise, with proper food, drink and shelter.

(C) Abandon any old, maimed, infirm, sick or disabled animal.

(D) The following restrictions on leashing or tethering of animals on owner's premises shall apply:

(1) Any chain or tether used to permanently restrain an animal on its owner's premises shall be at least **ten (10) feet** in length and have swivels on both ends and allow the animal unrestrained range of movement to ensure that the animal is not exposed to hazard or injury and not prevent the animal from having food, water, shelter, protection from the elements or other care generally considered to be normal and usual.

(2) Any chain or tether used pursuant to the foregoing paragraph shall be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a stationary object or cable run. No tethering to choke or pinch collars shall be permitted unless the animal is under the handler's direct control.

(3) It is a violation of this Section for anyone to attach chains, ropes, or other restraints implements directly to an animal without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.

(4) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to tether an animal shall not weigh more than **one-eighth (1/8)** of the animal's body weight or due to weight, inhibit the free movement of the animal within the area where it is tethered.

- (5) Animals shall be tethered in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other manmade or natural obstacles.
- (6) Any tethering system shall not be acceptable for any animal declared dangerous to the provisions of the Ordinances of the City. Such animals shall be restrained in enclosures as set forth in the applicable ordinance by which they were declared dangerous.

(E) Animal owners shall be present for general care and maintenance of animals at least once daily.

(F) No owner shall keep on any premises an animal unless the animal is provided full access to an enclosed building, animal house, or similar shelter. Such shelter shall comply with the following minimum requirements:

- (1) Such shelter shall be constructed in a manner to assure protection of the animal from the elements.
- (2) Such shelter shall be of adequate size. A shelter will be presumed to be of adequate size if the animal has freedom to sit, stand, and lie in comfort.
- (3) Such shelter shall have a sufficient quantity of suitable bedding material such as hay, straw, cedar shavings, or the equivalent to provide insulation and protection against cold and dampness for comfort.

3-1-2 TREATMENT OF BIRDS. It shall be unlawful to frighten, shoot at, wound, kill, take, capture, ensnare, net trap or in any other manner molest, or injure any robin, lark, whippoorwill, finch, sparrow, thrush, wren, martin, swallow, snowbird, bobolink, red-winged blackbird, crow, raven, oriole, kingbird, mockingbird, song sparrow, or other songbird or insectivorous bird; or in any manner molest or injure the nest eggs or young of any such bird; or have in possession the nest eggs, young or body of such bird.

3-1-3 HUNTING SQUIRRELS; GAME ANIMALS. It shall be unlawful for any person to hunt, kill or attempt to kill or destroy, or in any manner molest the propagation of any squirrel or other game animal within the corporate limits of the City.

3-1-4 ANIMALS AND FOWL RUNNING AT LARGE. No owner shall permit any animal to run at large within the City limits.

(A) **Definitions.** For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) **"Animal"** means every living creature, other than man.
- (2) **"Leash"** means a cord, rope, strap, or chain, which shall be securely fastened to the collar or harness of an animal and shall be of sufficient strength to keep such other animal under control.
- (3) **"Owner"** means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.
- (4) **"Premises"** means boundaries of owner's property.
- (5) **"Running at Large"** or **"Run at Large"** means for any person to knowingly or unknowingly suffer any animal to leave the premises of its owner when not under control by leash.
- (6) **"Suffer"** means to knowingly or unknowingly allow or permit.

(B) Any animal found running at large within the City limits, which animal eludes capture by conventional methods, or which exhibits vicious, threatening or violent tendencies, shall be subject to being anesthetized by the use of a dart gun. Any owner who shall be found to have permitted any animal to run at large within the City limits and which animal has required the use of a dart gun to facilitate its capture, shall be subject to the payment of the sum of **Five Dollars (\$5.00)** to the City for the use of the dart, in addition to the usual and customary fines and costs. Furthermore, such owner shall be further subject to the payment of restitution to anyone who shall have been injured in any manner by such animal while it was at large, including, but not limited to property damage of any nature occasioned by the animal running at large, veterinary fees for any animal injured by the animal running at large, and medical expenses for any person injured by such animal running at large.

ARTICLE II - DOGS AND CATS

3-2-1 ABUSE OF ANIMALS.

(A) It shall be unlawful for any person to poison any animal or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal.

(B) It shall be unlawful for any person to kill or cause injury to any animal by any other means.

(C) The provisions of paragraph (B) shall not apply to the lawful destruction of impounded and unclaimed dogs or cats hereinafter provided for in **Section 3-2-6.**

3-2-2 IMPOUNDMENT. It shall be the duty of the Chief of Police or Public Health Officer, or any other person so designated by the City Council, to seize any dogs or cats running at large, and to impound the same in the facilities provided therefor by the City.

3-2-3 CARE OF IMPOUNDED ANIMALS. All dogs and cats taken into custody, captured or impounded shall be provided with necessary food and water.

3-2-4 NOTIFICATION OF OWNER OR KEEPER.

(A) Immediately upon the capture or impoundment of any dog or cat, the person causing the capture or impoundment shall make a search for the owner or keeper of such dog or cat, and shall ascertain, if possible, the name and address of such owner or keeper.

(B) If the name of the owner or keeper can be ascertained, the official or other person causing the capture or impoundment shall, within **twenty-four (24) hours**, cause notice in writing to be mailed to such owner or keeper by certified or registered mail, return receipt requested.

(C) The written notice shall inform the owner or keeper of the impoundment of the dog or cat, the place of impoundment, the manner in which the dog or cat may be reclaimed or redeemed, and shall further notify the owner or keeper that the dog or cat may be destroyed if not redeemed or reclaimed within **ten (10) days** from the date of the notice.

3-2-5 REDEMPTION OF ANIMALS; FEE.

(A) All owners or keepers of any dogs or cats impounded pursuant to this Article or reclaim the same within a period of **ten (10) days** from and after the

date of impoundment or within **ten (10) days** from and after the date of the notice hereinbefore provided for, by payment unto the City Clerk of the fee as hereinafter set forth in this Section and presenting a receipt thereof to the Pound Master.

- (B) (1) The schedule of fees for the redemption of such animals as hereinbefore mentioned shall henceforth be set as:
\$15.00 for the first impoundment;
\$25.00 for the second impoundment;
\$50.00 for the third and all subsequent impoundments.
- (2) The applicability of the above fees shall not be determined by repeat impoundments of the same animal, but rather by repeat impoundment from the same owner, family or household. The accelerated fee herein provided for shall be applicable in the event that a member of the same family or household has had any animal impounded, regardless of whether or not it is the same animal.

3-2-6 DESTRUCTION OF UNCLAIMED ANIMALS. In event any animal so impounded is not claimed or redeemed in accordance with the foregoing within **ten (10) days** from the date of impoundment or **ten (10) days** from and after the date of the notice of impoundment, where notice is required to be given, it shall be lawful to destroy such dog or cat.

3-2-7 VIOLATIONS. Any persons who shall bring any animal into the City for the purpose of causing the same to be impounded, or any person who shall resist, hinder or molest the Pound Master or police officer while engaged upon the duties imposed upon them by this Article, or any person who shall break into the pound and release or deliver any animal therefrom without having first paid the fees herein specified, or any owner or keeper of any animal who shall permit any animal to run at large within the corporate limits of the City, shall be subject to the penalty prescribed in this Code.

3-2-8 DEFECATION ON PUBLIC PROPERTY. It is hereby declared to be unlawful for the owner or any persons having control of any dog or other animal, with the exception of a visually disabled person using a seeing-eye guide dog, to permit the animal:

(A) to defecate upon public property of this City or upon the private property of another unless the person immediately removes the feces and properly disposes of it.

(B) to walk on public property of this City or upon private property of another without the owner carrying, at all times, a suitable container or instrument for the removal and disposal of dog or animal feces.

3-2-9 ANIMALS PROHIBITED ON SPORTS FIELDS. No animal, whether leashed or not, shall be permitted in or around league playing fields enclosed by a fence. A "league athletic playing field" is designed and maintained for league play of sports activities such as football, soccer, and baseball.

ARTICLE III - DANGEROUS AND VICIOUS ANIMALS

3-3-1 **DANGEROUS ANIMAL.** Any animal that, when either unmuzzled or unattended by its owner or member of the owner's family, acts in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or placed or upon private property not belonging to the owner of the animal may be declared "dangerous" by the Public Health Officer.

(A) Upon declaring any animal "dangerous" pursuant to this paragraph, the owner shall not keep or maintain the animal within the City if the Public Health Officer finds **two (2)** or more of the following factors to be present:

- (1) The incident which led to the animal being declared "dangerous" was unprovoked;
- (2) The incident occurred in an area in which there resides children under the age of **thirteen (13) years**, senior citizens, and/or persons possessing a physical or mental impairment;
- (3) The incident would have resulted in a bite but for the location of the person attacked;
- (4) The animal in question has previously been found to have run at large; or
- (5) The nature of and the circumstances surrounding the incident requires that the animal be banned from the City in order to protect the health, safety, and welfare of the citizens.

(B) The Public Health Officer shall impound and shall inform its owner, within **twenty-four (24) hours** of impoundment, that **two (2)** or more of the factors enumerated herein exist. The owner shall not allow or permit the animal declared "dangerous" to return to the City under any circumstances.

(C) Any animal declared to be "dangerous" pursuant to this Section, but for which **two (2)** or more of the factors enumerated in **Section 3-3-2** do not exist, shall be permitted to remain within the City limits. However, such animal shall be restrained so that while on the premises of its owner the animal cannot come into physical contact with anyone who is lawfully on the premises other than its owner and members of the owner's household. Further, the owner of such animal shall not permit the animal to leave his premises unless such animal is muzzled or caged.

3-3-2 **VICIOUS ANIMAL.** The Public Health Officer shall investigate all reports of a "vicious dog" as defined in the Illinois Animal Control Act.

(A) Upon making a written finding that a dog is vicious when any of the following circumstances have been determined by the Public Health Officer to be present:

- (1) Any individual dog that when unprovoked has inflicted a bite or has attacked a human or other animal either on public or private property, including the property of the owner;
- (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, has caused an injury or has otherwise endangered the safety of a human being or a domestic animal;
- (3) Any individual animal that has a trait, or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment;
- (4) Any individual dog has attacked a human being or domestic animal without provocation;
- (5) Any individual dog has been found to be a "dangerous dog" pursuant to **Section 3-3-1** upon **three (3)** separate occasions.

(B) Vicious dogs shall not be classified as "vicious" only on the basis of breed. No animal shall be deemed "vicious" if it:

- (1) Bites, attacks, or menaces an individual unlawfully on the property of its owner;
- (2) Harms or menaces anyone who has tormented or abused it;
- (3) Is a professionally trained dog for law enforcement;
- (4) Is a guide dog for the blind or hearing impaired or a support dog for the physically handicapped, provided an attack or injury to a person occurs while the dog is performing duties as expected.

(C) It shall be unlawful to keep any dog which has been declared "vicious" pursuant to this Section or the Illinois Control Act within the City.

(D) Any animal declared dangerous and vicious by competent authority elsewhere in Perry County shall be so regarded and therefore banned within the corporate limits of the City. City enforcement officials are hereby authorized to share information as deemed necessary to enforce this Section with civil authorities of other jurisdictions.

3-3-3 IMPOUNDMENT. Any animal found to be in violation of this Section may be impounded by the Public Health Officer pursuant to the provisions of the ordinances of the City.

3-3-4 ANIMALS DESTROYED. Any animal within the City which cannot be safely taken up and impounded pursuant to this Article may be slain by any police officer; provided, however, that in all cases where any animal so slain has bitten any person or caused an abrasion of the skin of any person, it shall be the duty of the police officer slaying such animal to immediately deliver the dead animal to the State Department of Public Health for determination of whether the animal is rabid.

3-3-5 COMPLAINTS FILED. The City Attorney may file a complaint in the name of the City to enjoin any or all persons from keeping or maintaining any dangerous or vicious dog or animal, to abate the same, and to enjoin the owner of a dangerous dog or animal from permitting the same to leave his premises when not under control by leash or other reasonable control method. The City Attorney may request an order that any vicious dog or animal be humanely dispatched, if such disposal is not otherwise granted herein.

(Penalty - See Section 1-1-20)