

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

**3-1-1 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:

**“ADULT DOG OR CAT”** means a dog or cat **nine (9) months** of age or older.

**“ANIMAL CONTROL OFFICER”** means any person designated by the Village to enforce the rules and regulations established under this Chapter.

**“ANIMAL SHELTER”** means a facility operated by the Village or Bond County, Illinois to impound or care for dogs, cats or other animals.

**“CAT”** means all members of the family Genus Felis.

**“DANGEROUS OR VICIOUS ANIMAL”** means any animal which has on at least one occasion in the past attacked or injured any person or other animal who was peacefully conducting himself or itself where he or it lawfully may have been.

**“DOG”** means all members of the family Canidae.

**“ENCLOSURE”** means a building or other structure strong enough to keep the confined animal away from other animals and the public.

**“MATURE RABBIT”** means a rabbit **nine (9) months** of age or older.

**“OWNER”** means any person owning, keeping or harboring an animal, or who has it in his care or acts as its custodian, or who knowingly permits a dog, cat or other domestic animal to remain on or about any premises occupied by him.

**“RESIDENTIAL AREA”** means those areas of districts within the corporate limits of the Village included in the general zoning classifications of Residential.

**“RESTRAINT”** means secured by a leash or lead, or under the immediate control of a competent person and obedient to that person’s command.

**“VILLAGE”** means the Village of Mulberry Grove, Illinois.

**“WILD ANIMAL”** means and includes but is not limited to any monkey, raccoon, skunk, fox, poisonous snake, piranha fish, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

**3-1-2 PURPOSE.** The purpose of this Chapter is to protect and promote the public health, safety and general welfare of such Village by establishing requirements for the effective control of animals. This Chapter is in addition to, and does not preempt, the Illinois Animal Control Act (510 ILCS 5/1 *et seq.*).

**3-1-3 PENALTY.** Any person violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of any of the provisions of this Chapter shall be fined not less than **One Hundred Dollars (\$100.00)** not more than **One Thousand Dollars (\$1,000.00)** for each offense per day up to \$1,000.00.

**3-1-4 EXCEPTIONS.**

(A) Upon a proper showing therefor, and upon due and convincing proof being made to the Board of Trustees of the Village of unique and unusual circumstances under which the strict enforcement of this Chapter would result in extreme and peculiar hardship for the person involved, the Board of Trustees may grant special permission to such person to do some act contrary to this Chapter.

(B) The granting of any special permission may be approved by the Board of Trustees only after a public hearing has been held by such Board of Trustees. For such public hearings, a legal notice shall be published at least **one (1) time** in a newspaper of general circulation within the corporate limits of the Village. Such notice shall set forth the nature of the public hearing, the property involved and the date, time and place of the scheduled hearing, and shall be published at least **five (5) calendar days** but not more than **thirty (30) calendar days** prior to the hearing date.

(C) A non-refundable fee of **One-Hundred Dollars (\$100.00)** shall accompany any request for such special permission.

(D) In addition to the legal notice, the animal control officer shall post a sign on the property for which special permission is being requested not less than **five (5) calendar days** but not more than **thirty (30) calendar days** prior to the hearing date. Such sign shall give notice of the special permission being requested and the date, time and place of the scheduled hearing.

**3-1-5 INTERFERENCE.** It shall be a violation of this Chapter to interfere with the Animal Control Officer in the performance of his duties.

**3-1-6 NOISE, ODOR, ETC.** No person shall keep or maintain any animal, poultry or fowl in such a manner to cause inconvenience or disturbance to other persons by reason of noise, odor or other cause.

**3-1-7 CONTAINMENT OF DANGEROUS ANIMALS.**

(A) No person shall permit any cat or dog to leave the premises of its owner when not under control by leash or other recognized control method. In addition, no person shall permit any dangerous or vicious animal to leave the premises of its owner when not under control of its owner. The following shall be accepted as recognized control methods for a dangerous or vicious animal:

- (1) An animal within an enclosed automobile or truck, not being used as a public conveyance of humans.

## Animals

(2) Every dangerous or vicious animal shall be securely muzzled or caged whenever off the premises of its owner.

(B) No person shall permit any dangerous or vicious animal to be confined on the premises of the owner other than in an enclosure in such a manner as to prevent its coming in contact with other animals or the public. (510 ILCS 5/15)

### **3-1-8 PUBLIC NUISANCE; ABATEMENT.**

(A) An animal which bites a person and/or another animal, **two (2)** or more times, shall be deemed to be a public nuisance.

(B) If the existence of a nuisance is established, the owner of animal shall be in violation of this Chapter. Furthermore, the court may enter an order restraining the owner from maintaining such nuisance and may order that the animal be humanely dispatched.

**3-1-9 BEEKEEPING.** No person shall keep or maintain bees in any residential area in the Village in such a manner as to cause inconvenience or disturbance to other persons by reason of the swarming or stinging of the bees.

**3-1-10 LIVESTOCK.** No person shall keep or maintain any horse, mule, pony, donkey, burro, cow, goat, sheep or pig in any residential area within the corporate limits of the Village.

**3-1-11 FOWL.** No person shall keep or maintain more than **six (6)** chicken, turkey, duck, goose, guinea, pigeon or other poultry or fowl in any residential area within the corporate limits of the Village; and no pen, hutch or other structure designed to confine or shelter a chicken, turkey, duck, goose, guinea, pigeon or other poultry or fowl shall be so located that any portion of such pen, hutch or other structure is closer than **ten (25) feet** from the line of any adjoining property.

**3-1-12 RABBITS.** No person shall keep or maintain more than **six (6) rabbits** in any residential area within the corporate limits of the Village; and no pen, hutch or other structure designed to confine or shelter a rabbit or rabbits shall be so located that any portion of such pen, hutch or other structure is closer than **ten (25) feet** from the line of any adjoining property.

**3-1-13 WILD ANIMALS.** No person shall keep or maintain any wild animal as a pet within the corporate limits of the Village.

**3-1-14 KEEPING OF DOGS AND CATS.** No person shall keep or maintain more than **four (4)** adult dogs (two of which may be outside) and/or **four (4)** adult cats on or about his place of residence, excluding feral cats.

**3-1-15 RABIES INOCULATION.** No person shall permit any adult dog or cat owned by him or in his custody or control to be on any public street, sidewalk, alley or other public place, or upon the private property of any person other than such owner unless the dog or cat shall have a collar firmly attached around its neck with a tag evidencing a current rabies inoculation attached thereto. Any person owning or having in his custody or control a dog or cat which does not have such a collar firmly attached around its neck with a tag evidencing a current rabies inoculation shall keep such dog or cat confined in an enclosure in or on his premises at all times. This does not eliminate the requirements for rabies inoculation. (510 ILCS 5/12)

**3-1-16 DOGS OR CATS IN HEAT.** The owner of any female dog or cat shall, during the period when the female is in heat, keep the female confined in an enclosure in such a manner so that the female cannot come into contact with male dogs or cats, except for the purpose of planned breeding.

**3-1-17 YARD REQUIREMENTS.** No doghouse, shelter, kennel, dog run or other such structure used to house animals shall be so located so that any portion of any such doghouse, shelter, kennel, dog run or other structure that houses animals is closer than **ten (10) feet** from the line of any adjoining property.

**3-1-18 PROCEDURE WHEN ANIMAL BITES ANY PERSON.** The owner of any dog, cat or other animal which bites any human being shall notify the Village Animal Control Officer and the Bond County Illinois Rabies Control officer or animal control officer within **twenty-four (24) hours** of the bite; shall keep such dog, cat or other animal locked up in an enclosure for a period of **ten (10) days** following the time the dog, cat or other animal has bitten a person; and shall, at their cost, have the dog, cat or other animal examined by a licensed veterinarian at the beginning and end of the **ten (10) day** period for the purpose of determining the health and rabies status of the dog, cat or other animal. (510 ILCS 5/13)

**3-1-19 ANIMALS AT LARGE PROHIBITED.**

(A) **Dogs.**

- (1) It is unlawful for any dog to run at large within the corporate limits of the Village. If a dog does run at large, the owner or keeper of such dog shall be in violation of this Chapter. Any dog which goes upon any public street, sidewalk, alley or other public place, or upon any private property other than that of the owner of the dog, shall be deemed to be running at large unless such dog is firmly held on a leash or is in an enclosed vehicle and is then and there under the complete control of a competent person and obedient to that person's command.
- (2) Any dog found running at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of such dog shall be impounded by the Animal Control Officer. Provided, however, any vicious dog, which has bitten a human being and cannot be safely captured, may be slain by the Animal Control Officer or by a police officer.

(B) **Cats.** It is unlawful for any cat to run at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of such and create a nuisance or disturbance. If a cat does run at large and create a nuisance or disturbance, the owner or keeper of such cat shall be in violation of this Chapter. In addition, the cat may be impounded; provided, however, any vicious cat, which has bitten a human being and cannot be safely captured, may be slain by the Animal Control Officer or by a police officer.

(C) **Livestock and Poultry.** No person shall permit any cattle, horses, swine, sheep, goats or poultry or other animals to run at large within the corporate limits of the Village. Any such animal running at large shall be impounded by the Animal Control Officer. Provided, however, any

vicious animal which has bitten a human being and cannot be safely captured may be slain by the Animal Control officer or a police officer.

**3-1-20 MAINTENANCE.**

(A) **Removal of Waste Material.** The owner of any animal which deposits fecal waste on any public place or private property other than that of the owner shall be responsible for the removal of any solid waste material deposited by his animal.

(B) **Premises to be Clean.** The owner of any animal or bird shall maintain the premises wherein such animals or birds are kept in a clean and sanitary condition, free from rodents, vermin and disagreeable odors and waste.

(C) **Food and Water.** The owner of any animal or bird shall provide food and water of adequate quality and quantity in accordance with the needs of such animals or birds.

(D) **Shelter.** The owner of any animal or bird shall provide adequate shelter from the elements for the animal or bird. For such animals or birds which are kept out-of-doors, adequate shelter shall be a structure with a top and enclosed sides, except for an opening large enough or the passage of such animal or bird.

(E) **Veterinary Care.** The owner of any animal or bird shall, when necessary to prevent suffering of such animal or bird, provide veterinary care for such animal or bird.

(F) **Impoundment Authorized.** The Animal Control Officer is hereby authorized to remove from any premises and impound any animal or bird, the owner of which has not complied with any or all of the requirements under this Section. (510 ILCS 70/1 *et seq.*)

**3-1-21 CRUELTY TO ANIMALS.**

(A) **Cruelty to and Endangering of Animals.** No person shall beat, cruelly treat, torment or abuse any animal or bird. No person shall throw or deposit any poisonous substance on any exposed or hidden public or private place where it may endanger any animal.

(B) **Inhumane Treatment.** No person shall tie, confine or otherwise restrain any animal or bird in such a manner as to constitute cruel or inhumane treatment.

(C) **Abandonment.** It shall be unlawful for any animal owner to abandon an animal where it may become a public charge or may suffer injury or exposure. Any person violating the provisions of this paragraph shall be subject to a fine of not less than **Two Hundred Dollars (\$200.00)** and not more than **One Thousand Dollars (\$1000.00)**.

(D) **Impoundment Procedure.** The Animal Control Officer is hereby authorized to remove from any premises and impound any animal or bird on which cruel treatment is being inflicted as listed in this Section. (510 ILCS 70/3.01 *et seq.*)

**3-1-22 SLAUGHTER OF ANIMALS; PROHIBITED.** No person shall kill or slaughter any animal within the corporate limits of the Village intended to be used as food for human consumption except in licensed facilities designed or operated for such purposes.

**3-1-23 BURNING OF ANIMAL MATTER; PROHIBITED.** No person shall burn any feathers, hides or any other animal matter within the corporate limits of the Village.

**3-1-24 DISPOSAL OF DEAD ANIMALS.**

(A) **Prohibited Disposal.** No person shall deposit, place or throw any dead animal or fatally sick or injured animal, or part thereof on any public or private place, or into any reservoir, sewer or well, or on the banks of any stream, lake, pond or other body of water.

(B) **Burial.** All dead animals, or parts thereof, may be buried at a distance of not less than **one hundred (100) feet** of any residence or well; and the carcass shall be placed underground and well covered with dirt at least **four (4) feet** underground to the upper part of the carcass.

(C) **Immediate Disposal.** No person shall fail to immediately dispose of any dead animal found upon the property under his possession or control.

**ARTICLE II - IMPOUNDMENT**

**3-2-1 PROCEDURE.** Any dog, cat or other animal, which has not been redeemed by its owner within **five (5) calendar days** after it has been impounded, may be turned over to any authorized representative of a humane society upon the request of such representative being duly made within **two (2) calendar days** immediately after the **five (5) day** period. If such dog, cat or other animal is not so redeemed by the owner thereof, or so turned over to a representative of a humane society, it may be humanely dispatched by the Animal Control Officer or his designee. If a licensed veterinarian signs a statement that spaying, neutering or inoculation of an animal will be hazardous to the health of the animal, an exception may be granted by the Animal Control division.

**3-2-2 REDEMPTION OF ANIMAL BY OWNER.**

(A) In order to redeem a dog, cat or other animal which has been impounded, the owner shall pay to the Animal Control Officer redemption fees as follows **One Hundred Dollars (\$100.00)** to redeem an altered dog or cat; **One Hundred Fifty Dollars (\$150.00)** to redeem an unaltered dog or cat. Each offense thereafter is an additional Fifty Dollars (\$50.00). **Twenty Dollars (\$20.00)** of the unaltered pet impoundment fee may be returned to the owner upon receipt by the Animal Control Officer of proof of the spaying/neutering the impounded animal within **ten (10) days** of its release from impoundment.

(B) In addition to the redemption fee, the owner shall pay to the Animal Control officer a boarding fee established by the boarding officer per day for the board of such animal for each day or fraction of a day for which it has been impounded.

(C) In the event any impounded animal does not have a current rabies tag, the owner redeeming such dog or cat shall pay to the Animal Control Officer, prior to and as a condition precedent to redemption, all fees for rabies inoculation for the current year.

(D) In addition to the above-mentioned fees, the owner of an impounded animal will be subject to the other penalties of this Chapter.

**ARTICLE III - DOG AND CAT REGISTRATION**

**3-3-1 REGISTRATION FEES.**

(A) Any person who owns or keeps a dog or cat within the Village which is six (6) months or older shall pay a registration fee payable to the Village clerk according to the following schedule:

(1) A fee of Five Dollars (\$5.00). This fee is valid for one (1) year and must be renewed annually.

(B) Change of owner registration, Five Dollars (\$5.00).

(C) No person shall transfer an unregistered dog or cat older than six (6) months.

(D) Any person who makes a renewable registration application more than thirty (30) days after the animal's license expires shall pay a late charge the sum of three dollars (\$3.00) in addition to the required registration fees.

(E) If owners choose not to register their dog or cat before the age of six (6) months, and transfer ownership of that animal to any other person, accurate records detailing the name, address, telephone number of the recipient must be provided, as well as the age of the animal and date of transfer. This information must be supplied by the original owner of the dog or cat to the animal control officer or Village clerk within thirty (30) days of the transfer

(F) The registration requirements of this section shall not apply to dogs or cats owned by nonresidents of the Village in the temporary custody of a veterinarian, licensed kennel or professional handler.

(G) Animals certified to aid the disabled are exempt from all registration fees if altered, but shall be registered with the Village clerk. Unaltered animals are subject to all fees required under this article.

(H) The registration of dogs and cats as required herein shall be accomplished by the owner of the animal within fifteen (15) days of the date upon which the animal receives its annual rabies inoculation for the animal shall not relieve the owner of the requirements of this section concerning registration and fees. The registration tag must be displayed on animals that do not have permanent identification.

**Animals at large prohibited.**

***Dogs.***

For purposes of this subsection (a) and Section 9 of Division 1 of this Chapter 8, an "Enclosure" shall be further defined as an outdoor enclosure of at least fifty (50) square feet constructed of chain link or similar fence material having spacing no larger than 2 inches by 4 inches and being at least six (6) feet high. All floors shall be constructed of (i) 100% concrete, paving blocks or treated lumber, or a combination thereof, or (ii) may remain natural, *provided that* the fence hereby required shall be placed over a continuous concrete or block footing at least eight (8) inches deep, the perimeter of which is the same dimension as the

## Animals

Enclosure, and further provided that the fence hereby required is solidly attached to such footing on such intervals and by such means that will prevent the animals therein from escaping or being injured. The enclosure shall also provide the animal sufficient shade and protection from the weather and access to necessary food and water. All enclosures shall be located in the rear yard of any dwelling, residence or lot. No enclosure shall house more than one (1) dog over the age of four (4) months, and in any event no enclosure shall house more than five (5) animals in total.

The provisions of this subsection shall take precedence over any Village Ordinances relating to fences, dog runs, kennels or pens to the contrary