CHAPTER 6

ANIMALS AND FOWL

Sec. 6-1. Dog Defined.

The word "dog" as used in this chapter shall include all animals regardless of sex, of the canine species.

Sec. 6-2. Animals Other than Household Pets Prohibited; Declared a Nuisance.

(a) It shall be unlawful for any person to keep any cattle, horse, swine, sheep, goats, poultry or other animals within the Village with the exception of dogs, cats, and other common household pets.

(b) Any animal kept in the Village in violation of subsection (a) is hereby declared to be a nuisance.

Sec. 6-3. Dogs Running at Large Prohibited; to be Impounded.

It shall be unlawful for any person to permit any dog to run at large in the Village at any time. Dogs which are on any street, alley or sidewalk or other public place without being held securely on a leash shall be deemed to be running at large. Dogs which are running at large shall be taken up and impounded by the Winnebago County Animal Control Services.

(A) Sanitation

It shall be unlawful for any owner or custodian of any animal to allow the animal to defecate on any street, sidewalk, public park or other public property or on common grounds or common areas contained within a homeowners association or condominium or on other private property not owned by the owner or custodian of the said animal, unless the said owner or custodian shall immediately remove from the property all feces deposited by the said animal and dispose of same by placing same in a plastic bag or other container that is securely sealed so as to retain any odor within the container and by depositing the container in a trash receptacle or by otherwise disposing of same in any manner as otherwise may be permitted by law.

Violation of this ordinance shall be punishable by a fine of not less than twenty-five dollars ($25.00) for the first offense, not less than fifty dollars ($50.00) for the second offense and not less than one hundred dollars ($100.00) for the third or subsequent offense. (Ord. No 2001-7; 06-25-01)

Sec. 6-4. Noisy Dogs Prohibited.

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

Sec. 6-5. Rabid Dogs Declared a Nuisance; Destruction.

Any dog suffering from rabies or any dog bitten by a dog suffering from rabies is hereby declared to be a public nuisance and may be killed by any Village police officer, or by any person the Village President so designates.

Sec. 6-6. Cruelty to Animals.

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

State law reference - Authority of Village to prevent cruelty to animals, Ill. Rev. Stat., Ch. 24, 11-5-6.

Sec. 6-7. Killing Dangerous Animals.

The members of the police department, or any other person in the Village, are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.
Sec. 6-8. Diseased Animals not to be Exposed to Public; Precautions to be Taken by Health Officer.

(a) No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place where the health of man or other animals may be affected. No diseased animal shall be shipped or removed from the premises of its owner except under the supervision of the Health Officer.

(b) It is hereby made the duty of the Health Officer to secure such disposition of any diseased animal and such treatment of any affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

Sec. 6-9. Collar and Tag Issued by County to be Worn by Dog.

Every dog kept within the Village shall be provided by its owner or keeper with a collar made of leather, metal, or other substantial material to which the license tag, issued by the county shall be securely fastened.

Sec. 6-10. 6-13. Reserved

Sec. 6-14. Dogs Running at Large.

No person who is the owner of a dog shall cause or permit his dog to run at large in the unincorporated areas of the County which have been subdivided for residential purposes.

Sec. 6-15. Barking Dogs.

(a) It shall be unlawful for any person to own, keep, have in his possession, or harbor any dog which, by frequent or habitual howling, yelping, barking, or otherwise, shall cause annoyance or disturbance to any person, provided that the provision of this Section shall not apply to the Winnebago County Animal Shelter.

(b) Violations of this Section shall be punishable by a fine of not less than twenty-five dollars ($25.00) for the first offense, fifty dollars ($50.00) for the second offense, and one hundred dollars ($100.00) for the third or subsequent offense. The maximum penalty for such offense shall be exceed five hundred dollars ($500.00).

Sec. 6-16. Killing of Domestic Animals.

(a) No domestic animal or poultry shall be killed for human consumption or to be sold for human consumption within the unincorporated areas of Winnebago County except as provided in this Chapter.

(b) The provisions of this Section shall not apply to facilities and individuals licensed and approved by the Illinois Department of Agriculture as provided for in the Illinois Meat & Poultry Inspection Act (Ill. Rev. Stat. ch. 56-1/2, par. 301 et seq., 1987, as amended) or to those facilities provisions of that Act.

(c) Violations of this Section shall be punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

Sec. 6-17. Impoundment.

(a) The Animal Services Officer shall, and any peace officer may, apprehend and impound the following:

i. Animals which have bitten a person;

ii. Dogs four months or more of age which have not been inoculated against rabies by a licensed veterinarian;

iii. Dogs four months or more of age not on the premises of their owner and which do not have a current, valid rabies inoculation tag;

iv. Dogs that have been found to be vicious as defined in the Act and are not on a qualified run line or in an enclosure;

v. Dogs which are at large in the unincorporated areas of the County that have been subdivided for residential purposes;

vi. Dogs and cats adopted from Animal Services which are held in violation of the adoption agreement.

(b) The director, or other person authorized by the Administrator to impound animals, shall, upon receiving the animal, make a complete registry thereof entering the breed, description, age, sex, date of impoundment, name of the owner (if known) and the
registration or tag number of such animal.

(c) The Administrator or Director shall provide adequate and wholesome food and shelter for impounded animals, and shall provide careful and humane treatment toward animals in shelter care.

Sec. 6-18. Redemption of Impounded Animals.

(a) The administrator or his duly authorized agent shall, upon impoundment, forthwith notify the owner of the impounded animal at his last known address by certified mail, with return receipt requested, of such impoundment.

(b) If an owner notifies the Department that his animal has been lost and gives a description of the animal, the Department, for a period of six (6) months thereafter, shall be required to notify said owner within twenty-four (24) hours of the impoundment of any animal that matches the description of the lost animal.

Sec. 6-19. Redemption of Impounded Animals.

The owner of any impounded dog may redeem such dog within seven (7) days of its impoundment by following the following procedures:

(a) Presentation of proof of current rabies inoculation and registration, if applicable, or payment for rabies inoculation and registration;

(b) Payment of the cost of Boarding;

(c) Payment of the appropriate service fee for pick up of the animal.

Sec. 6-20. Disposition of Unclaimed or Disabled Animals.

(a) When not redeemed by its owner, an animal which has been impounded shall be humanely dispatched, offered for adoption, or transferred to an institution pursuant to the Impounding and Disposition of Stray Animal Act. However, in no event shall a healthy animal be humanely dispatched unless it has been impounded for a period of at least seven (7) days.

(b) Persons adopting an unredeemed dog must pay for the rabies inoculation and registration of such dog if necessary and shall also pay to have the dog spayed or neutered.

(c) Stray animals suffering from severe physical disabilities may be disposed of at the discretion of the Administrator. No animal left by its owner for disposition is to be regarded as unclaimed or unredeemed, but is to be disposed of as authorized by its owner.

(d) No registered dog wearing an inoculation tag may be disposed of, unless the notice provisions of Section 5-13 of this Chapter have been complied with by the Administrator and the Administrator has received the return receipt or has had the certified letter returned undelivered.

(e) Unclaimed and released dogs and cats may be adopted from the shelter for use as a pet by paying the appropriate fee. Persons adopting must sign and __________.

Sec. 6-21. Spay/Neuter program fund.

Five dollars ($5.00) of the registration fees collected from owners of unaltered animals shall be segregated in the Animal Control Fund in order to fund a spay/neuter program as determined by the County Board.

Sec. 6-22 Vicious Dogs.

(a) Definition of terms.

As used in this Section:

(1) Owner means any person, form, corporation, or organization or department possessing or harboring or having the care or custody of a dog.

(2) Vicious Dog means:

(a) Any individual dog that when unprovoked inflicts, bites or attacks a human being or other animal either on public or private property; or

(b) 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; or

(c) Any individual dog which attacks a human being or domestic animal without provocations; or
(d) Any individual dog which has been found to be a "dangerous dog" upon three separate occasions; or

(e) No dog shall be deemed "vicious" if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces any one who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.

(3) Dangerous Dog means any individual dog which when either un-muzzled, 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 of places.

(4) Enclosure means a fence or structure of at least six 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. Such designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(5) Has bitten means has 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 the skin.

(6) Impounded means taken into the custody of the public pound or other place of confinement.

(b) Vicious Dogs

(1) 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 a vicious dog may be allowed out of the enclosure are; (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or (2) to comply with the order of a Court of competent jurisdiction, provided that in each instance, said vicious dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be kept under the direct control and supervision of the owner or keeper of the vicious dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

Whenever the Administrator, State's Attorney, or any other citizen has reason to believe that any dog is vicious as defined in this ordinance, he/she may file a complaint in the Circuit Court in the name of the County of Winnebago, seeking a finding that the dog is vicious. Owner of any dog that is the subject of such a complaint and shall have seven days to answer or otherwise enter his/her appearance. Within fourteen days after the filing of any complaint seeking to have a dog declared to be vicious, a hearing shall be held at which time the complainant and the owner shall present evidence as to whether the dog in question is vicious. When, after receiving the evidence presented, court finds that the dog meets on the definitions of a vicious dog as defined in Section 1, subsection B, the court shall enter an order finding the dog to be vicious. It shall be unlawful for anyone to maintain a public nuisance by permitting any dog which has been found to be vicious to be outside of any enclosure except as provided in Section 2, subsection A.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure except as provided in Section 2, subsection A, shall be impounded by the Administrator or other law enforcement authority and shall be turned over to the Winnebago County Animal Shelter. The Administrator shall, within five days after the dog has been impounded, cause a complaint to be filed in the Circuit Court seeking an order authorizing him to destroy the dog by lethal injection. Notice of the complaint shall be sent to the owner. Hearing shall be held within fifteen days of the impoundment.

Any dog, which has bitten a human on three (3) or more occasions as reported to the Administrator pursuant to the provision of the Animal Control Act (Illinois Revised Statutes, Chapter 8 Paragraph 351, et. seq., 1987 as amended) shall be impounded by the Administrator at the Winnebago County Animal Shelter. The Administrator shall, within five days of the impoundment, cause a complaint to be filed in the Circuit Court seeking an order authorizing him to destroy the dog by lethal injection. Notice of the complaint shall be sent to the owner. Hearing shall be within fifteen days of the impoundment.

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

(2) The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the enclosure in which the animal is kept.

(3) Owners of dogs that have been found to be vicious, shall, within ninety (90) days of the order finding the dog to be vicious, obtain a license from the Animal Service Administrator. The license shall be valid for one (1) year, and shall be renewed annually. A license fee of $25 shall be assessed.

(4) 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 the law of the State of Illinois and any other applicable law. It shall be the duty of the owner of such exempted dog to notify the Administrator, as designated in the Animal Control Act (Ill. Rev. Stat. ch 8, par. 351 et. seq., as amended), of changes of address. In 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/her.

(c) Penalties

Any person violating or aiding or abetting the violation of any provision of this Section or resisting, obstructing or impeding the Administrator or any authorized officer in enforcing this Section, is guilty of a petty offense and may be punishable by a fine of not less than $50 and not more than $500.

(d) Severability

Severability of any Section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this Ordinance.

1State law reference - Rabies control act, Ill. Rev. Stat., Ch. 8, 23(2) et seq.