

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.** For the purposes of this Chapter, the following definitions are adopted and shall be used:

"ANIMAL" shall mean every living creature, other than man, both domestic and wild, which may be affected by rabies.

"ANIMAL CONTROL WARDEN" means any person appointed by the Village President and approved by the Village Board of Trustees to perform duties enforcing this Code or any animal control official appointed and acting under authority of the Village Board.

"AT LARGE". Any animal shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

"CAT" shall mean any felis catus domesticus, 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, house, or other enclosure away from other animals and the public.

"DANGEROUS DOG" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

"DEPARTMENT OF AGRICULTURE" means the Department of Agriculture of the State of Illinois.

"DOG" means all members of the family Canis familiaris.

"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.

"INOCULATION AGAINST RABIES" means the injection of an anti-rabies vaccine approved by the Department.

"KENNEL" means any structure or premises or portion thereof on which more than **three (3) dogs**, cats, or other household domestic animals, over **four (4) months** of age, are kept or on which more than **two (2)** such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

"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.

"LICENSED VETERINARIAN" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine.

"OWNER" means any person having a right or property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

"PERSON". Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.

"POUND" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for purposes of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

"REGISTRATION CERTIFICATE" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under the Animal Control Act.

"RESTRAINT" means being controlled by a leash; within an enclosed 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 animals, shall mean a moisture-proof structure of suitable size to accommodate the animal 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" 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.

"VICIOUS ANIMAL" means any animal which has previously attacked or bitten any person and 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" means a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog (hybrid names: coydog or wolf hybrid); any monkey, 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.

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, 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 Village, 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 by the veterinarian at the owner's expense.

(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.

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 or her 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 Village. 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.

3-1-8 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

(A) **Nuisance.** The keeping of dogs and cats in the Village in an amount in excess of the limits below 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, and is therefore declared to be a public nuisance.

(B) **Limitation; Exception.**

(1) It shall be unlawful for any person or persons to keep more than a combined total of **five (5)** dogs and/or cats within the Village, 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, or in any pound or animal control facility.

(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.

3-1-9 ANIMALS, ETC. IN VILLAGE.

(A) **Certain Prohibitions.** It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry, fowl, rabbits, skunks, or poisonous reptiles within the limits of the Village.

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

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, **four (4) months** of age or older, 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 and the Village of Hamel.

3-2-6 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or Village 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 of the owner.

3-2-8 **IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.**

(A) It shall be the duty of the Animal Control Warden or law enforcement officers 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 Village, contrary to any of the provisions of this Chapter or other regulations of the Village.

(B) When dogs are found running at large or unlicensed and their ownership is known to the Animal Control Warden or law enforcement officer, such dogs may be impounded at the discretion of the Animal Control Warden or law enforcement officer, but the Animal Control Warden or law enforcement officer 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 Village is hereby declared to be a nuisance.

(D) Any impounded dog must be scanned for the presence of a microchip and examined for other currently acceptable methods of identification, including but not limited to, identification tags, tattoos, and rabies license tags.

(E) Any impounded dog which is not redeemed shall be humanely destroyed or otherwise disposed of by the poundkeeper. From the time of notification, if the owner is known it shall be **fourteen (14) days** and if not then **seven (7) days**. However, dogs deemed adoptable shall be offered for adopting, or made available to a licensed humane society or rescue group.

(E) For each day that a dog is housed in the pound the fee shall be **Thirty Dollars (\$30.00)**. (See 510 ILCS 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 tax or license 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 may 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 Village 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 Village, upon conviction of any part of this Chapter shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**.

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 at the owner's expense. 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 for a period of **ten (10) days** in a secure cage or kennel.

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 all the costs and charges assessed, if any, that have accrued up to the time of making redemption and on paying the same. Upon payment of the fees, the Village shall issue a release form in order for the animal to be redeemed. It shall be the duty of the authorities to release the animal from the pound to the owner, or certify the release thereof to any County authority having possession of the animal.

3-2-14 **VILLAGE POUND DESIGNATED.** The Village Board hereby designates the Madison County Animal Shelter as the Village 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. All charges are the responsibility of the owner.

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 any female dog, while in heat, to run at large within the limits of this Village.

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.

3-2-18 **ANIMAL CONTROL WARDEN.** The Animal Control Warden shall be appointed by the Mayor, with the advice and consent of the Village Board. He shall receive a salary as determined by the annual appropriation ordinance.

3-2-19 **PENALTIES FOR RUNNING AT LARGE OR BITING.** Any animal picked up in the Village for running at large, licensed or unlicensed, shall be subject to a fine of not less than **Twenty-Five Dollars (\$25.00)** nor more than **One Hundred Dollars (\$100.00)**.

ARTICLE III - VICIOUS AND DANGEROUS DOGS

3-3-1

(A)

DEFINITIONS. For the purpose of Article:

"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: (i) a trespasser on the property of its owner; (ii) anyone who has assaulted, tormented or physically abused it or its offspring; (iii) anyone if it is a professionally trained dog for law enforcement or guard duties and is acting pursuant to law enforcement or guard duty purposes; or (iv) anyone who was committing a crime or offense upon the owner or custodian of the dog.

Vicious dogs shall not be classified in a manner that is specific as to breed.

(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.

No dog shall be deemed "dangerous" if the conduct of the dog was justified because:

- (1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
- (2) the threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
- (3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
- (4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(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 Village or town where the vicious dog is found.

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

- (1) that 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 **Section 3-1-2** and, based on that finding, the Animal Control Warden or the law enforcement officer 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 **Section 3-1-2** 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 law enforcement officer and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(C) The owner charged with maintaining a vicious or dangerous dog may request a hearing before the Village Board within **seven (7) days** of being charged.

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 Animal Control Warden or law enforcement officer approves the enclosure as defined in this Article.

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 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, no 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 Animal Control Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Village advised of the location where such dog will be stationed. The Animal Control Warden 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 Animal Control Warden, Village Attorney, or any citizen of the Village 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.

3-3-6 LIABILITY OF OWNER OF 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.

3-3-7 **RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden or any law enforcement officer 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.

ARTICLE IV – CAT CODE

3-4-1 **DEFINITIONS.** The terms used in this Article shall comply with **Section 3-1-2** of this Chapter unless otherwise provided in this Article.

3-4-2 **VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG.** Any person within the Village owning a cat **four (4) months** of age or older shall have such cat vaccinated once each year against rabies. Each unvaccinated cat acquired or moved into the Village must be vaccinated within **thirty (30) days** after purchase or arrival provided that no cat under **four (4) months** of age shall be required to be vaccinated until it reaches the age of **four (4) 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 Animal Control 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 Village to own a cat over **four (4) months** of age without procuring a license for such cat.

3-4-4 **WEARING OF COLLARS; REMOVAL OF IDENTIFICATION TAG.** Each licensed cat must wear a collar bearing the identification tag and 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 metallic identification tag or rabies vaccination tag from any licensed cat.

3-4-5 **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 Animal Control Warden or law enforcement officer.

The Animal Control Warden or law enforcement 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 and pay the redemption charge of **Twenty-Five Dollars (\$25.00)** for the first offense. The fee for the second offense in **one (1) year** shall be **Fifty Dollars (\$50.00)** and thereafter **One Hundred Dollars (\$100.00)** for each and every offense.

3-4-6 **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, cage, 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 made 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 each and every day.

(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.

3-4-7 ENFORCEMENT. The enforcement of the provisions of this Code shall be under the direction of the Animal Control Warden. For the purpose of enforcing this Code the Animal Control Warden or police officer may obtain a search warrant or other appropriate court order to permit entering private premises.

3-4-8 POISONING OR INJURING CATS. It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect, or in any manner to mistreat, injure, maim, or destroy except as elsewhere in the ordinance specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy a cat of another, or to place any poison, poisoned food or poisoned bait where the same is accessible to any cat. This Section shall not be interpreted to prohibit an act of a licensed veterinarian in causing a cat's death in a humane manner with the approval of the owner of the cat.

3-4-9 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 county 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 bit or attack to the director or veterinarian within the county constitutes a violation of this Code. The Animal Control Warden 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 Village Board of Trustees. It shall be lawful for the Animal Control Warden or an agent of the Animal Control Warden, to destroy in a humane manner any cat that has been determined by the Animal Control Warden 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 licensed 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 licensed veterinarian.

3-4-10 HOLDING IMPOUNDED CATS. Any cat impounded because of not being properly licensed shall be held by the Animal Control Warden for not less than **twenty-four (24) hours**, unless sooner redeemed or released as hereinafter provided. Any cats impounded must be scanned for the presence of a microchip and examined for other currently acceptable methods of identification,

including, but not limited to, identification tags, tattoos, and rabies license tags. The Animal Control Warden 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 including fees or other charges incurred.

3-4-11 POUND FEE; RELEASE FROM POUND. Any cat held or impounded in the pound 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 Warden upon proof of ownership of such cat and upon presentation of the license and valid rabies certification for the current year showing that such cat has been properly licensed and inoculated for rabies, and further upon the payment of a pound fee of **Twenty-Five Dollars (\$25.00)**. All cats which shall have remained in the pound **seven (7) days** without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided.

3-4-12 ANIMAL CONTROL WARDEN'S DUTIES. It shall be the duty of the Animal Control Warden or his assistants to do the following acts:

- (A) Establish and maintain, or supervise under contract, an animal pound 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 pound;
- (C) Issue citations in the municipal court against any person failing to license 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 pound.

Whenever there is any violation of any provision of this Code, the Animal Control Warden 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.

3-4-13 INTERFERENCE WITH CAPTURE OF CATS. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the Animal Control Warden while engaged in capturing, securing, or taking to the pound 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 pound, or any ambulance, wagon, or other vehicle used for the collecting or conveying of cats to the pound.

(Unless Otherwise Noted, This Chapter Ord. No. 19-01; 01-09-18)