

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL PROVISIONS

3-1-1 **DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings herein ascribed unless the context otherwise requires:

"ANIMAL" means any living organism other than a human being or those commonly considered plants, whether domestic or wild.

"ANIMAL CONTROL OFFICER" means the person designated by the Chief of Police for purposes of administering these regulations. Such person shall be under the direct supervision and control of the Chief of Police, but shall not otherwise be considered a member of the Police Department. Such person is hereby authorized to make all necessary arrests in carrying out the provisions of this Article.

"DESIGNATE" means that individual selected by the Chief of Police as his designate for the purpose of administering this Ordinance, which individual shall be known as the Animal Control Officer.

"OWNER" means any person, partnership or corporation owning, keeping, housing, or harboring any animal or animals.

3-1-2 **CRUELTY TO ANIMALS.** No person shall cruelly treat, beat, torment, underfeed, overload, overwork, or otherwise abuse any animal in the City.

3-1-3 **ABANDONMENT OF ANIMALS.** No person shall abandon any animal in the City.

3-1-4 **DANGEROUS ANIMALS.**

(A) It shall be unlawful to cause or permit any dangerous or vicious animals to run at large within the City.

(B) It shall be unlawful to house or bring into the City any dangerous or vicious animal without first securing a permit so to do from the Chief of Police, or his designate, which permit any impose precautions or conditions necessary for the protection of persons or property.

(C) Exhibitions or parades of animals which are ferae naturae (of a wild nature or disposition) in the eyes of the law may be conducted only after securing a permit from the Chief of Police, or his designate.

3-1-5 KILLING DANGEROUS ANIMALS. The Chief of Police, his designate, and the members of the Police Department may kill any dangerous animal within the City of any kind when necessary for the protection of persons or property. Such animals shall, if reasonably possible, be killed by means other than shooting such animal in the brain so as to preserve the brain for laboratory determination of whether such animal had contracted rabies. Any such animal shall be preserved as necessary for such rabies determination.

3-1-6 DISTURBING THE PEACE. It shall be unlawful to harbor or keep any animal which disturbs the peace by loud or continuous noises at any time of the day or night. Any animal within the City which disturbs the peace as set forth above is hereby declared a nuisance and may be impounded as hereinafter provided.

3-1-7 DISEASED ANIMALS.
(A) No diseased animal shall be brought into the City.
(B) 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 whereby the health of man or other animal may be affected, nor shall any such diseased animal be shipped or removed from the premises of the owner or keeper thereof, except under the supervision of the Chief of Police, his designate, or the State veterinarian.

(C) It shall be the duty of the Chief of Police, or his designate to secure the disposition of any diseased animal and to provide such treatment of any infected premises so as to prevent the communication and spread of the contagion and infection, except where the State veterinarian is empowered to and does act or where the owner employed a veterinarian to provide such treatment. Any person owning or knowing of any animal afflicted with a suspected or confirmed contagious disease shall promptly report such information to both the Police Department and the Brown County Health Department.

3-1-8 ANIMALS HOUSING.
(A) No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, filthy or unwholesome.

(B) It shall be unlawful to maintain any stable or barn where horses or ponies are kept unless the following provisions are complied with:

- (1) The stable or barn must not be located within **one hundred fifty (150) feet** of any residence or within **fifty (50) feet** of any other building.
- (2) The stable or barn must be of construction complying with all building codes of the City, with proper drainage.

(3) A manure box of cement construction, with a tight cover, must be provided, and all refuse therein removed from the premises at least once each week within the exception of the Brown County Fairgrounds property.

(C) It shall be unlawful to stable or house cattle, swine, pigs, burros, mules, sheep, goats or similar animals within the City.

3-1-9 **SEARCH AND SEIZURE IN PURSUIT.** The Chief of Police, his designate, and any police officer of the City shall have the right to enter upon any private property or public property in the City in order to examine or capture any dog, cat or other animal thereon or therein which such officer reasonably believes to be in violation of this Chapter; provided, however, that no such officer shall have the right to enter any house which is in use as a residence without first having secured a search warrant therefor.

ARTICLE II - DOGS

3-2-1 **KEEPING OF DOGS.** No person or persons shall keep **six (6)** or more dogs over **six (6) months** of age in the City at any place or on any premises in the City, without first obtaining a permit from the City Council so to do, the County may grant or refuse such permit in its discretion as necessary for the health, safety and welfare of the City, provided that if such permit is granted said Council may prescribe such conditions as may be advisable or necessary to prevent the keeping of any or all such dogs from becoming a nuisance. The keeping and harboring of dogs contrary to this Section is hereby declared to be a nuisance. This limitation shall not apply to a licensed veterinarian relative to a veterinary hospital or clinic maintained and operated by the licensed veterinarian. No charge shall be made for any permit issued hereunder. **(See Zoning Code for "Kennels")**

3-2-2 **MUZZLING OF DOGS.** The City Council by proclamation may require the owners of all dogs to securely muzzle them with muzzles of wire, gauze, or leather, securely put on, so as to prevent them from biting, for such length of time as the City Council shall designate, whenever in the opinion of the City Council there exists a reasonable necessity for such muzzling as a protection of the public safety. Dogs unmuzzled and running at large during such period shall be destroyed. In addition to such muzzling of dogs, the City Council may also, under such proclamation, order the retention of all dogs on the owner's premises or at designated public places such as veterinary establishments, and such proclamation may include muzzling such dogs while so restrained.

3-2-3 **DANGEROUS DOGS.** Any dangerous, fierce, or vicious dog running at large in any place within the City, whether upon private premises or not, and any dog which unduly disturbs the quiet and peace of any person or neighborhood, molests passers-by, chases vehicles or bicycles, attacks other domestic animals, trespasses upon school grounds, trespasses upon private property in such manner as to damage property, or which shall bite any person or injure any person or injure any persons shall be deemed a nuisance. Any such dog shall be taken up and impounded in **Article V**, hereof. Prior to releasing any dog impounded hereunder, or alternative to such impounding, the Chief of Police, or his designate, can impose such requirements relative to such dog in order to abate such danger as necessary for the public health, safety and welfare including, but not limited to, the chaining or fencing of such dog. It shall be the duty of both the owner or keeper of every vicious dog to keep the same confined to a secure pen and safety muzzled.

3-2-4 **DOG BITE.** Any dog which does not have a current rabies vaccination and shall bite any person or injure any person shall be kept under the observation of a licensed veterinarian for a period of **two (2) weeks** and the veterinarian shall at the end of the **two (2) week** period make a written report to the Brown County Department of Health and should said dog show evidence of rabies, then it shall be killed in a humane manner. In the event the dog is pronounced free from rabies by the veterinarian, then said dog shall be released to the owner or keeper upon the payment of the veterinarian's fees. The owner of the dog may claim the same at the end of the **two (2) week** period by making payment of the costs involved while the dog is under observation and also the costs of a license if said dog is not licensed. If the owner does not claim the dog at this time then in that event any person may redeem it by making a like payment. If the dog is not claimed as set forth herein, then said dog shall be killed in a humane manner.

3-2-5 **FEMALE DOG IN HEAT.** Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.

3-2-6 **DOGS RUNNING AT LARGE.** No person shall cause or permit any dog owned or kept by him to run at large at any time or in any place in the City provided, however, that the provisions of this Section shall not prohibit the owner or keeper from permitting such dog to run at large on the private premises of such owner or keeper, or upon the private premises of another person with such person's consent, so long as otherwise consistent

with this Chapter. Notwithstanding anything herein to the contrary, dogs may be permitted to run upon public ways, including streets and sidewalks, but only when on a leash not exceeding **ten (10) feet** in length, controlled by the owner or keeper of the dog.

It shall be the duty of the owner or keeper of any dog to keep such dog from running at large. If a dog is running at large through the act or intervention of a third person not a member of the owner's household or without the owner's consent, such fact shall be and constitute an affirmative defense to any proceeding brought under this Chapter.

3-2-7 **CURRENT RABIES VACCINATION.** It shall be the duty of the owner or keeper of any dog in the City to cause such dog to have a current rabies vaccination.

The inoculation of dogs shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to such owner or keeper a metallic or other suitable tag to be attached to the collar or harness of such dog, which tag shall also certify to the fact of inoculation against rabies.

The inoculation performed shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

ARTICLE III - CATS

3-3-1 **KEEPING OF CATS.** No person or persons shall keep **six (6)** or more cats over **six (6) months** of age in the City at any place or in any premises in the City, without first obtaining a permit from the City Council so to do, and the Council may grant or refuse such permit in its discretion as necessary for the health, safety and welfare of the City, provided that if such permit is granted, said Council may prescribe such conditions as may be advisable or necessary to prevent the keeping of any and all such cats from becoming a nuisance. The keeping or harboring of cats contrary to this Section is hereby declared to be a nuisance. This limitation shall not apply to a licensed veterinarian relative to a veterinary hospital or clinic maintained and operated by the licensed veterinarian. No charge shall be made for any permit issued hereunder.

3-3-2 **FEMALE CAT IN HEAT.** Every female cat in heat shall be confined in a building or secure enclosure in such manner that such female cat cannot come into contact with another animal except for planned breeding.

3-3-3 **CATS RUNNING AT LARGE.** No person shall cause or permit any cat owned or kept by him to run at large at any time or in any place in the City where such cat constitutes a nuisance, including but not limited to the causing of undue and repeated disturbance, damage to property, or imminent danger to any person, property or other animal. The mere straying of a cat onto the property of another, public or private, shall not be construed to constitute a nuisance hereunder.

3-3-4 **CURRENT RABIES VACCINATION.** It shall be the duty of the owner or keeper of any cat in the City to cause such cat to have a current rabies vaccination.

ARTICLE IV – MISCELLANEOUS ANIMALS

3-4-1 **STRAYS.** It shall be unlawful for any person having charge or custody of any cattle, horses, swine, pigs, sheep, goats, reptile, poultry, or similar animal, to permit such animal to be in the City.

3-4-2 **RABBITS.** No person shall cause or permit rabbits owned or kept by him within the City to constitute an extreme nuisance, including but not limited to the causing of undue and repeated disturbance, or an unreasonable sanitation health problem.

3-4-3 **RESERVED.** (Ord. No. 08-09-04; 09-16-08)

ARTICLE V – IMPOUNDING ANIMALS

3-5-1 **IMPOUNDMENT.** It shall be the duty of the Chief of Police, or his designate, the animal control officer and of all policemen of the City, to take up and impound any dog, cat or other animal found running at large in the City contrary to any of the provisions of this Chapter, or in violation of other applicable ordinances, order or proclamation. Animals so impounded shall be humanely treated and fed. All such animals and such violations shall be processed and disposed of in accordance with this Article, unless otherwise specifically provided for by ordinance.

3-5-2 IMPOUNDMENT FEES. The owner of any animal impounded under this Chapter may redeem the same by paying **Ten Dollars (\$10.00)** per day the animal was impounded in addition to a **Fifty Dollar (\$50.00)** fee charged regardless of the duration of impoundment and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal. **(Ord. No. 07-08-01; 11-20-07)**

3-5-3 NOTICE OF VIOLATIONS. In addition to, or in lieu of impounding any dog, cat or other animal running at large or disturbing the peace, the Chief of Police, his designate, or other police officer, as the case may be, may issue to any person violating any provisions of this Chapter relative to any dog, cat or any other animal running at large or disturbing the peace, a Notice of Violations in accordance herewith. Such Notice of Violation shall impose upon such person a penalty of **Ten Dollars (\$10.00)** for the first offense, **Twenty-Five Dollars (\$25.00)** for the second offense and **Fifty Dollars (\$50.00)** for the third offense, which may, at the discretion of such person, be paid to the City Clerk within **seventy-two (72) hours** of the receipt of the Notice of Violation. In the event that such penalty is timely paid, such payment shall be in full satisfaction of any penalty for such violation. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated by the Chief of Police or other appropriate person before a court of proper jurisdiction for violation of a provision of this Chapter.

The Notice of Violation required by this Section shall be served personally or by certified mail, return receipt requested, and may be in substantially the following form:

NOTICE OF VIOLATION

Pursuant to Section 3-5-3 of the Revised Code of Mt. Sterling, Illinois, you are hereby notified that you are charged with having violated Section _____ of the Revised Code of Mt. Sterling by having permitted a _____ (i.e. dog) owned or kept by you to _____. In accordance therewith, you are hereby assessed a penalty of **Ten Dollars (\$10.00)** for violation of said ordinance provision, which may be paid to the City Clerk at the Mt. Sterling City Hall within **seventy-two (72) hours** from your receipt of this Notice, that being (time by which penalty MUST BE PAID) _____ o'clock on the _____ day of _____, _____.

The penalty provided by Section 3-5-3 is **Ten Dollars (\$10.00)** for the first violation, **Twenty-Five Dollars (\$25.00)** for the second violation and **Fifty Dollars (\$50.00)** for the third violation. In the event that you fail to pay such penalty within the time prescribed, you shall be charged by criminal warrant for violating the said Section and upon conviction may be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)**.

In the event that the dog, cat or other animal has also been impounded such Notice of Violation shall further provide:

You are further notified that in accordance with Section 3-5-3 of the Revised Code of Mt. Sterling the (dog, cat or other animal) kept by you has been impounded at _____. To reclaim the said (dog, cat or other animal), you are required to pay an impoundment fee of **Ten Dollars (\$10.00)** for the first offense, **Twenty-Five Dollars (\$25.00)** for the second offense and **Fifty Dollars (\$50.00)** for the third offense. In the event that you fail to reclaim such (dog, cat or other animal) within **seven (7) days** after impoundment, such dog, cat or other animal may be disposed of in accordance with the said Municipal Code.

Dated: This _____ day of _____
_____, _____ Title: _____

3-5-4 RECLAIMING AND DISPOSING OF ANIMALS. An owner of any dog, cat or other animal impounded may reclaim such animal within **seven (7) days** for any dog which can be identified by a collar, tags or otherwise and **five (5) days** of its impoundment for any animal which cannot be identified by a collar, tags, or otherwise, upon payment of the impoundment fee established in **Section 3-5-2** hereof. In the event any animal is not reclaimed within the period of days set forth above of its impoundment, the Chief of Police, his designate or the Animal Control Officer may destroy such animal in the most humane manner practicable, or give or sell any unclaimed animal, provided that a diseased or vicious animal may be destroyed at any time if such animal cannot be safely taken up or impounded. **(Ord. No. 1-1987-88; 07-06-87)**

3-5-5 ENTICEMENT OF ANIMALS. No person shall entice or decoy any dog, cat or other animal out of any house or enclosed lot, or bring or cause to be brought or enticed, any dog, cat or other animal from without the City into the City for the purpose of having such animal impounded in accordance with this Article.

3-5-6 BOARDING FEE. In addition to the aforesaid impoundment fees, a daily boarding fee of **Five Dollars (\$5.00)** per day shall be charged to the owner or claimant of any dog impounded or otherwise lodged in the pound hereunder. Such fee shall be paid before any dog or other animal herein impounded shall be released. **(Ord. No. 1-1987-88; 07-06-87)**