

ORDINANCE NO. 2017-4-11

**AN ORDINANCE AMENDING THE MOUNT CARROLL CITY CODE AS IT
RELATES TO ANIMALS**

WHEREAS, the City Council of the City of Mount Carroll has heretofore included in its City Code Section 5-1-1 through 5-1-4 inclusive generally entitled "ANIMALS" and Section 5-2-1 through 5-2-14 inclusive generally entitled "DOGS" which are in need of repeal and replacement by new legislation; and

WHEREAS, the License and Ordinance Committee of the City Council has recommended the repeal of the existing Article 5, Chapter 1 and Chapter 2, including Sections 5-1-1 through 5-1-4 inclusive and Sections 5-2-1 through 5-2-14 inclusive; and

WHEREAS, the License and Ordinance Committee of the City Council has recommended the adoption of legislation to replace said Chapter 1 and Chapter 2 of Article 5 of the City Code.

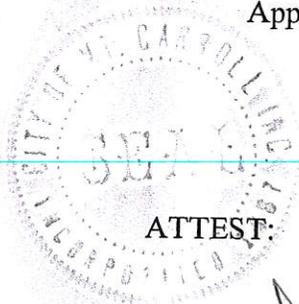
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT CARROLL, ILLINOIS, that Article 5, Chapter 1, entitled "ANIMALS" and including Sections 5-1-1 through 5-1-4 inclusive, and Chapter 2, entitled "DOGS" and including Sections 5-2-1 through 5-2-14 inclusive be and hereby are repealed.

FURTHER, that the City Council hereby adopts Article 5, Chapter 1 entitled "ANIMALS" and Sections 5-1-1 through 5-1-18 as more fully set forth in the Exhibit attached hereto and made a part hereof.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Passed this 11th day of April, 2017.

Approved this 11th day of April, 2017.



ATTEST:

John A. Gell
CITY CLERK

Carl R. Fite

MAYOR

CHAPTER 1
ANIMALS

SECTION:

- 5-1-1: DEFINITIONS**
- 5-1-2: CRUELTY**
- 5-1-3: DANGEROUS ANIMALS**
- 5-1-4: (A) ANIMALS AT LARGE**
(B) DOGS RUNNING AT LARGE
- 5-1-5: RABIES CONTROL**
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- 5-1-8; KENNELS**
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- 5-1-11: HOUSING**
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- 5-1-13: NOISES**
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- 5-1-15: HARBORING STRAY ANIMALS**
- 5-1-16: IMPOUNDED ANIMALS LIABILITY**
- 5-1-17: FEE LIABILITY**
- 5-1-18: PENALTY**

5-1-1: DEFINITIONS:

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS CHAPTER, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

- A.** "Animal" means every living creature, other than man, which may be affected by rabies..
- B.** "Feral cat" means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized, is a formerly owned cat that has been abandoned and is no longer socialized, or lives on a farm.
- C.** "Dog" means all members of the family Canidae.
- D.** "Cat" means *Felis catus*
- E.** "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.
- F.** "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.
- G.** "Companion animal" means an animal that is commonly considered to be, or is considered by the owner to be, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.
- H.** "Kennel" as it applies to this section means a structure or shelter for dogs or cats or any building, collection of buildings or a property in which dogs or cats are housed and maintained.
- I.** "Domestic Animal" as it applies to this section means a dog as defined in this section or a cat as defined in this section or both.
- J.** "Aggregate" means a whole formed by combining several (typically disparate) elements.
- K.** *At large* means any animal when it is off the premises of its owner's real property and not restrained by a competent person.
- L.** *Competent person* means a person eleven (11) years of age or older, capable of physically controlling the animal in question and to whose command the animal is obedient.
- M.** *Domestic animal.* The following are considered to be domestic animals:

- N.** Domestic rodents (guinea pigs, hamsters, white rats, white mice).
- O.** Farm animals (any member of the swine, ovine, caprine, bovine or equine families, poultry or rabbits).
- P.** Non-life-threatening, nonpoisonous reptiles or amphibians.
- Q.** Nonpoisonous, non-life-threatening fish.
- R.** All birds, except those protected as wild birds by state or federal statutes.
- S.** *Dwelling unit* means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- T.** *Exotic animal* means any nondomestic animal not native to the state.
- U.** *Owner* means any person seventeen (17) years of age or older; or parent or guardian of any person under the age of seventeen (17) years; or parent or guardian of an incapacitated person having a right of property in an animal; or who acts as custodian, cares for, keeps, feeds, or knowingly permits an animal to remain on or about any premises occupied by such person; or a person who registers an inoculation certificate for an animal with the county.
- V.** *Poultry* means domesticated birds raised for show, eggs or meat.
- W.** *Redemption fee* means costs incurred when impounding an animal, which include the handling and processing of the animal's entry and exit into the animal shelter. This fee shall not include boarding, medical or transportation costs incurred by the shelter in keeping such animal.
- X.** *Restraint* means any animal that is not found on the property of its owner when it is:
- Y.** Controlled by a line or leash not more than six (6) feet in length when such line or leash is held by a competent person.
- Z.** Controlled by a leash of fifty (50) feet or less during a training session conducted by a competent person.
- AA.** Confined within a motor vehicle.
- BB.** Confined in a cage or other animal carrier.
- CC.** *Secure enclosure* means a structure of sufficient height and construction that does not allow contact between the animal confined and other animals or persons.
- DD.** *Sterilized* means the surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of reproducing.

EE. *Wild animal* means any living member of the animal kingdom (including exotic animals) other than a domestic animal

5-1-2: CRUELTY:

No person shall cruelly treat any animal in the city in any way; and any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section.

5-1-3: DANGEROUS ANIMALS:

It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large in the city; exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

5-1-4: (A) ANIMALS RUNNING AT LARGE

This Code is hereby amended to adopt 510 Illinois Compiled Statutes 55/
(Illinois Domestic Animals Running At Large Act)

(B): DOGS RUNNING AT LARGE

The owner of any dog shall not permit such animal to run at large within the city limits. A dog shall be considered to be running at large if it is upon any road, sidewalk, alley, private property of another or other public place, if the dog has left the premises of its owner when not controlled by a leash.

a) No person shall cause or permit any dog owned by them, unless upon a leash, to be upon any public place or on any privately owned premises other than those of the owner without that property owner's consent.

b) Any dog found running at large, not confined to the owner's property or upon public property not under restraint shall be deemed a public health nuisance. The Police Department or authorized agent shall have the authority to capture and impound such animal. The officer or agent shall, immediately upon impounding any dog, make a complete registry and enter therein the breed, color and gender of such dog.

c) Any dog found running at large in the city whose owner is unknown, shall be apprehended and impounded by the Police Department or authorized agent. Such a dog shall be impounded for not less than seventy two (72) hours. At the end of the seventy two (72) hour period, such dog shall be humanely disposed of, offered for adoption, or otherwise disposed of as a stray dog.

d) Any dog found running at large contrary to the provisions of this chapter may be apprehended and impounded.

5-1-5: RABIES CONTROL

Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement.

a) Any such dog that is not inoculated against rabies shall be impounded by the Chief of Police or authorized agent unless satisfactory arrangements are made for compliance.

5-1-6: ANIMAL BITES

Whenever any animal bites a person, the owner of said animal shall immediately notify the chief of police or authorized representative, who shall order the animal to be confined on the owner's premises or shall have the animal impounded for a period of ten (10) days. The animal shall be examined immediately after it has bitten anyone and again at the end of the ten (10) day period. If, at the end of this ten (10) day period a veterinarian is convinced that the animal is free from rabies, he shall order the animal released from quarantine or the pound, as the case may be. Any bite that occurs while said dog is actively running at large contrary to the provisions of this chapter shall result in said dog being impounded for the ten (10) day quarantine period.

a) It shall be unlawful for an owner confining an animal who has bitten to allow such animal to run at large contrary to the provisions of this article.

b) During the ten (10) day period such animal is permitted to be outside only when:

1. Supervised by its owner or care taker 18 years of age or older
2. Secured on a leash or other control device no longer than six (6) feet in length.

5-1-7: LIMIT OF DOMESTIC ANIMALS

THERE IS A LIMIT OF FOUR (4) DOGS OR FOUR (4) CATS PER HOUSEHOLD OR AN AGGREGATE NUMBER OF FIVE (5). DOGS OR CATS UNDER THE AGE OF SIXTEEN (16) WEEKS BEING KEPT WITH A PARENT DOG OR CAT ARE EXEMPT FROM THIS SECTION AND MAY BE KEPT LONGER IF A LICENSED VETERINARIAN DEEMS IT IN WRITING TO BE DETRIMENTAL TO THE HEALTH OF AN ANIMAL.

5-1-8: KENNELS

No person shall maintain a kennel within the corporate limits of the city where dogs or cats or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation. A person who harbors or maintains four (4) or fewer dogs or cats or an aggregate number of five (5) shall not be considered as maintaining a kennel. Dogs or cats sixteen (16) weeks of age and younger are exempt from this section when they are being kept with parent dog or cat and may be kept longer if a licensed veterinarian deems it in writing to be detrimental to the health of an animal. This provision shall not apply to an animal pound maintained by a political subdivision or an animal shelter maintained by a humane society, animal welfare group or a licensed veterinarian.

5-1-9: DANGEROUS AND VICIOUS DOGS

This Code is hereby amended to adopt 510 Illinois Compiled Statutes 5/15-5/15.3.

5-1-10: KILLING DANGEROUS ANIMALS

The members of the police department and/or other police authorized persons in the city are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person, property or companion animal.

5-1-11: HOUSING:

No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome. It shall be unlawful to keep or raise any live rabbits, chickens or other fowl, cattle, horses, asses, mules, swine, sheep or goats within the city limits if the above mentioned shall be considered a public nuisance.

5-1-12: REMOVAL OF DOG AND OTHER ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES:

An owner or person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately.

5-1-13: NOISES:

It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time, day or night.

5-1-14: DAMAGE TO PROPERTY; NUISANCES:

It shall be unlawful for any owner or keeper of any animal to permit said animal to commit on any premises or property, public or private, any of the following acts: destroy private property, scatter refuse or garbage, chase vehicles, or dig on any public property or any private property without the permission of the property owner.

5-1-15: HARBORING STRAY ANIMALS:

A person who habitually feeds any cat, dog, or other domestic or wild animal, not owned by him, on a regular or irregular basis, or cares for or actively seeks the attention of said cat, dog or other domestic or wild animal at or upon his or her property or within the city shall be guilty of "harboring a stray animal". It shall be unlawful for any person to harbor a stray or unowned or unclaimed domestic or wild animal in the city.

5-1-16: IMPOUNDED ANIMALS LIABILITY

The Chief of Police or authorized agent, any law enforcement officer or any other person charged with enforcing the provisions of this chapter or person charged with caring for impounded animals shall not be held responsible for any accident or disease that may cause the injury or death of any impounded animal.

5-1-17: FEE LIABILITY

THE OWNER OF ANY DOG FOUND TO BE IN VIOLATION OF ANY SECTION OF THIS CHAPTER SHALL BE LIABLE FOR ALL FINES AND ANY VETERINARIAN FEES ASSOCIATED WITH SAID VIOLATION.

(A) If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person OR COMPANION ANIMAL THAT is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby.

5-1-18: PENALTY:

Any person violating any provision of this chapter or aiding in or abetting or making any misrepresentation in regard to any matter prescribed by this chapter or resisting, obstructing or impeding Chief of Police or authorized agents in enforcing this chapter, shall, upon conviction, be fined not less than *fifty dollars (\$50.00)* nor more than seven hundred fifty dollars (\$750.00)

a) The minimum fine for a dog running at large when the police department or authorized agent intervenes is fifty dollars (\$50.00) for the first offense, *seventy five dollars (\$75.00)* for the second offense and for the third or subsequent offense the fine shall not exceed two hundred fifty dollars (\$250.00).

1. If dog is placed in a municipal shelter or boarding facility, the owner is responsible for:

- a. any boarding fees imposed by the facility
- b. Carroll County, Illinois redemption fees
- c. State of Illinois Public Safety fines

b) Each occurrence of failure to comply constitutes a separate offense.

c) Any person who violates this chapter is guilty of a petty offense and shall be subject to a fine not to exceed seven hundred fifty dollars (\$750.00). The city of Mount Carroll, Illinois may file a complaint for an alleged violation of this chapter or the City may bring suit seeking to permanently enjoin any ongoing violation of this Chapter.