

CHAPTER 11. ANIMALS AND FOWL

ARTICLE I. ANIMAL CONTROL

The Village of Machesney Park, Illinois, and the County of Winnebago, Illinois, for the consideration hereinafter set forth hereby agree as follows:

11.101. DEFINITIONS. For the purpose of this Agreement, the words and phrases listed hereunder have the meanings designated herein, except when a particular context clearly requires a different meaning:

A. "Administrator" means the appointed Administrator of the Animal Control Department of the County of Winnebago, Illinois, or his duly authorized representative.

B. "Animal" means any animal, other than man, which may be affected by rabies.

C. "Village" means Village of Machesney Park, Illinois.

D. "County" means the County Board of the County of Winnebago, Illinois.

E. "Department" means the Animal Control Department of the County of Winnebago, Illinois.

F. "Dog" means all members of the canine family.

G. "Ordinance" means Ordinance #42-81 (maximum of 2 dogs per household), Ordinance #5-82 (dogs running at large and animal control), Ordinance #28-83 (Section 8-barking dogs) of the Code of Ordinances of the Village of Machesney Park, Illinois, in effect on a given date relating to the ownership, possession, and control of dogs.

H. "Owner" means any person having any right of 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 a dog or other domestic animal to remain on or about any premise occupied by him.

I. "Person" means any person, 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.

J. "Poundmaster" means a person appointed by the County Board to direct and supervise the operation of the Winnebago County Pound.

11.102. PURPOSE AND OBJECTIVES. The purpose of this Agreement is to enter into an Intergovernmental Cooperation Agreement between the Village and County whereby the County will, through its Animal Control Department, enforce Village ordinances which regulate and control dogs.

11.103. AUTHORITY. The Village is a municipality in the State of Illinois as defined by Article VII, Section 1 of the Constitution of the State of Illinois; the County is a body politic and corporate existing by and under the laws of the State of Illinois; and each is a unit of local government as defined by Article VII, Section 1 of the Constitution of the State of Illinois. This Agreement, therefore, is entered into by the County and the Village pursuant to and in accordance with the authority granted by the Intergovernmental Cooperation Act, 111. Rev. Stat., Ch. 127, Sec. 741, et seq. (1977) which implements Article VII, Section 10 of the Constitution of the State of Illinois.

11.104. COUNTY RESPONSIBILITIES. The County agrees that the Department shall provide the following services:

A. Enforce the Animal Control Act, the Animal Control Ordinance of Winnebago County, and the Ordinance. Enforcement of the Ordinance by the County shall not preclude the Village from enforcing the Ordinance.

B. Timely answer and investigate inquiries or complaints regarding enforcement of the Ordinance according to the schedule of priorities contained in Exhibit "A" attached hereto.

C. Twenty man-hours of patrol per week in the Village, provided, however, that with the exception of procedures relating to animal bite investigations instituted pursuant to State law, service under this Agreement will be provided only between the hours of 8:00 AM and 5:00 PM Mon. through Fri. on days which are not recognized as holidays by the County of Winnebago.

D. Apprehension and impoundment of dogs found to be in violation of the Ordinance. The Poundmaster, or other person authorized by the Administrator to impound animals, shall, upon receiving any animal, make a

complete registry thereof in entering the breed, description, age, sex, date of impoundment, and registration or tag number of such animal.

The Administrator or Poundmaster shall provide adequate and wholesome food and shelter for impounded animals and shall provide careful and humane treatment toward impounded animals and shall provide for humane destruction.

E. Notification of the owner of an impounded animal at his last known address by certified mail, with a return receipt requested, of such impoundment. If an owner notifies the Administrator that his animal has been lost and gives a description of the animal, the Administrator for a period of six months thereafter shall be required to notify said owner within 24 hours of the impoundment of said animal.

F. Redemption of impounded dogs with 7 days of its impoundment on the following conditions:

1. Presentation of proof of current rabies inoculation and registration, if applicable, or

2. Payment for rabies inoculation and registration, if applicable, and

3. Payment of the cost of boarding, and

4. Payment of \$3.00 as a penalty which penalty shall be paid into the Animal Control Fund and shall be in addition to any other penalties which may be invoked.

G. Humane dispatch, adoption, or transfer to an institution pursuant to the Impounding and Disposition of Stray Animals Act of impounded animals which have not been redeemed. Persons adopting an unredeemed dog must pay for the rabies inoculation and registration of such dog, if applicable.

Animals suffering because of severe physical disability may be disposed of, at the discretion of the Administrator or Poundmaster. 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.

No licensed dog wearing an inoculation tag may be disposed of, with the exception of those suffering because of severe physical disability, unless the Administrator has received the letter receipt provided for herein or has had the certified letter returned undelivered.

H. Provide to the Village monthly reports containing the following information:

1. The number of calls received from the Village of Machesney Park residents.

2. The number of investigations resulting from calls and complaints within the Village of Machesney Park. (This information will not be available until the summer of 1983 when the computerized information system has been fully implemented.)

3. The number of warning letters prepared and sent to Machesney Park residents for violations.

4. The number of citations issued for Ordinance violations and fines collected for same.

5. The number of carcasses picked up within the Village of Machesney Park.

6. The number of animal pickups within the Village of Machesney Park.

I. County responsibilities do not include the trapping or picking up of wild or non-domesticated animals.

11.105. VILLAGE RESPONSIBILITIES. The Village agrees to pay the County for the aforementioned services to be performed by the County, the sum of \$12,827.00 for the period from January 1, 1984 to December, 31, 1984, payable in the amount of \$1,068.92 on January 1, 1984, and on the first day of each and every month thereafter for the term of the contract.

11.106. TERM. The term of this Agreement shall commence on January 1, 1984 and shall terminate on the 31st day of December, 1984, and shall be self-renewing from year to year thereafter unless either party notifies the other in writing at least 30 days prior to the end of the term of a desire to make any modifications.

11.107. BREACH. Willful neglect, failure, or refusal by either party to perform any material provision of this Agreement shall give the other party the power to terminate this Agreement in addition to the right to compensation for damages suffered by reason of such breach.

11.108. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

11.109. This Agreement represents the entire and integrated agreement, subject to the requirements of the Animal Control Act, between the Village and the County, and supersedes all prior negotiations and representation, either written or oral. None of the provisions of this Agreement may be waived, changed or modified except by an instrument in writing signed by both parties hereto.

11.110. EXHIBIT "A" as called for in Section 11.104, paragraph B, states manner of handling calls as follows:

1. Animal bite investigation
2. Injured animals or those suspected of rabies
3. Confined strays, dogs & cats only
4. Carcasses, usually road kills
5. Patrol - unconfined stray dogs & cats, dog packs
6. Animal abuse
7. Bites - All animal bites will be investigated.

Injured or Sick Animals. These are both wild and domesticated which have usually but not necessarily been hit on the road or may show symptoms of rabies (unprovoked aggressiveness, paralysis, inability to swallow, thirsty). Animals symptomatic of rabies will usually be euthanized and sent to the lab.

Confined Strays. Our wardens only pick up dog and cat strays. Confined strays have priority over calls on strays running loose.

Carcasses. These are usually but not necessarily road kills, all wild and domesticated carcasses will be handled by us.

Animal Abuse/Neglect. These calls are generally last

priority and are screened before referral to authorized animal abuse/neglect investigators.

Barking Dogs. Barking dog ordinances exist in Rockford, Loves Park and Machesney Park only. We have authority to investigate and issue a citation only.

Wild Animals. Wild animals in these categories can be handled by Animal Control.

- A. Injured
- B. Symptomatic of rabies
- C. Carcasses
- D. Bats

Wild animals will not be handled by Animal Control.

A. Healthy animals including skunks, raccoon, squirrels and birds. These animals can be removed by authority from the Game Warden.

B. Healthy animals covered by game laws.

C. Pests - this includes all healthy mammals and other animals not covered by game laws (i.e. rats, mice, pigeons, snakes, bees and other insects).

Large Domestic Animals. Animal Control handles all calls on large domestic animals such as horses, cattle, sheep, goats, pigs, etc. running at large. Carcasses are also handled by Animal Control and the owner is ultimately responsible for removal of animal.

Livestock Kills. Animal Control investigates all livestock killed by dogs.

Dog Control Regulations Generally. All dogs must be confined to owners property by chain or fence. All dogs must be vaccinated and registered. Any dog not on owner's property can be picked up and impounded. A citation or warning can be issued. Barking Dog Ordinances exist in Rockford, Loves Park, and Machesney Park only, and our authority is to issue a warning or citation.

Night Patrol. Priorities #1 and #2 (bite investigation and injured animal). Priority #3 calls (confined strays) are taken up to 5:00 p.m., based on new hours. After 5:00 p.m. (based on new hours) #3 calls are referred to days. (Ord. 6-

ARTICLE II. KENNEL LICENSE

11.201. DEFINITIONS.

A. Dog: Any canine over the age of three (3) months.

B. Dog kennel operator: Any person or persons who keep more than two dogs above the age of three (3) months on any one premise within the Village.

C. Dwelling unit: Shall mean a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.

D. Premises: Shall mean a platted or unplatted lot or parcel or plot of land, occupied or unoccupied by a building structure. Further, premises refers to a dwelling unit, a commercial or industrial structure or any type of building, structure, or improvement.

11.202. NUMBER OF DOGS ALLOWED. No person or persons shall be allowed to keep more than three dogs on any premise within the Village and the keeping of the same is a public nuisance unless said person or persons shall have first obtained a kennel license or shall obtain a permit for animal foster care home pursuant to the State Statutes 225 ILCS 605/1 ET SQR and shall have paid the requisite fee therefor to the Village or the State of Illinois. (Amd. Ord. 40-06 - 10/10/2006) (Amd. Ord. 27-09 - 08/17/2009)

11.203. ZONING REQUIRED. Kennel licenses shall be issued for premises located in an AG Agricultural District only.

11.204. APPLICATION. Every dog kennel operator shall obtain a kennel license from the Comptroller by submitting an application listing the proposed location of said kennel, giving both the legal description and the street address, the maximum number of dogs which said dog kennel operator proposes to house on said premises, the names and addresses of all surrounding property owners within five hundred feet (500') of the property on which the applicant proposes to house said dogs, a description and plat of the building and area in which said dog kennel operator proposes to house said dogs, a description and plat of the building and area in which said dog kennel operator proposes to house said dogs, a

description of the soundproofing material to be used specifying where said materials will be or are located, a description of the procedures to be established to provide for animal waste removal, zoning classification of the premises on which the applicant proposes to house said dogs, and the name and address of the applicant. No dog kennel license shall change the outside dimensions of the building or shall change the area in which said dog kennel operator houses or locates said dogs, subsequent to the initial issuance of a license, without the prior written permission of the Village Board. (Amd. Ord. 7-85 - 1/22/85; Amd. Ord. 15-97 - 5/5/97)

11.205. HEARING REQUIRED. The Comptroller shall transmit said application by a dog kennel operator for a dog kennel to the Village Board. The Comptroller shall send notice to all surrounding property owners within five hundred feet (500') of the premises on which a dog kennel operator proposes to operate a dog kennel, giving the time, date and location of the meeting of the Village Board when said application for a dog kennel license shall be considered. The Village Board shall consider the effect of noise, sanitation, traffic, and the protection of the environment of the neighborhood in determining whether to issue an applicant a dog kennel license. Every dog kennel operator shall house dogs in a reasonably soundproof building with sanitary conditions established to prevent unreasonable odors and to provide for animal waste removal so as not to endanger the public health and welfare. The Village Board may hear the comments of any resident within the Village concerning the issuance of said dog kennel license at the meeting when said application is being considered. The Village Board, by a majority vote, may approve the application from a dog kennel operator for a dog kennel license. In the event the Village Board, at a regular or special meeting, determines, by a majority vote of the Village Board, that a dog kennel licensee has violated any provision of this Ordinance, or has failed to meet reasonable standards of noise, sanitation, or protection of the environment of the neighborhood as determined by the Village Board, a dog kennel license may be revoked. (Amd. Ord. 7-85, 1/22/85; Amd. Ord. 15-97 - 5/5/97)

11.206. RENEWAL.

A. After issuance of an initial license, subsequent renewals shall not require notification of surrounding property owners nor the holding of a public hearing in the absence of a formal complaint alleging non-compliance by the licensee with the requirements of this Section.



B. The Comptroller, upon receipt of an application for renewal of such license, together with the appropriate fee, shall check the records to determine whether any complaints of non-compliance are on file. In the absence of any such complaint, the Comptroller may issue a renewal license valid for the ensuing year. (Amd. Ord. 7-85 - 1/22/85; Amd. Ord. 15-97 - 5/5/97)

11.207. FEE. The fee for issuance of a dog kennel license shall be one hundred dollars (\$100.00) per calendar year.

11.208. PENALTY. Any violation of this Ordinance by any person, corporation, partnership or other entity shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day any violation of this Ordinance shall continue shall constitute a separate offense. (Ord. 42-81 - 11/10/81)

### ARTICLE III. PETS PROHIBITED FROM RUNNING AT LARGE

11.301. DEFINITIONS. For the purpose of this Ordinance, the words and phrases listed hereunder shall have the meanings designated herein, except when a particular context clearly requires a different meaning:

A. Administrator: The appointed Administrator of the Animal Control Department of the County of Winnebago, Illinois, or his duly authorized representative.

B. Animal: Any live vertebrate creature, domestic or wild.

C. Village: The Village of Machesney Park, Illinois.

D. County: The County of Winnebago, Illinois

E. Department: The Animal Control Department of the County of Winnebago, Illinois, as administered by the Sheriff of Winnebago County.

F. Dog: All members of the canine family.

G. Owner: Any person having any right of property in an animal or who keeps or harbors an animal or has it in his care or acts as its custodian or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him.

H. Person: Any person, 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.

I. Pound Master: A person appointed by the County Board to direct and supervise the operation of the Winnebago County Pound.

J. Warden: A person appointed as an Animal Control Warden by the Administrator to perform duties as assigned by the Administrator to effectuate the Animal Control Act of Winnebago County, Illinois.

11.302. REGULATIONS. Any animal off the premises of the owner and not under the direct control of the owner or the owner's authorized agent by means of a leash or lead shall be deemed to be running at large. (Amd. Ord. 27-09 - 08/17/2009)

11.303. IMPOUNDMENT. Any dog or animal found to be in violation of this Ordinance shall be apprehended and impounded by the Administrator, Deputy Administrators, Wardens, Police Officers, or any officer or agent as may be designated by the Village Board. The Pound Master, or other person authorized by the Administrator of the Village Board to impound animals, shall, upon receiving any animal, make a complete registry thereof, entering the breed, description, age, sex, date of impoundment, and registration or tag number of such dog or animal. The Administrator, Pound Master, or officer or agent as may be designated by the Village Board shall provide adequate and wholesome food and shelter for impounded animals, and shall provide careful and humane treatment toward impounded animals and shall provide for humane destruction capability. (Amd. Ord. 27-09 - 08/17/2009)

11.304. NOTIFICATION. The Administrator or his duly authorized agent, or such other officer or agent as may be designated by the Village Board shall, upon impoundment, forthwith notify the owner of the impounded dog or animal at his last known address by certified mail, with a return receipt requested, of such impoundment. If an owner notifies the Administrator that his dog or animal has been lost and gives a description of the animal, the Administrator, or such other office or agent as may be designated by the Village Board shall for a period of six months thereafter be required to notify said owner within twenty-four hours of the impoundment of said dog or animal.

11.305. CONDITIONS/REDEEMING. The owner of any impounded dog or animal may redeem such dog within seven days of its impoundment on the following conditions:

A. Presentation of proof of current rabies inoculation and registration, if applicable; or

B. Payment for rabies inoculation and registration, if applicable, and

C. Payment of the cost of boarding; and

**D. Payment of \$3.00 as a penalty, which penalty shall be paid to the Animal Control Fund and shall be in addition to any other penalties which may be invoked.** (Amd. Ord. 27-09 - 08/17/2009)

11.306. DISPOSITION. When not redeemed by its owner, an animal which has been impounded shall be humanely dispatched, offered for adoption, or transferred to an institution. Persons adopting an unredeemed dog must pay for the rabies inoculation and registration of such dog, if applicable. Animals suffering because of severe physical disability may be disposed of at the discretion of the Administrator, Pound Master, officer, or other agent as may be designated by the Village Board. 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. No licensed dog wearing an inoculation tag may be disposed of, with the exception of those suffering because of severe physical disability, unless the Administrator, or other agent designated by the Village Board has received the return receipt provided for herein or has had the certified letter returned undelivered.

11.307. PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a petty offense, punishable by a fine of not less than \$50.00 for the first offense, \$100 for the second offense and \$250 for the third offense. (Ord. 5-82 - 1/12/82; Ord. 43-06 10/10/2006)

#### ARTICLE IV. SLAUGHTER/LIVESTOCK

11.401. PROHIBITED. It shall be unlawful for any person to kill any cattle, horse, swine, sheep, goat or other livestock within the Village limits, however rabbits and poultry may be killed or slaughtered in a humane fashion if said killing or slaughtering is done within the confines of a building so that said killing or slaughtering is hidden from public view. Any violation of this Article shall be deemed a public nuisance.

11.402. PENALTIES. Any person, persons, corporation,

firm or organization which shall violate any provisions of this Article shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) plus costs of court. (Ord. 56-82 - 12/14/82)

#### ARTICLE V. ANIMAL DEFECATION PROHIBITED

11.501. PROHIBITED. It shall be unlawful for any person, being the owner of or having charge of any animal, to permit it to defecate, scratch or dig upon any public property, or upon any private property without permission of the property owner.

11.502. Any person, being the owner of or having charge of any animal not confined to that person's property, shall immediately remove any animal feces deposited on public or private property in violation of Paragraph 11.501 above.

11.503. PENALTY. Any person or persons who shall violate any provision of this article shall be fined not less than \$50 nor more than \$500 for each offense, plus court costs. (Amd. Ord. 91-89 - 10/24/89)

#### ARTICLE VI. REGISTRATION AND INOCULATION OF CATS

11.601. Definition. Whenever used in this Ordinance, unless contrary intention is clearly evident, the following terms are used as herein defined:

A. Cat: Includes all members of the feline family.

B. Administrator: Means the administrator of the Winnebago County Division of Animal services.

C. County Board: Shall mean the County Board of the County of Winnebago and State of Illinois.

D. Owner: Means any person having a right of property in a cat or other animal or keeps or harbors a cat or other animal or who has it in his care or acts as its custodian or who knowingly permits it to remain on or about any premises occupied by him.

E. Person: Means any person, firm, corporation, partnership, society, association, or other legal entity, any public or private institution, municipal corporation, or political subdivision, or any other

business unit.

11.602. Registration and Inoculation of Cats.

A. Every owner of a cat four months or more of age shall cause such cat to be inoculated against rabies. Evidence of such rabies inoculation shall be entered on a Certificate, the form of which has been approved by the Illinois Department of Agriculture, and the Certificate shall be signed by the veterinarian administering the vaccine.

B. Within thirty (30) days of the day of inoculation, any owner of a cat shall register such cat by presenting to the administrator or his/her authorized agent, the Certificate of Inoculation together with the appropriate fee. The owner shall be supplied with a registration tag for each cat registered and said tag shall be worn by each cat whenever said cat is off the property of its owner and not within a motor vehicle. The tag shall be in a form and color approved by the Illinois Department of Agriculture. The method of distribution of tags and collection of registration fees shall be determined by the County Board.

C. The failure to register a cat within (30) days of the inoculation or failure to comply with subsection (a) shall result in the registration fee being doubled.

11.603. Cat Registration Fee. There shall be a registration fee of \$5 annually if the owner provides evidence that the cat has been spayed or neutered; \$10 annually if the cat is fertile, \$5 annually if the owner is in possession of a valid hobby breeder or exhibitor's permit. Acceptable evidence of alteration may consist of certification by the veterinarian performing the alteration procedure or a notarized statement by the seller of the animal indicating that it has been spayed or neutered while in his/her possession. There shall be a hobby breeder exhibition permit fee of \$15 annually.

11.604. Enforcement. Exemption from Liability. The Division of Animal Services, its agents, or other persons authorized to enforce the provisions of this Ordinance shall not be held liable for the injury, death or disease which may occur to any cat or other animal as a consequence of the enforcement of the provisions of this Ordinance. (Ord. 7-92 -4/20/92)

**Article VII: Dangerous and Vicious Dogs**

**11-701. Definitions.** For purposes of this Article, the following terms shall be defined as follows and shall have the same definition as set forth in the Illinois Animal Control Act (510 ILCS 5/1 et.seq.), as amended from time to time:

(a) "Dangerous dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and un-muzzled, 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 or a domestic animal and does not cause Serious Physical Injury.

(b) "Serious physical injury" means a physical injury to a person or domestic animal that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(c) "Dog Run" means a fence or structure, or combination thereof, which forms a complete and secure enclosure with four sides, a top and bottom and is intended for the holding of dogs or other animals for any length of time and is designed to prevent any dog or other animals from escaping from the Dog Run and suitable to prevent the entry of young children. The height of any fence forming a Dog Run, or any part thereof, shall conform to any and all Village standards governing fences.

(d) "Vicious dog" means a dog that, without justification, attacks a person or domestic animal and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

(e) "Domestic animal" means any of various animals that have been tamed and made fit for a human environment.

**11-702. Restrictions.**

(a) Any dog which has first been declared to be a Dangerous Dog by the Animal Control Department of the County of Winnebago, Illinois shall be required to be kept at all times either 1) on a leash held by the owner or custodian of the Dangerous Dog, who shall be an adult 18 years of age or older, such that the movements and behaviors of the Dangerous Dog are under the direct and immediate control of the owner or custodian of the Dangerous Dog; 2) indoors; or 3) confined to the Rear Yard of any property, as defined in the Village Zoning Code.

(b) To the extent any Dangerous Dog is confined to the Rear Yard, the Dangerous Dog shall further be required to be confined within a Dog Run as defined in this Article or within a cage suitable to prevent the escape of the Dangerous Dog.

(c) Whenever any Dangerous Dog is located upon public premises or is otherwise taken from its owner's premises, said Dangerous Dog shall be on a leash as required by Section 11.702(a)(1). In addition, said Dangerous Dog shall be muzzled in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(d) It shall be unlawful for any person to keep or maintain any dog which has been declared to be a Vicious Dog unless said dog is kept in an enclosure, as defined in Section 2.11a of the Illinois Animal Control Act. Said enclosure shall be approved by the Animal Control Department of the County of Winnebago, Illinois, as provided in Section 15 of the Illinois Animal Control Act.

#### **11.703. Impounding.**

(a) Any animal control officer may impound dangerous and vicious dogs in accordance with the provisions of this Ordinance or the Illinois Animal Control Act, Sections 15 and 15.1.

(b) In the event that a law enforcement officer or any animal control officer has probable cause to believe that an individual dog is a vicious or dangerous dog AND may pose an immediate threat of serious harm to persons or other domestic animals, the law enforcement officer or animal control officer may seize and impound the dog pending disposition of a hearing on whether the dog constitutes a dangerous or

vicious dog. The owner of the dog will be notified of the seizure prior to the dog being seized, if possible; otherwise, the owner shall be notified as soon as possible after seizure and prior to any hearing on whether the dog may be declared vicious or dangerous as provided for in the Illinois Animal Control Act, Sections 15 and 15.1.

(e)

**11-704. Penalty.** Any person or persons who are found to be in violation of this Article shall be fined not less than \$250.00 but not more than \$750.00 for each offense, (plus cost associated with impound). Further, if a dog deemed to be dangerous or vicious caused serious physical injury to a person or a domestic animal, as defined in Section 11.701(b) of this Ordinance, then the owner of said dangerous or vicious dog may be required to pay restitution to the victim, which may include any and all damages associated with the physical injury, including, but not limited to, any and all medical expenses.

**11-705. Enforcement.** The provisions of this Article shall be enforced by either the Department of Animal Control of the County of Winnebago, Illinois or the Village of Machesney Park, Illinois.

**11-706. Further Remedies.** Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article nor the Village's enforcement of this Article.

**11-707. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Article is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions hereof.

(Amd. Ord. 29-10 - 11-15-2010; Amd. Ord. 09-11 - 04-18-2011)

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