

CHAPTER 3

ANIMALS

ARTICLE I – GENERAL REGULATIONS

3-1-1 SHORT TITLE. This Chapter shall be known and may be cited as the Animal Control Code. **(See 510 ILCS 5/1)**

3-1-2 DEFINITIONS.

"ANIMAL" shall mean any animal, other than man, which may be affected by rabies. **(See 510 ILCS 5/2.02)**

"ANIMAL CONTROL WARDEN" means any person appointed by the Mayor and approved by the City Council to perform duties as assigned by the Mayor to effectuate this Code. **(See 510 ILCS 5/2.03)**

"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.

"CAT" shall mean any feline, regardless of age or sex.

"CONFINED" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. **(See 510 ILCS 5/2.05)**

"DANGEROUS DOG". "Dangerous dog" means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places. **(See 510 ILCS 5/15(2))**

"DEPARTMENT OF AGRICULTURE" means the Department of Agriculture of the State of Illinois. **(See 510 ILCS 5/2.06)**

"DOG". "Dog" means all members of the family Canidae. **(See 510 ILCS 5.211)**

"HAS BEEN BITTEN" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(See 510 ILCS 5/2.12)**

"INOCULATION AGAINST RABIES" means the injection of an anti-rabies vaccine approved by the Department. **(See 510 ILCS 5/2.13)**

"LEASH" means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. **(See 510 ILCS 5/2.14)**

"LICENSED VETERINARIAN". "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(See 510 ILCS 5/2.15)**

"OWNER". For the purpose of this Code, 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. **(See 510 ILCS 5/2.16)**

"POUND". "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(See 510 ILCS 5/2.18)**

"REGISTRATION CERTIFICATE". "Registration Certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. **(See 510 ILCS 5/2.19)**

"RESTRAINT". A dog is under "restraint" within the meaning of this Code if he is controlled by a leash; at "heel" beside a responsible person; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

"SHADE" shall mean protection from the direct rays of the sun during the months of June through September.

"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 (2) inches** from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

"UNOWNED STRAY DOG". "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and

address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(See 510 ILCS 5/2)**

"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.

"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. **(See 510 ILCS Sec. 5/24)**

3-1-3 INJURY TO PROPERTY.

(A) **Unlawful.** 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.

(B) **Waste Products Accumulations.** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This Section shall not apply to a person who is visually or physically handicapped.

3-1-4 MANNER OF KEEPING.

(A) **Pens, Yards, or Runs.** All pens, yards, 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.

3-1-5 KEEPING BARKING DOGS AND CRYING CATS.

(A) **Harboring.** It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps continually for longer than **ten (10) minutes**, 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 of Complaint.** Whenever any person shall complain to the Police Department 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 are necessary to alleviate the howling, yelping or crying.

3-1-6 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. The terms used in this Section shall comply with **Section 3-1-2.** (See 65 ILCS Sec. 5/11-5-6)

3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter 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.

(B) 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 of Illinois.**

(C) 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.

(D) The **Department of Natural Resources of the State of Illinois** 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.

3-1-8 **HEALTH HAZARD.** The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

3-1-9 **LIMITATION ON NUMBER OF DOGS AND CATS KEPT.**

(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. The terms "dog" and "cat" shall be construed as provided in **Section 3-1-2.**

(B) **Limitation; Exception.**

- (1) It shall be unlawful for any person or persons to keep more than **five (5) dogs** and/or **five (5) cats** within the City, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) 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 **two hundred (200) feet** to the boundary of the nearest adjacent residential lot.

3-1-10 **ANIMALS, ETC. IN CITY.**

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

(B) **Exceptions.** This Section shall not apply in areas of the City that are Zoned Agricultural in nature nor shall this Section apply to livestock brought in to the City for the purpose of being shipped out of the City.

(C) **Powers of Police Chief.** The police chief 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.

(See 65 ILCS Secs. 5/11-1-1; 5/11-5-6 and 5/11-20-9)

ARTICLE II - DOGS

3-2-1 **DEFINITIONS.** The terms used in this Article shall comply with **Section 3-1-2** of this Chapter unless otherwise provided in this Article.

3-2-2 **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.

(B) Every owner or keeper of a dog, regardless of age, shall cause the dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog.

3-2-3 **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.**

The inoculation of dogs required by **Section 3-2-2(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.

3-2-4 **DURATION OF INOCULATION.** The inoculation performed under the provisions of **Section 3-2-3** 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.

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

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

3-2-7 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 3-1-2. (See 65 ILCS Sec. 5/11-20-9)**

3-2-8 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 Mayor 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 regulations of the City.

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

(C) Any dog permitted to run at large within the City is hereby declared to be a nuisance.

(D) Any impounded dog which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper.

(E) The City Council may establish a reasonable fee by motion for each day that a dog is housed in the pound. **(See 510 ILCS Sec. 5/10)**

3-2-9 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 any rabies tag worn by it or is otherwise known to the officers impounding the same, the designated official 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.

3-2-10 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog into the City for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the City, upon conviction of any part of this Chapter shall be fined according to **Chapter 1 - Administration** of this Code.

3-2-11 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 **ten (10) 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 **ten (10) 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.

3-2-12 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

3-2-13 REDEMPTION OF IMPOUNDED ANIMALS. The owner of any animal impounded under this Chapter may redeem the same by paying the following charges:

1st time retrieval - \$50.00

2nd time retrieval - \$75.00

3rd time – animal is kept and not returned to owner.

Upon paying the same it shall be the duty of the authorities to release the animal from the pound. **(Ord. No. 07-887; 10-30-07)**

3-2-14 CITY POUND DESIGNATED. The City Council shall designate a City Pound.

3-2-15 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.

3-2-16 **DANGEROUS DOG - FEMALE DOG AT LARGE.** It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this City.

3-2-17 **FEMALE DOG WITH OTHER DOGS.** No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)

ARTICLE III - VICIOUS AND DANGEROUS DOGS

3-3-1 **DEFINITIONS.** For purposes of this Article:

- (A) **"Vicious dog"** means:
- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
 - (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
 - (3) Any individual dog 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 which attacks a human being or domestic animal without provocation.
 - (5) Any individual dog which has been found to be a "dangerous dog" upon **three (3)** separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B) **"Dangerous dog"** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C) **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(D) **"Impounded"** means taken into the custody of the public pound in the City or town where the vicious dog is found.

(E) **"Found to Be Vicious Dog"** means:

- (1) that the Administrator, an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of Subsection (A) and, based on that finding, the

- Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or
- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

3-3-2 UNLAWFUL TO MAINTAIN. It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

3-3-3 OWNER'S RESPONSIBILITY. If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **seven (7) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

No owner or keeper of a vicious dog shall sell or give away the dog.

3-3-4 DOG PERMITTED TO LEAVE PREMISES. It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

3-3-5 INJUNCTION. The Administrator, the City Attorney, or any citizen of the City in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(See 510 ILCS Sec. 5/17)**

3-3-6 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON. If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(See 510 ILCS Sec. 5/16)**

3-3-7 RIGHT OF ENTRY - INSPECTIONS. For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(See 510 ILCS Sec. 5/17)**

**(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)
(See also 510 ILCS Sec. 5/24)**

ARTICLE IV

CAT CODE

3-4-1 DEFINITIONS. As used in this Code, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"BOARD OF HEALTH": The term "Board of Health" shall mean the Board of Health of the County.

"CAT": The term "cat" shall apply both male and female cats.

"DEPARTMENT OF HEALTH": The term "department of health" shall mean the Department of Health of the County.

"DIRECTOR": The term "director" shall mean the director of the Department of Health or his or her duly authorized representative.

"HOBBY KENNEL OR CATTERY": The term "hobby kennel or cattery" shall mean any kennel where cats are kept for organized shows, breeding for exhibition, or for the enjoyment of the household.

"INOCULATION, VACCINATION OR VACCINATION FOR RABIES": The terms "inoculation" and "vaccination" or "vaccination for rabies" shall mean the inoculation of a cat with a vaccine approved by the Department of Health for use in the prevention of rabies.

"KEEP OR HARBOR": The terms "keep" or "harbor" shall mean the habitually permitting to remain or to be lodged or to be fed within the house, store, yard, enclosure, or other place.

"KENNEL": The term "kennel" shall be construed to mean the house, store yard, enclosure or place where **two (2)** or more weaned, unspayed or unneutered cats are harbored or kept; provided, however, this definition shall not apply to spayed female cats nor to the animal shelter or to animal hospitals operated by veterinarians duly licensed under the laws of the State keeping cats for others for treatment or boarding.

"OWN": The term "own" unless otherwise indicated in the text, shall be deemed to mean and include own, keep, harbor, or have charge, custody, or control of a cat.

"OWNER": The term "owner" shall mean any person or persons, firm, association, or corporation owning, keeping, or harboring a cat.

"PERSON": The term "person" shall mean and include any individual, firm, corporation, association, or partnership.

"RUNNING AT LARGE": The term "running at large" shall mean off the premises of the owner and not under the control of the owner or a member of his or her immediate family.

"WARDEN": The term "warden" shall mean the person in charge of enforcing this Code and appointed by the Mayor.

3-4-2 VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG.

Any person within the City owning a cat **six (6) months** of age or older shall have such cat vaccinated once each year against rabies. Each unvaccinated cat acquired or moved into the Municipality must be vaccinated within **thirty (30) days** after purchase or arrival provided that no cat under **six (6) months** of age shall be required to be vaccinated until it reaches the age of **six (6) months**. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the warden and to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.

3-4-3 LICENSE REQUIRED. It shall be unlawful for any person within the City to own a cat over **six (6) months** of age without procuring a license, where applicable, for such cat as provided in this Code.

3-4-4 CATS RUNNING AT LARGE WHILE IN HEAT. It is hereby declared unlawful for any owner, keeper, or harbinger of any female cat to permit such cat to run at large while in heat, whether or not a valid registration tag is attached.

3-4-5 WEARING OF COLLARS. Each cat must wear a collar bearing the rabies vaccination tag. This is the owner's responsibility. It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, or rabies vaccination tag from any licensed cat.

3-4-6 PUBLIC NUISANCE. Any cat running at large in violation of the provisions of this Code is declared to be a public nuisance, and shall be impounded by the director as in this ordinance provided, or if the residence of the owner of such cat is determined by the capturing animal control officer before such cat is delivered to the animal shelter, such cat may be delivered to the owner upon said owner's written acceptance of delivery upon a form to be provided by the director. If such cat is so delivered to the owner, an impoundment fee established by the City shall be paid by the owner to City within **five (5) days** of delivery, and failure to pay said fee shall constitute a separate violation of this Section.

The Animal Control Officer shall not release any such cat from being impounded until the owner of the cat shall have obtained a license as provided in this Code.

3-4-7 CATS INJURING OR DESTROYING PROPERTY OF OTHERS. It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or her or under his or her charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this Section it shall appear to municipal judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

3-4-8 **HOBBY KENNEL OR CATTERY PERMIT.** It shall be unlawful for any person to have or maintain a hobby kennel or cattery within the Municipality without first having obtained a hobby kennel or cattery permit from the Animal Control Officer as herein provided.

Any person having a hobby kennel or cattery shall make application to the Animal Control Officer for the permit. Upon a finding by the Animal Control Officer that the premises are in compliance with the law and upon payment of the permit fee, said permit will be issued.

(A) Permits are not transferable from one person to another person or place.

(B) A permit holder shall notify the Animal Control Officer of any change in his or her operations which may affect the status of his or her permit and shall keep the Animal Control Officer apprised of any change in name or location of his or her kennel.

(C) The hobby kennel or cattery permit shall expire **December 31** of the calendar year for which it is issued. All permits shall be due **January 1** of each year and shall expire on **December 31** following year.

(D) The permit fee shall be as follows:

(1) For each kennel with 2 to 10 cats, \$35.00

(2) For each kennel with 11 to 18 cats, \$50.00.

(3) For each kennel with 19 cats or more, \$5.00 per cat.

(E) The above permit fee shall be in lieu of the license fee for individual cats as provided for hereinbefore in this Code.

Any decision of the Animal Control Officer under the provisions of this Section may be appealed to the corporate authorities, which shall hear and render a decision in this matter.

3-4-9 **MINIMUM STANDARDS OF SANITATION.**

(A) Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.

(B) Animals maintained in pens, cages, or runs for periods exceeding **twenty-four (24) hours** shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Cages are to be of material and construction that permit cleaning and sanitizing.

(C) **Indoor Housing.** These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals comfort and health.

(D) Outside housing or enclosures shall allow adequate protection against weather extremes. Floors of buildings, runs, and wall shall be of an impervious material to permit proper cleaning and disinfection. Outside runs must be within a yard with an additional or separate fence around it, and screened from view by either plantings or the additional fence.

(E) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

(F) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(G) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(H) All animals shall have fresh water available at all times. Water vessels shall have weighted bottoms or be mounted or secured in a manner that prevents tipping and be of the removable type.

(I) Each cat shall be observed daily by the cat caretaker in charge or his or her representative. Sick, diseased, injured, lame, or blind animals shall be provided with proper veterinary care.

3-4-10 ENFORCEMENT. The enforcement of the provisions of this Code shall be under the direction of the Animal Control Officer. For the purpose of enforcing this Code the Animal Control Officer or any police officer may obtain a search warrant or other appropriate court order to permit entering private premises.

3-4-11 DUTY TO PLACE CAT UNDER OBSERVATION; WHEN REQUIRED; PROCEDURE. When any person owning a cat has been notified by any person injured or by someone in his or her behalf, or by someone with knowledge of said injury, that the person has been bitten or attacked by said cat, or when any person owning a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner shall immediately place the cat under the care and observation of the director or of a licensed veterinarian within the Municipality with the expense thereof to be borne by the owner of such cat; and failure of the owner to submit said cat or other animal within **twenty-four (24) hours** after notice of said bite or attack to the Animal Control Officer or a veterinarian within the City constitutes a violation of this Article. The Animal Control Officer or licensed veterinarian shall impound said cat for care and observation for a period of **ten (10) days** in compliance with standards adopted by the corporate authorities. It shall be lawful for the Animal Control Officer to destroy in a humane manner any cat that has been determined by the director to have rabies, or that has been impounded for observation after the period of observation has expired unless the owner shall, within **five (5) days** after notice has been given, redeem such cat by paying such expense incident to such impounding, observation, or treatment. It shall be illegal for any person to release any cat held for observation to any person prior to expiration of the period of observation. Before any such cat shall be released the person to whom it is released shall submit proof in the form of a certificate issued by a license veterinarian or other person authorized by law to administer rabies inoculation that such cat does not have rabies and has been properly inoculated for rabies. Such impounded cat may be released temporarily directly by a license veterinarian.

3-4-12 HOLDING IMPOUNDED CATS. Any cat impounded because of not being properly licensed shall be held by the Animal Control Officer for not less than **seventy-two (72) hours**, unless sooner redeemed or released as hereinafter provided. The Animal Control Officer shall notify the owner of any cat impounded if such owner's identity and address can be ascertained upon reasonable investigation. Such notice shall be given within **twenty-four (24) hours** after such cat is impounded under any of the provisions of this Article. The notice shall inform the owner that the cat has been impounded, the purpose or reason for such impounding, and the requirements to permit release of the cat.

(A) Any cat remaining in the shelter unclaimed or not redeemed at the expiration of the time limit of **seventy-two (72) hours** may be destroyed in a humane manner unless in the judgment of the Animal Control Officer a suitable home may be found for such cat.

(B) In the event the Animal Control Officer shall find a suitable home for such cat within the Municipality, the person taking such cat shall first procure from said Animal Control Officer a license and metallic tag for that particular cat as provided for hereinbefore in this Code. The Animal Control Officer is not required to charge for the sale of the cat, except for a charge for license fee and, if such cat is **six (6) months** of age or older and has not had a vaccination for rabies as required by this Code, the person receiving the cat must have the cat vaccinated for rabies at that person's expense.

(C) The humane society or like institution with whom the Animal Control Officer has contracted to enforce the provisions of this Code, may sell and transfer to a new owner any cat impounded in the animal shelter after the expiration of the time limit as set by this Section, if such new owner procures a license and metallic tag for that particular cat under the provisions of this Chapter. The proceeds of sale of any such cat shall be applied to any impoundment fees owing on the cat by the City, and any excess proceeds may be retained by the humane society. This paragraph shall not be interpreted to prohibit the humane society from giving away any cat.

(D) Any impounded cat placed with a new owner shall be neutered or spayed within **fifteen (15) days** after release from impoundment, except for cats under **six (6) months** of age. Payment for neutering must be made at the time of release and will be forwarded to a licensed veterinarian who will present a statement signed by the veterinarian and the owner stating that the surgery has been performed.

(E) The owner of any cat which is impounded and destroyed under this Code shall be held responsible for payment of the impoundment fee set out in this Code, plus the expense incident to the impoundment for observation required by this Code, and shall pay such fee or expense to the Animal Control Officer within **fifteen (15) days** after destruction of such cat.

3-4-13 SHELTER FEE; RELEASE FROM SHELTER. Any cat held or impounded in the animal shelter because of the violation of any of the provisions of this Code by its owner, shall be released to the owner thereof by the Animal Control Officer upon proof of ownership of such cat and upon presentation of a valid rabies certificate for the current year showing that such cat has been properly inoculated for rabies, and further upon the payment of a shelter fee as established by the City Council. All cats which shall have remained in the shelter **five (5) days** without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided.

3-4-14 ANIMAL CONTROL OFFICER'S DUTIES. It shall be the duty of the Animal Control Officer or his assistants to do the following acts:

(A) Establish and maintain, or supervise under contract, an animal shelter at some convenient location, which shall be kept sanitary, properly heated, ventilated, and lighted;

(B) Properly house, feed, water, and care for all cats confined in the animal shelter;

(C) Issue citations in the municipal court against any person failing to inoculate any cat as hereinbefore provided;

(D) Capture and secure all cats running at large contrary to the provisions of this Code and remove such cats in a humane manner to the animal shelter.

Whenever there is any violation of any provision of this Code, the Animal Control Officer or any of his assistants finding such violation shall, except as otherwise provided, take the name and address of such person violating such provision and the description of the cat owned by him or her and issue a summons or citation or otherwise notify him or her in writing to appear in court at a time and place to be specified in such summons or notice. Such hearing shall be at least **five (5) days** after the notice, unless such person shall demand an earlier hearing. It shall be unlawful for any person to disregard a summons issued as provided herein or to fail to appear in court as provided by such summons or citation. A warning ticket may be issued in lieu of such summons or citation.

3-4-15 ANIMAL CONTROL OFFICER'S RECORDS AND REPORTS. The Animal Control Officer shall keep accurate account of all cats received by him or her at the shelter and released by him or her to the owner or purchaser, showing the date and from whom received, the description of the cat, the name and address of the person or persons releasing or purchasing. He shall keep a like accurate account and description of all cats destroyed by him. On the last day of each month, the shelter manager shall forward to the City Council an accurate and complete account of all monies received by him or her during the month under the provisions of this Code, together with a statement of the number of cats in the shelter at the first of the month, the number received, the number destroyed, the number released or sold, and the number on hand at the end of the month.

3-4-16 IMPOUNDING TIME LIMIT. It shall be unlawful for the Animal Control Officer to destroy or cause or permit to be destroyed any cat impounded until the expiration of impounding time limit of **three (3) days**, except that the Animal Control Officer may, when in his judgment a cat so impounded is suffering from any injury or disease and recovery is doubtful, destroy such cat in a humane manner.

3-4-17 RECEIVING CATS AT SHELTER; REGISTRATION. The Animal Control Officer shall not receive a cat into the shelter from any person unless such person shall give his or her full name and place of residence which shall be registered in a proper book kept by the Animal Control Officer. It shall be unlawful for any person delivering to or receiving any cat from said shelter, to give any false information concerning the same.

3-4-18 INTERFERENCE WITH CAPTURE OF CATS. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the Animal Control Officer while engaged in capturing, securing, or taking to the animal shelter any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon, or other vehicle used for the collecting or conveying of cats to the shelter.