

# ORDINANCE NO. 33-12

## AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF MACHESNEY PARK REVISING CHAPTER 11

**WHEREAS**, the Animal Control Act at Section 510 ILCS 5/24 provides that a municipality may control and regulate dogs, cats or other animals in such municipality or other political subdivision; and

**WHEREAS**, the Village Administration seeks to limit or control the sale of animals within the Village of Machesney Park; and

**WHEREAS**, this Ordinance has been reviewed by the appropriate committee and recommendation made.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Machesney Park, Winnebago County, Illinois as follows:

**SECTION 1:** There is hereby created an Article VIII to Chapter 11, and Article VIII shall provide as follows:

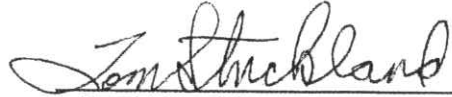
### ARTICLE VIII: SALE OF ANIMALS

- 11-801. Sale of Animals at Flea Markets, Swap Meets and Public Property Prohibited. No animal shall be offered for sale, gift or other transfer of ownership, and no animal shall be sold, given away or otherwise transferred, on or from any public street, roadway, right-of-way, flea market or swap meet. An "animal" is defined for the purposes of this section as a dog or a cat. A "swap meet" is defined for the purpose of this section as a place of commercial activity popularly known as a swap meet, flea market or park and swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands, or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter or exchange of new or used merchandise.
- 11-802. Exceptions. Section 11-801 of this Article shall not prohibit the sale, gift or other transfer of ownership of animals at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other states or county agencies. Nor shall it prohibit the sale, gift or other transfer of ownership of animals by a tax-exempt, non-profit organization founded for the purpose of providing humane, sanctuary or shelter for abandoned or unwanted animals.
- 11-803. Penalties: Violation of any provision of this section is punishable by a fine of not less than \$250 per person and not more than \$750 per person. A person is defined for the purpose of this section as the owner, operator or manager of any swap meet, as well as the owner, breeder or peddler of the animals. Each day such violation continues shall constitute a separate offense.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and publication. This Ordinance shall be published in pamphlet form.

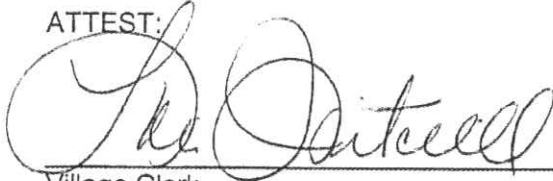
PASSED by the Village Board this 20<sup>th</sup> day of August, 2012.

APPROVED by the Mayor of the Village Board this 20<sup>th</sup> day of August, 2012.



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President of the Board of Trustees of  
The Village of Machesney Park

ATTEST:



\_\_\_\_\_  
Village Clerk

Ayes: 5 (Trustees Bolin, Tammen, Johnson, Yoe, and Beck)

Nays: 0

Absent: 1 (Trustee Gentry)