

CHAPTER 2

ANIMAL CONTROL

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4-2-1: **DEFINITIONS:**

AT LARGE: Any dog shall be deemed to be "at large" when it is off the property of its owner and not under the restraint of a responsible person.

CAT: Any feline, regardless of age or sex.

DANGEROUS DOG: A. Any individual dog anywhere, other than upon the property of the owner or custodian of the dog, and unmuzzled, 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

	B. A dog that, without justification, bites a person and does not cause serious physical injury.
DEPARTMENT OF AGRICULTURE:	The department of agriculture of the state of Illinois.
DOG:	All members of the family Canidae.
INOCULATION AGAINST RABIES:	The injection of a dog or cat with a vaccine approved by a licensed veterinarian or anti-rabies clinic for use in the prevention of rabies.
KEEP OR HARBOR/KEEPING OR HARBORING:	Habitually permitting to remain or to be lodged or to be fed within the house, store, yard, enclosure or other place.
LEASH:	A cord, thong or chain, not more than ten feet (10') in length, by which a dog is controlled by the person accompanying it.
LIVESTOCK:	Any one or more cows, horses, sheep, swine, goats, chickens, ducks, turkeys, rabbits, geese, and/or bees.
MINOR:	Any person under the age of eighteen (18) years.
OWN/OWNING:	Unless otherwise indicated in the text, shall be deemed to mean and include own, keep, harbor, or have charge, custody or control of a dog or cat.
OWNER OR KEEPER:	A person having a right of property in a dog or cat, or keeps or harbors a dog or cat, or who has a dog or cat in his care, or who acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises occupied by him or her. "Owner or keeper" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.
PARENT:	Means and includes stepparent and natural parent or guardian.

PERSON:	Any individual, firm, corporation, association, or partnership.
RESTRAINT:	A dog is under "restraint" within the meaning of this chapter if he is controlled by a "leash", as defined in this section; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.
SERIOUS PHYSICAL INJURY:	A physical injury 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.
VACCINATED OR VACCINATION:	The inoculation of a dog or cat with a vaccine approved by a licensed veterinarian or anti-rabies clinic for use in the prevention of rabies.
VICIOUS DOG:	A dog that, without justification, attacks a person and causes a serious physical injury or death.
VILLAGE:	The village of Ashmore, Coles County, Illinois. (2010 Code)

4-2-2: **RESTRAINT OF DOG REQUIRED:** The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete "restraint" as defined in section 4-2-1 of this chapter. (2010 Code)

4-2-3: **CRUELTY TO ANIMALS:** No person shall cruelly treat any animal in the village. Any person guilty of any of the following acts shall be guilty of a violation of this section.

- A. Overloading, overdriving, overworking, beating, torturing, tormenting, mutilating or cruelly killing any animal or causing or knowingly allowing the same to be done.
- B. Cruelly working any animal, or causing or knowingly allowing the same to be done.

- C. Unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shelter, air, veterinary care when needed to prevent suffering, and humane care and treatment.
- D. Abandoning any animal.
- E. Driving, or causing to be driven or kept, any animal in an unnecessarily cruel manner.
- F. Carrying or causing to be kept, any animal bound or tied by its legs, or bound down by the neck, so that it cannot freely stand in an upright position while being transported or by carrying or causing to be carried. Keeping or causing to be kept any animal, in any crate or cage, so constructed as to permit such animal to push its head between the slats, wires or other openings of such crate or cage, unless the space between such slats or wires is sufficient to permit such animal to freely withdraw its head therefrom. (2010 Code)

4-2-4: **NUISANCE DOGS AND CATS:**

- A. Any dog or cat which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and in addition thereto, any such dog may be taken up and impounded and may be redeemed or disposed of in the manner provided under this chapter.
- B. It shall be unlawful for any owner or keeper to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. (2010 Code)

4-2-5: **REMOVAL OF EXCREMENT:** It shall be unlawful for any person to cause or permit a dog to be on any property, public or private, not owned or possessed by such person unless such person has in his immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Further, it shall be unlawful

for any person in control of, causing or permitting any dog to be on any property, public or private, not owned or possessed by such person, to fail to remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person. (2010 Code)

4-2-6: DANGEROUS DOGS AND VICIOUS DOGS:

- A. Any dangerous dog or vicious dog running at large in the streets or public places of the village or upon private premises of any other person than the dog owner or keeper is declared a nuisance, and such dog may be taken up and impounded in the manner provided by this chapter for the impounding of dogs; provided, however, that if any dangerous dog or vicious dog so found at large cannot be safely taken up or impounded, such dog may be slain.
- B. After a dangerous dog or a vicious dog has been impounded and redeemed, it shall thereafter be unlawful for the owner or keeper of such dog to keep or maintain such dog anywhere within the corporate limits of the village unless such dog is: 1) kept in a fenced enclosure of at least six feet (6') in height that is securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent such dog from escaping from such enclosure; or 2) when such dog is not within such fenced enclosure, such dog is securely muzzled and restrained with a leash not exceeding six feet (6') in length and shall be under the direct control and supervision of the owner or keeper of such dog.
- C. Upon a violation of subsection B of this section, the owner or keeper of such dog shall permanently remove such dog from the corporate limits of the village, and it shall be unlawful for any owner or keeper to keep or maintain such dog anywhere within the corporate limits of the village. (2010 Code)

4-2-7: DISEASED ANIMALS:

- A. No domestic animal afflicted with a contagious disease or an infectious disease shall be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the county or state veterinarian.

- B. It is hereby made the duty of the village to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread contagion or infection, except in cases where the state or county veterinarian is empowered to act. (2010 Code)

4-2-8: **NUMBER OF DOGS AND CATS:**

- A. Number Of Dogs And Cats Restricted:
1. Number Restricted: It shall be unlawful for any person to keep more than five (5) dogs and five (5) cats within the village, with the exception that a litter of pups or a litter of kittens or a portion of a litter may be kept for a period of time not exceeding four (4) months from birth.
 2. Exemptions: The provisions of this subsection shall not apply to any business establishment wherein dogs or cats are regularly kept for commercial breeding, sale, sporting purposes, or boarding.
- B. Nuisance Declared: The keeping of an unlimited number of dogs and cats in the village for a considerable period of time detracts from and in many instances is detrimental to the healthful and comfortable life of residents of the village. The keeping of an unlimited number of dogs or cats is, therefore, declared to be a public nuisance. (2010 Code)

4-2-9: **ANIMAL HOUSES AND FENCES:**

- A. Pens, Yards And Runs: All pens, yards, runs, or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.
- B. Fences: Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly. (2010 Code)

4-2-10: RABIES CONTROL:

A. Vaccination Required: Every owner of a dog or cat four (4) months or more of age, not confined at all times to an enclosed area, shall have the dog or cat vaccinated against rabies by a licensed veterinarian as may be required by regulations promulgated in the Illinois animal control act¹. Evidence of the rabies vaccination shall be a certificate signed by the licensed veterinarian administering the vaccine. (2000 Code § 2.02; amd. 2010 Code)

B. Quarantine Provisions For Dogs:

1. Dog That Has Bitten A Person: All dogs as are shown to have bitten any person shall be quarantined at the direction of the village for a period of ten (10) days after the date of the bite. Quarantine may be accomplished by placing the dog or dogs in the custody of the dog owner, keeper or other responsible party who shall keep the dog or dogs confined at all times during the quarantine period, either in an enclosure from which escape is impossible or on a leash or chain of indestructible material. In the event the dog or dogs are not so confined, then such dog or dogs shall be impounded for a period of ten (10) days. Such a dog may be redeemed at the end of the ten (10) day quarantine period by its owner or keeper after paying all impoundment fees.

2. Rabies Outbreak: Whenever there is a proven case of rabies within the village, the village president may determine that danger from rabies exists in the village. A quarantine of all dogs within the village may be declared. During the period of quarantine, all dog owners or keepers shall keep their dog or dogs confined in an enclosure from which escape is impossible or on a leash or chain of indestructible material. In the event a dog or dogs are not confined, then they may be impounded for the period of the quarantine and may be recovered only after paying all impoundment fees. The quarantine period may be terminated by the village president at any time after which it is determined there is no danger from rabies, and the termination of such quarantine period is mandatory after any six (6) month period during which time no rabies has existed in the village. (2010 Code)

1. 510 ILCS 5/1 et seq.

C. Cat Rabies Suspects:

1. Observation: When any person owning a cat has been notified by any person injured, or by someone in his or her behalf, or by someone with knowledge of said injury, that said person has been bitten or attacked by said cat, or when any person owning a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner shall immediately place the cat under the care and observation of a licensed veterinarian with the expense thereof to be borne by the owner of such cat, and failure of the owner to submit said cat within twenty four (24) hours after notice of said bite or attack to a licensed veterinarian constitutes a violation of this section. The owner of such cat shall cause said cat to be impounded for such care and observation for a period of ten (10) days.

2. Destruction Of Rabid Cat: If the cat is determined by the licensed veterinarian to have rabies, then the owner shall cause such cat to be destroyed by the licensed veterinarian and shall permit the licensed veterinarian to dispose of the cat's remains as required by law.

3. Release Of Cat: Before any such cat shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such cat does not have rabies and has been properly inoculated for rabies. The impounded cat may then be released by a licensed veterinarian.

4. Liability Of Parent Or Guardian: The parent, custodian or guardian of any minor claiming ownership of any cat shall be deemed to be the owner of such cat and shall be charged for all penalties, fees, and fines imposed by this subsection.

5. Penalty: Any person violating any provision of this subsection shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (2010 Code)

4-2-11: **IMPOUNDMENT AND REDEMPTION OF DOGS AND CATS:**

The village designates the county animal shelter as its authorized agent for animal control within the village. Village residents shall observe rules and regulations promulgated by the agent. (2000 Code § 2.02)

4-2-12: LIVESTOCK:

- A. Prohibited; Exceptions: Except as may be permitted under the circumstances set forth in subsections B, C and D of this section, no person shall keep within the village any livestock.
- B. Chickens And Rabbits:
1. Any person may keep any chicken and/or rabbit, for nonbusiness purposes only, within the village, subject to the following conditions:
 - a. The combined total of chickens and/or rabbits on any person's premises shall not exceed twenty (20) at any one time; and
 - b. Such chickens and/or rabbits shall be kept and contained in an outside enclosed cage which shall be maintained in a clean and healthy manner; and
 - c. No neighbor owning or occupying any property within a one square block area of the premises where such chickens and/or rabbits are kept objects, in writing, to the presence of such chickens and/or rabbits; provided, however, if any neighbor objects, in writing, and said objection is found to be reasonable by a review committee established by the village board from time to time, then such chickens and/or rabbits will not be allowed. The decision of such review committee shall be final and binding.
 2. It shall be deemed a violation of this section if any such chicken and/or rabbit is kept contrary hereto.
- C. Existing Horses And Cows:
1. Any person who is keeping any horse or cow on his or her premises shall be permitted to keep any horse or cow during the remaining life of such horse or cow, subject to the following conditions:
 - a. Such horse and/or cow shall be kept and contained in an outside enclosure on such person's premises; and
 - b. The premises where such horse and/or cow is kept shall be maintained in a clean and healthy manner; and
 - c. No additional horses and/or cows shall be brought into or kept within the village by such person or persons; and

d. No neighbor owning or occupying any property within one square block area of the premises where such horse and/or cow is kept objects, in writing, to the presence of such horse and/or cow; provided, however, if any neighbor objects, in writing, and said objection is found to be reasonable by a review committee established by the village board from time to time, then such horse and/or cow will not be allowed. The decision of such review committee shall be final and binding.

2. It shall be deemed a violation of this section if any such horse or cow is kept contrary to this subsection.

- D. Special Events: Livestock may be temporarily kept within the village for special events such as rodeos, 4-H projects, labor day celebrations, fairs, etc., but only for the duration of such special event. (2010 Code)

4-2-13: **METHODS OF ENFORCEMENT:**

- A. Tranquilizer Gun, Traps And Cages: Village officials are authorized to use an animal tranquilizer gun or animal traps or cages in the furtherance of enforcing the provisions of this chapter.
- B. Killing Dangerous Animal: Village officials are authorized to kill any dangerous animal or reptile of any kind when necessary for the protection of any person. (2010 Code)

4-2-14: **INTERFERENCE WITH ENFORCEMENT OFFICIAL PROHIBITED:** No person shall resist or molest any enforcement official while engaged in the discharge of any duty required thereof by any of the provisions of this chapter. (2010 Code)

4-2-15: **PENALTIES:**

- A. Any person violating any provision of this chapter shall, upon conviction thereof, be fined in accordance with the following schedule:
1. One hundred dollars (\$100.00) for the first offense;
 2. One hundred fifty dollars (\$150.00) for the second offense;

3. Two hundred dollars (\$200.00) for the third offense; and
 4. A sum of not less than two hundred fifty dollars (\$250.00), nor more than seven hundred fifty dollars (\$750.00) for the fourth offense and each offense thereafter.
- B. A separate violation shall be deemed committed on each day during which a violation occurs or continues.
- C. Any person issued a citation pursuant to this chapter shall pay the village treasurer a fine for each violation of this chapter, in accordance with the fine schedule set forth in subsections A and B of this section. If such person fails to pay same within fourteen (14) days of the date of said citation, then the village may prosecute such person through a complaint for ordinance violation filed with a court of competent jurisdiction. (2010 Code)