

CHAPTER 90: ANIMALS

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DOGS, CATS, AND OTHER ANIMALS

Sec. 90.001 Rules and definitions.

(A) The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular of any word includes the plural thereof and the plural of any word includes the singular thereof.

(2) The word "shall" is mandatory; the word "may" is permissive.

(3) The masculine gender includes the feminine and neuter.

(B) Wherever the following words or phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 90.001, except when the context otherwise indicates.

"Abandon" means to leave an animal without demonstrated or apparent intent to recover or resume custody of the animal, to leave an animal for more than 12 hours without providing adequate food and shelter for the duration of the absence, or to turn out or release an animal for the purpose of causing it to be impounded.

"Altered" means an animal that has been permanently spayed or neutered.

"Animal" means a dog, cat, or other living creature, the keeping of which is not otherwise prohibited under the terms of this Code.

"Animal Shelter" means any public or private organization, including the organization's officers, agents and representatives when acting in the name or on behalf of the organization, that controls, rescues, shelters, or cares for, animals as all or part of the purpose of the organization.

"Animal Warden" means the Animal Warden of the City or other individual designated by the City Manager that is charged with the enforcement of this Chapter.

"Cat" means any animal that is classified as Felis domestica.

"Dangerous Dog" means a dog designated as a Dangerous Dog pursuant to Section 90.045.

"Dog" means any animal that is classified as Canis familiaris.

"Emotional Service Dog" means a certified therapy dog that is trained to be used as a therapeutic aid and to gain insight into thought and emotional and behavioral patterns.

"Enclosure" means a structure erected in conformance with Chapter 173 of this Code that:

(1) is designed to confine and prevent the escape of a Dangerous Dog or Vicious Dog and prevent the entry of children or other animals;

(2) locks securely, and includes a secure top, sides, and bottom;

(3) has sides that embed into the ground at a depth of at least one foot and attach to the bottom of the Enclosure so that the animal confined within cannot escape by digging under the sides of the Enclosure;

(4) is adequately lighted, kept in a clean and sanitary condition, and

(5) is labeled with a predominantly displayed warning sign at each entrance that indicates that a dangerous or vicious animal is confined within.

"Hearing Officer" means the individual(s) appointed as a Hearing Officer in the City's Administrative Hearing System pursuant to Chapter 38 of the City Code.

"Impounded" means taken into custody by the Animal Warden.

"Leash" means a cord, rope, strap, or chain with a tensile strength of at least 300 pounds that is securely fastened to the collar or harness of a dog and is sufficient to keep the dog under control.

"License Year" shall mean the period between the first day of October in any calendar year and the last day of the next following September.

"Microchip" means an identifying device consisting of a microchip or similar device that is humanely and permanently installed in or injected under the skin of an animal by a licensed veterinarian and is designed so that, when scanned by an electronic reader, it provides readable information identifying the animal and the name, address, and telephone number of the Owner of the animal.

"Non-Retractable Leash" means a Leash that cannot be increased in length via any mechanical device or any other means.

"Owner" means any person owning, keeping, harboring, or having the care or custody of a dog.

"Person" means any person, firm, partnership, trustee, association, or corporation.

"Police Dog" means any dog owned or used by the Police Department in the

course of its work.

"Run Line" means a securely anchored system of tying and keeping a dog in place with either a rope or chain with a tensile strength of at least 300 pounds, sufficient to keep the dog in place.

"Running at Large" means that a dog is off the premises of its Owner and not under the control of the Owner (or a person acting for the Owner) by means of a Leash not more than six feet in length that is capable of physically restraining the movement of such dog.

"Service Dog" means any guide dog, signal dog, or other dog trained to do work or perform tasks for the benefit of an individual with a disability, including, without limitation, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, and pulling a wheelchair or fetching dropped items for individuals with mobility impairments.

"Severe Physical Injury" means any physical injury that results in any of the following injuries: (a) broken bones; (b) muscle, ligament, or tendon tears; (c) skin lacerations, puncture wounds, or other injuries that require sutures or surgery, or (d) the transmission of an infectious or contagious disease.

"Vicious Dog" means a dog designated as a Vicious Dog pursuant to Section 90.047.

Sec. 90.002 Procedures non-exclusive.

The provisions of this Chapter shall not preclude the City from concurrently or separately using other methods or proceedings to (a) enforce and adjudicate this Chapter or other ordinances of the City, or (b) enforce and adjudicate any County, State or Federal laws or regulations pertaining to the regulation of animals and their Owners, including, without limitation, the institution of an action in the Lake County Circuit Court, the United States District Court, or an administrative proceeding before the Lake County Board of Health or any other administrative body.

Sec. 90.005 Duty to register and license.

(A) Every dog that is housed within the corporate limits of the City and that is more than six months of age must be registered with, and licensed by, the City pursuant to this Chapter not later than the first day of each License Year. Any dog purchased or otherwise acquired after the first day of any License Year must be registered with, and licensed by, the City pursuant to this Chapter not later than 15 days after the dog is purchased or otherwise acquired. Any dog housed within the City that becomes six months of age after the first day of the License Year must be registered with, and licensed by, the City pursuant to this Chapter not later than 15 days after the dog becomes six months of age.

(B) Cats are not required to be licensed.

Sec. 90.010 Registration and license.

(A) The application for registration and license for all dogs shall be made to the City Finance Director, which application shall include, without limitation, the following information:

(1) the name, address, and telephone number of the applicant and of the Owner, if different from the applicant;

(2) the breed, color, sex, name, and date of rabies inoculation of the dog to be registered;

(3) whether the dog has been Altered;

(4) whether the dog has been implanted with a Microchip and, if so, whether the accurate name, address, and telephone number of the Owner is readable from the Microchip;

(5) whether the dog has previously been designated as a Dangerous Dog or a Vicious Dog by the Hearing Officer or a court of competent jurisdiction;

(6) whether the dog has been determined by any other jurisdiction to have behaved in a dangerous or vicious manner or any similar manner, or has been designated as a Dangerous Dog or Vicious Dog or with any similar designation, by any court, administrator, or other official for any public body other than the City; and

(7) a written affidavit by the applicant, and by the Owner, if different from the applicant, stating that the applicant and the Owner (a) have read the educational materials provided by the City concerning dog ownership, including without limitation a summary of the provisions of this Chapter, and (b) will comply with all the provisions of this Chapter.

(B) It shall be the obligation of the applicant or the Owner, if different from the applicant, to notify the City Finance Director of any change to the information required pursuant to this Subsection at least 48 hours before the change occurs.

(C) The City Finance Director shall register the dog in the dog register book and issue a license certificate and metal license tag to the applicant or the Owner, if different from the applicant, upon the occurrence of all of the following:

(1) payment of the license fee required by this Chapter;

(2) presentation of a certificate of a licensed veterinarian that the dog to be registered and licensed has been inoculated against rabies in accordance with the provisions of this Chapter;

(3) submission of a complete application pursuant to Section 90.010(A) of this Chapter, and

(4) if necessary, payment of the additional fee and submission of the certificate required for a Dangerous Dog or Vicious Dog pursuant to Section 90.010(F) of this Chapter.

(D) The shape of the tag shall be changed every License Year and each tag shall have stamped thereon the License Year for which it was issued and a number corresponding with the number of the license certificate. The City may issue tags of a different shape or color for licenses for Dangerous Dogs and Vicious Dogs. The replacement fee for lost or destroyed license tags shall be at the rate set forth in the Annual Fee Resolution.

(E) Licenses issued pursuant to this Section 90.010 shall not be transferable, except that, if an Owner to whom a license has been issued ceases to be the Owner of the dog for which the license was issued, then the Owner may transfer the license to another dog that he or she keeps, harbors, or otherwise maintains upon submission of an updated application to the City Finance Director as set forth in Section 90.010(A) of this Chapter, representation of a veterinarian's certificate as set forth in Section 90.010(C) of this Chapter, and payment to the City in the amount set forth in the Annual Fee Resolution.

(F) No license shall be issued for a dog determined to be a Dangerous Dog or a Vicious Dog except upon payment of an additional fee in the amount set forth in the Annual Fee Resolution and the filing of a certificate with the City Finance Director affirming that:

(1) The Dangerous Dog or Vicious Dog is and will be confined in compliance with Section 90.045(B) or 90.047(B) of this Chapter, as applicable, and is in compliance with any and all other conditions that may have been imposed with respect to the Dangerous Dog or Vicious Dog by the Hearing Officer or the court; and

(2) The Owner possesses and will continue to maintain the insurance coverage required pursuant to Section 90.045(B) or 90.047(B) of this Chapter, as applicable.

(G) No license shall be issued pursuant to this Section 90.010 to any applicant or Owner who has been declared to be a problem pet owner pursuant to Section 90.096 of this Code.

Sec. 90.015 Annual license fee.

For each License Year or portion of a License Year the license fee for all Altered dogs, un-Altered dogs, Dangerous Dogs, and Vicious Dogs shall be in the amounts set forth in the Annual Fee Resolution; provided, however, that for dogs that are not designated as a Dangerous Dog or a Vicious Dog and are purchased, otherwise acquired, or reaches six months of age after the last day of March, the applicable license fee shall be reduced by 50% for the License Year.

Sec. 90.020 Inoculation against rabies.

Preceding the date such dog is required to be registered, it shall be the duty of every Owner of a dog that is more than six months of age to have the dog inoculated against rabies by a licensed veterinarian during each 12-month period. The type and brand of the antirabic vaccine used and the method of inoculation shall be approved by the Department of Agriculture of the State of Illinois and the United States Department of Agriculture. Any dog that is not inoculated against rabies as required pursuant to this Section 90.020 is declared hereby to be a public nuisance and such dog may be apprehended and impounded upon the order of the Animal Warden or the Chief of Police.

Sec. 90.025 Collar and tag.

The Owner of each dog of more than six months of age and that is housed within the corporate limits of the City must provide such dog with a sturdy collar to which the license tag issued by the City shall be securely fastened. It shall be the Owner's duty to make certain that the collar and tag are worn by the dog at all times when off of the Owner's premises.

Sec. 90.030 Unauthorized removal of tags.

It shall be unlawful for any person other than a police officer or the Animal Warden to remove a license tag from any dog without the permission of the Owner of the dog or the Owner's agent.

Sec. 90.040 Prohibited conduct.

(A) Running at large. It shall be unlawful for any Owner or any person in control of any dog to permit, or cause to be permitted, his or her dog to run at large in the City at any time, or to fail to use reasonable care in restraining any dog that he or she keeps, harbors or otherwise maintains, or that is under his or her control, from running at large. Any dog that runs at large is declared hereby to be a public nuisance and, if found running at large by any police officer or the Animal Warden, may be apprehended and impounded. An un-Altered dog that is impounded after running at large will not be returned to the Owner unless and until it is Altered and implanted with a Microchip at the Owner's expense.

(B) Biting and attacking.

(1) It shall be unlawful for an Owner or any other person in control of any dog to allow a dog to bite or attack any other animal or person in the City. If a person is bitten by a dog, the incident shall be reported to the Police Department immediately. All reports of bites or attacks shall be investigated by the Police Department in accordance with this Chapter.

(2) Any dog that bites or attacks any animal or person without provocation is declared hereby to be a public nuisance and may be apprehended and impounded at any time by a police officer or the Animal Warden. The impoundment may, at the discretion of the Chief of Police, continue through any subsequent investigation of the Police Department and until any subsequent determination of the Hearing Officer or the court.

(3) Notwithstanding the provisions of Section 90.040(B)(1) of this Chapter, Service Dogs and Police Dogs shall not be declared public nuisances pursuant to Section 90.040(B)(2) if the behavior that would provide the basis for a declaration of public nuisance occurred while the dog was performing its duties as expected. To qualify for exemption under this Section 90.040(B)(3), each such dog must be currently inoculated against rabies and properly licensed and registered in accordance with this Chapter.

(C) Disturbing quiet or damaging property.

(1) It shall be unlawful for any person to own, keep, possess, or harbor any animal that, by frequent or habitual barking, howling, yelping, bawling, or other loud noise, causes annoyance of any family or person, disturbs the peace or quiet of any neighborhood or place within the City, or causes damage to the property of any person other than its Owner. Any animal causing such disturbance or damage is declared to be a public nuisance and may be apprehended and impounded at any time by a police officer or the Animal Warden.

(2) Upon finding a violation of Section 90.040(C)(1), the Hearing Officer or court may, in addition to the payment of the penalties provided under Section 90.999 of this Chapter, order the person to take sufficient action to immediately abate the nuisance, to repair any damage caused by the animal, and/or to pay restitution for the damage caused.

(D) Dangerous behavior. It shall be unlawful for an Owner to allow a dog to behave in a dangerous manner. For purposes of this Chapter, a dog behaves in a dangerous manner when the dog:

(1) unprovoked, bites or injures a Person or an Animal on public or private property;

(2) unprovoked, chases or approaches a Person or an Animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack, or

(3) otherwise behaves in a manner that a reasonable person would believe poses a serious, unjustified, and imminent threat of physical injury or death to a Person or an Animal.

However, a dog shall not be considered to behave in a dangerous manner when the behavior occurred because:

(a) the threatened or injured person was committing or attempting to commit a violent crime against the Owner or custodian of the dog or member of its household;

(b) the threatened or injured person was committing or attempting to commit a crime against the property of the Owner or custodian of the dog, including without limitation burglary, arson, or criminal trespass;

(c) the threatened or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(d) the threatened or injured animal was attacking or threatening to attack the dog or its offspring;

(e) the dog was responding to inflicted pain or injury;

(f) the dog was protecting itself or its offspring; or

(g) the dog is a Service Dog or a Police Dog and was performing its duties as expected.

To qualify for exemption under this Section 90.040(D), each such dog must be currently inoculated against rabies and properly licensed and registered in accordance with this Chapter.

(E) Vicious behavior. It shall be unlawful for an Owner to allow a dog to behave in a vicious manner. For purposes of this Chapter, a dog behaves in a vicious manner when it, without provocation, attacks a person or animal and causes severe physical injury or death. However, a dog shall not be considered to behave in a vicious manner if the behavior occurred because:

(1) the attacked or injured person was committing or attempting to commit a violent crime against the Owner or custodian of the dog or member of its household;

(2) the attacked or injured person was committing or attempting to commit a crime against the property of the Owner or custodian of the dog, including without limitation burglary, arson, or criminal trespass;

(3) the attacked or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(4) the attacked or injured animal was attacking or threatening to attack the dog or its offspring;

(5) the dog was responding to inflicted pain or injury;

(6) the dog was protecting itself or its offspring, or

(7) the dog is a Service Dog or a Police Dog and was performing its duties as expected.

To qualify for exemption under this Section 90.040(E), each such dog must be currently inoculated against rabies and properly licensed and registered in accordance with this Chapter.

Sec. 90.045 Dangerous Dogs.

(A) Designation of Dangerous Dogs. A dog shall be designated as a Dangerous Dog when the Hearing Officer or a court, at the request of the Police Department, has conducted

an evidentiary hearing, heard and considered evidence pertaining to the temperament of the dog, and has entered an order determining that the dog has behaved in the manner described in Section 90.040(D) and designating the dog as a Dangerous Dog. The Hearing Officer or the court may consider the testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, and other experts in evaluating the dog's behavior and making this determination. The Hearing Officer or the court, upon designating a dog as a Dangerous Dog, shall enter a written order requiring that, in addition to the payment of the penalties provided under Section 90.999 of this Chapter, the Owner shall comply with each and all of the restrictions set forth in Section 90.045(B) of this Chapter.

(B) Restrictions on Dangerous Dogs. It shall be unlawful to harbor or keep a Dangerous Dog within the City except upon compliance with each and all of the following restrictions at the expense of the Owner:

(1) Confinement. The Dangerous Dog must be confined as follows:

(a) A Dangerous Dog on private premises must be kept indoors or outdoors either within an Enclosure or within a fully-fenced yard enclosed on all sides by fencing that:

- (i) is at least six feet in height;
- (ii) locks securely;
- (iii) has secure sides that prevent the dog from reaching any portion of its body through any part of the fence; and
- (iv) is anchored to the ground so that the dog cannot escape by digging under the fence.

(b) A Dangerous Dog on public premises must be directly controlled and supervised by an adult at least 18 years of age. Such control and supervision shall require, at a minimum that the dog be:

- (i) restrained on a non-retractable Leash no longer than six feet; and
- (ii) securely muzzled in a manner that will prevent it from biting any person or animal, but that will not injure the dog or interfere with its vision or respiration.

(2) Required signage. The Owner of any dog found to be a Dangerous Dog must display in a prominent place on the premises where the Dangerous Dog is kept, and at each entrance to any outdoor Enclosure where the dog is kept, clearly visible signage stating that a Dangerous Dog is kept on the premises, in the form and with such content as is approved by the Chief of Police.

(3) Evaluation and training. The Owner of a Dangerous Dog must cause to be completed, no later than 180 days after the designation of the dog as a Dangerous Dog,

both: (a) an evaluation of the Dangerous Dog by a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert in the field of dog behavior, and (b) obedience training or other training or treatment of the Dangerous Dog as deemed appropriate by the behaviorist or expert.

(4) Altering and Microchipping. A Dangerous Dog must be Altered and Microchipped at the Owner's expense, if not already Altered and Microchipped, within 14 days after the designation of the dog as a Dangerous Dog.

(5) Insurance coverage. Within 14 days after the designation of a dog as a Dangerous Dog, the Owner of the Dangerous Dog must obtain and maintain, and provide the City with satisfactory evidence of, liability insurance coverage, in the amount of at least \$75,000, which coverage includes without limitation coverage for animal bites. In lieu of liability insurance, the Owner of a Dangerous Dog may obtain a surety bond in the value of at least \$75,000.

(6) Notice of designation. No Owner shall sell, transfer, or otherwise place a Dangerous Dog in the permanent possession of any other person, including without limitation any animal shelter, without first notifying that person that the dog has been designated a Dangerous Dog pursuant to this Chapter and notifying the jurisdiction to which the dog will be transferred of the dog's designation as a Dangerous Dog pursuant to this Chapter.

(C) Failure to comply. It shall be unlawful for any person to keep or maintain a Dangerous Dog within the corporate limits of the City unless the dog is kept and maintained in compliance with this Chapter and with the order entered by the Hearing Officer or the court. Upon finding that a Dangerous Dog has not been so kept or maintained, , the Hearing Officer or court may, in addition to requiring the payment of the penalties provided in Section 90.999 of this Chapter, order that the dog be permanently removed from the corporate limits of the City within 14 days, with the Owner of the Vicious Dog being responsible for all fees and costs incurred by the City in caring for the Vicious Dog prior to its removal from the corporate limits.

(D) Public nuisance. Any Dangerous Dog that is not kept and maintained in accordance with this Chapter and with the order entered by the Hearing Officer or the court is declared hereby to be a public nuisance and may be apprehended and impounded upon the order of the Animal Warden or Chief of Police. The impoundment may, at the discretion of the Chief of Police, continue through any subsequent investigation of the Police Department and any subsequent determination of the Hearing Officer or the court.

(E) Dogs designated as dangerous in other jurisdictions. Any person desiring to bring a dog to live in the City that has been previously declared within another jurisdiction to have behaved in a dangerous manner or a similar manner, or has been designated within another jurisdiction as a Dangerous Dog or any similar designation, must notify the Police Department prior to moving the dog into the City of such declaration or designation. Upon moving the dog into the City, the dog will be considered as a Dangerous Dog pursuant to this Chapter, and the Owner must comply at all times with each and every requirement and restriction established in this Chapter pertaining to Dangerous Dogs, including without limitation the restrictions set forth

in Section 90.045(B) of this Chapter.

Sec. 90.047 Vicious Dogs.

(A) Designation of Vicious Dogs. A dog shall be designated as a Vicious Dog when the Hearing Officer or the court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to the temperament of the dog, and has entered an order determining that the dog has behaved in the manner described in Section 90.040(E) and designating the dog as a Vicious Dog. A dog previously designated as a Dangerous Dog pursuant to Section 90.045(A) that is found by the Hearing Officer or the court to have behaved in a dangerous manner for a second time may be designated as a Vicious Dog by the Hearing Officer or the court without evidence that the dog has behaved in a vicious manner. In determining whether to designate a dog as a Vicious Dog, the Hearing Officer or the court may consider the testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, and other experts in evaluating the dog's behavior and making this determination. The Hearing Officer or the court, upon designating a dog as a Vicious Dog, shall enter a written order requiring that, in addition to the payment of the penalties provided under Section 90.999, that the Owner shall comply with each and all of the restrictions set forth in Section 90.047(B) of this Chapter.

(B) Restriction of Vicious Dogs. It shall be unlawful to harbor or keep a Vicious Dog within the City except upon compliance with each and all of the following restrictions at the expense of the Owner:

(1) Confinement. The Vicious Dog must be confined as follows:

(a) A Vicious Dog on private premises must be kept indoors or within an Enclosure at all times.

(b) A Vicious Dog shall only be allowed outdoors and outside of an Enclosure if:

(i) The dog is securely muzzled in a manner that will prevent it from biting any person or animal, but that will not injure the dog or interfere with its vision or respiration;

(ii) is restrained on a non-retractable Leash no longer than six feet;

(iii) is under the direct control and supervision of the Owner or other adult at least 18 years of age at all times; and

(iv) the release is:

(a) necessary for veterinary care for the dog;

(b) pursuant to a sale or other change of Ownership that results in the removal of the Vicious Dog from the corporate limits of the City;

(c) pursuant to the immediate transfer of the Vicious Dog to another Enclosure; or

(d) necessary for compliance with an order of the Hearing Officer or the court.

(2) Required signage. The Owner of any dog found to be a Vicious Dog must display in a prominent place on the premises where the Vicious Dog is confined, and at each entrance to any outdoor Enclosure where the dog is kept, clearly visible signage stating that a Vicious Dog is kept on the premises, in the form and with such content as is approved by the Chief of Police.

(3) Evaluation and training. The Owner of a Vicious Dog must cause to be completed, no later than 180 days after the designation of the dog as a Vicious Dog, both: (a) an evaluation of the Vicious Dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field, and (b) obedience training or other training or treatment of the Vicious Dog as deemed appropriate by the behaviorist or expert.

(4) Altering and Microchipping. A Vicious Dog must be Altered and Microchipped at the Owner's expense, if not already Altered and Microchipped, within 14 days of the designation of the dog as a Vicious Dog;

(5) Insurance coverage. Within 14 days after the designation of a dog as a Vicious Dog, the Owner of the Vicious Dog must obtain and maintain, and provide the City with satisfactory evidence of, liability insurance coverage, in the amount of at least \$100,000, which coverage includes without limitation coverage for animal bites. In lieu of liability insurance, the Owner of a Vicious Dog may obtain a surety bond in the value of at least \$100,000.

(6) Notice of designation. No Owner shall sell, transfer, or otherwise place a Vicious Dog in the permanent possession of any other person, including without limitation any animal shelter, without first notifying that person that the dog has been designated a Vicious Dog pursuant to this Chapter and notifying the jurisdiction to which the dog will be transferred of the dog's designation as a Vicious Dog pursuant to this Chapter.

(C) Failure to comply. It shall be unlawful for any person to keep or maintain a Vicious Dog within the corporate limits of the City unless the dog is kept and maintained in compliance with this Chapter and with the order entered by the Hearing Officer or the court. Upon finding that a Vicious Dog has not been so kept or maintained, the Hearing Officer or court may, in addition to requiring the payment of the penalties provided in Section 90.999 of this Chapter, order:

(1) that the Vicious Dog be permanently removed from the corporate limits of the City within 14 days, with the Owner of the Vicious Dog being responsible for all fees and costs incurred by the City in caring for the Vicious Dog prior to its removal from the corporate limits; or

(2) that the Vicious Dog be humanely destroyed, except that the Hearing

Officer or the court shall not order the humane destruction of the Vicious Dog if the Owner of the Vicious Dog provides the Hearing Officer or the court with written proof that:

(a) the Vicious Dog will be placed in an animal shelter outside of the City that has been notified of the dog's designation as a Vicious Dog under this Chapter and has consented to the shelter and care of the Vicious Dog;

(b) the animal shelter will accept the Vicious Dog and the Owner is willing to pay all expenses for transporting the Vicious Dog to the animal shelter; and

(c) the Owner has informed the animal control authority in the jurisdiction to which the animal is being relocated of the dog's designation as a Vicious Dog under this Chapter and the animal control authority, if required by law, has consented to the relocation.

If the Hearing Officer or the court orders the permanent removal of the Vicious Dog pursuant to Section 90.047(C)(1), the Owner must, within 14 days of the order to remove the dog from the corporate limits of the City, provide written evidence to the City that the Owner has informed the person(s) to whom the dog has been relocated of the dog's designation as a Vicious Dog under this Chapter and that those person(s) have consented to the shelter and care of the dog, and has informed the animal control authority in the jurisdiction to which the animal is being relocated of the dog's designation as a Vicious Dog under this Chapter and the animal control authority has consented to the relocation.

(D) Public Nuisance. Any Vicious Dog that is not confined in accordance with this Section 90.047 is declared hereby to be a public nuisance and shall be impounded by any law enforcement authority having jurisdiction and permanently removed from the corporate limits of the City.

(E) Dogs designated as vicious in other jurisdictions. Any person desiring to bring a dog to live in the City that has been previously declared within another jurisdiction to have behaved in a vicious manner or a similar manner, or has been designated within another jurisdiction as a Vicious Dog or any similar designation, must notify the Police Department prior to moving the dog into the City of such declaration or designation. Upon moving the dog into the City, the dog will be considered as a Vicious Dog pursuant to this Chapter, and the Owner must comply at all times with each and every requirement and restriction established in this Chapter pertaining to Vicious Dogs, including without limitation the restrictions set forth in Section 90.047(B) of this Chapter.

Sec. 90.055 Quarantine of biting animals.

(A) In the event the Owner of any animal has notice that his or her animal has bitten any person, it shall be unlawful for the Owner to kill such animal, sell or give the animal away, or permit or allow the animal to be taken beyond the corporate limits of the City except to a licensed veterinary hospital. It shall be the duty of the Owner to immediately report the incident to the Police Department and to immediately place the animal in a licensed veterinary hospital where the animal shall be quarantined for a period of at least 10 days; or, upon the request of any police officer or the Animal Warden, to deliver the animal

to him or her for such placement. The Owner shall immediately furnish to the Police Department the name and location of the hospital and a certificate of a licensed veterinarian stating whether or not the animal shows signs of rabies. At the expiration of the quarantine period and prior to the release of the animal, the Owner shall furnish the Police Department with a certificate of a licensed veterinarian stating that the animal does not have rabies. All costs of maintaining any such animal in a veterinary hospital shall be the obligation and responsibility of its Owner and shall be paid by said Owner.

(B) In the event any animal that has bitten any person is slain or dies within 10 days from the time of the bite, it shall be the duty of the person slaying the animal, or having knowledge of its death, and of the Owner of the animal to notify the Police Department and immediately deliver or cause the delivery of the intact animal to the Police Department.

(C) Notwithstanding the provisions of Sections 90.055(A) and 90.055(B) of this Chapter, the Owner of any animal that has bitten any person may, in lieu of the delivery and the quarantine of the animal as provided in Section 90.055(A):

(1) Present evidence to the Animal Warden or the Chief of Police that the animal has been inoculated against rabies more than 30 days but less than one year prior to the biting, if a one year immunity vaccine has been used, or more than 30 days but less than three years prior to the biting if a three-year vaccine has been used; and

(2) Have the animal examined by a rabies inspector or a licensed veterinarian who shall make an examination of the animal to determine if the animal exhibits any sign of rabies, and who shall thereafter:

(a) Take the animal into custody for a period of 10 days if such examination discloses any sign or symptoms of rabies and notify the Police Department thereof;

(b) In the event such examination discloses that no sign or symptoms of rabies are present, order the animal confined in the home of the Owner, or upon the Owner's premises, for a period of 10 days in an Enclosure adequate to ensure, in the opinion of the Animal Warden, that the animal will not be in contact with other animals or persons; or

(c) Have such animal examined for rabies by a licensed veterinarian on the first, fifth, and tenth days of such confinement, which veterinarian shall, within 24 hours of each such examination, report the results of the examination to the Animal Warden or the Chief of Police. It shall be the duty of the Owner to ensure that the reports required by this Paragraph are made.

(3) No animal displaying any signs or symptoms of rabies, as determined by the rabies inspector or licensed veterinarian who examines the animal pursuant to Section 90.055(C)(2), shall be released from any confinement without the prior approval of the Animal Warden or the Chief of Police.

(4) In the event an examination of any animal discloses signs or symptoms of rabies, the animal shall be delivered to a licensed veterinarian for continued observation

and/or testing.

(5) The Animal Warden shall impound, for the remaining period of observation, any animal whose Owner fails to comply with the requirements of this Subsection.

(D) It is the responsibility of the Owner to provide, upon request by the examining veterinarian, Animal Warden, or a police officer, a dated certificate or certificates of vaccination, signed by a licensed veterinarian. The certificates shall include a description of the animal sufficient for purposes of identification.

Sec. 90.065 Female dogs in heat.

The Owner of any female dog in heat shall not keep, harbor, or otherwise maintain the dog in the City unless the dog is confined in a kennel or veterinary hospital, or in an enclosed building on the Owner's property during the entire period the dog is in heat. Any female dog in heat that is not so confined is declared hereby to be a public nuisance and may be apprehended and impounded upon the order of the Animal Warden or the Chief of Police.

Sec. 90.070 Rabid dogs.

(A) It shall be the duty of the Owner of any dog suffering from rabies to place it immediately in a veterinary hospital, or, upon demand, to surrender the dog to a police officer or the Animal Warden. Any dog suffering from rabies is declared hereby to be a public nuisance and, if the dog cannot be safely apprehended and impounded, the dog may be slain by a police officer or the Animal Warden.

(B) It shall be the duty of any person who discovers that any dog is suffering from rabies, or that any dog or other animal has been bitten by a dog or other animal suffering with rabies, to report such fact immediately to the Animal Warden or the Chief of Police. The report shall include the name, if known, and the place of residence of the Owner of the dog or other animal, the place where the animal can be found, and the license number of any such dog, if known. Any such dog or other animal shall be immediately confined in a veterinary hospital or impounded and securely kept until it can be determined whether the dog or other animal is suffering from rabies.

(C) Whenever the Mayor, by proclamation, shall declare that danger from rabies is great, it shall be unlawful to permit or allow any dog upon the public streets, alleys, or other public place unless the dog is securely muzzled.

Sec. 90.080 Redemption of impounded dogs.

(A) The Animal Warden, upon receiving or impounding any dog, shall make a complete registry, entering therein the breed, color and sex of such dog, and whether the dog is licensed. In the event the dog is licensed, the person in charge shall enter the name, address, and telephone number of the Owner and the number of the license tag in the registry. Licensed dogs shall be separated from unlicensed dogs. Not later than 24 hours after the impounding of any dog, the Owner thereof shall be notified by mail sent to the address

listed on the dog register book; or if the Owner of the dog is unknown, notice shall be posted at the Police Department and at City Hall describing the dog and the time and place of taking.

(B) Except as provided in Sections 90.040, 90.045, and 90.047 of this Chapter, the Owner of any licensed dog or the person claiming to be the Owner of any unlicensed dog may redeem the dog upon payment of the license fee, if unpaid, an impounding fee, and a maintenance charge in the amounts set forth in the Annual Fee Resolution for each day or fraction thereof that such dog is impounded. All fees and charges shall be paid to the City Finance Director. Upon presentation of a proper receipt from the City Finance Director, the Police Department shall release the dog in accordance with the provisions of this Chapter.

Sec. 90.085 Disposition of unclaimed dogs.

It shall be the duty of the Animal Warden to keep all dogs impounded in accordance with the provisions of this Chapter. If any impounded dog is not redeemed at the expiration of the sixth day after the day on which notice was mailed or posted as provided herein, the dog may be permanently removed from the corporate limits of the City without further notice; provided, however, that if any dog, with the exception of a Dangerous Dog or Vicious Dog, has not been removed from the corporate limits of the City, any person may redeem the dog in accordance with the provisions of this Chapter after the time for redemption by the Owner has passed.

Sec. 90.090 Dog fighting prohibited.

No person shall own, keep, possess, harbor, or maintain care or custody of any dog or other animal or be in any way connected with the management or ownership of any place kept or used for the purpose of causing, instigating, or staging the fighting or baiting of any dogs or other animals, or for the purpose of training dogs or other animals for such fighting or baiting, or to permit such a place to be kept or used on premises owned or controlled by such person.

Sec. 90.095 Unlawful treatment of animals.

(A) It shall be unlawful for any person to commit any act of cruelty to any animal, or to knowingly cause or allow to be caused any act of cruelty to any animal, including without limitation:

(1) to willfully or maliciously shoot, poison, kill, injure, abuse, overwork, torment, or ill-treat any animal;

(2) to fail, refuse or neglect to provide any animal in his or her charge or custody as Owner or otherwise with proper food, drink, shade, care, or shelter;

(3) to Abandon any animal within the City limits;

(4) to confine an animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or

cold;

(5) to transport any living animal in the trunk of a vehicle;

(6) to transport any living animal in the open bed of a truck unless the animal is restrained in a kennel or on a Leash that will prevent the animal from jumping or falling off the vehicle;

(7) to cause, instigate, stage, or train any animal to fight or permit any fight between any animal and another animal or human;

(8) to crop animal ears or dock animal tails, unless performed by a licensed veterinarian;

(9) to give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a place of amusement, or as an inducement to purchase any product or enter into any business relationship or agreement; or

(10) to tether an animal, except in compliance with Section 95.095.1 of this Chapter.

(B) Any person who kills or injures a domestic animal while driving a vehicle shall stop at the scene of the accident, and render such assistance as practicable, and immediately report the incident to the Police Department.

(C) Any animal control officer, police officer, or licensed veterinarian may take into custody any animal, upon either private or public property, that such officer reasonably determines has been the victim of cruelty, provided that entry upon private property shall only be accomplished with the assistance of a police officer and pursuant to a warrant. The officer or veterinarian may inspect, care for, or treat such animal or place the animal in the care of a licensed humane society or licensed veterinarian for treatment, boarding or other care or, if a licensed veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane destruction.

(D) The Owner of an animal destroyed pursuant to Section 90.095(C) will not be entitled to recover damages for the destruction of the animal unless the Owner proves that the destruction was unreasonable and unwarranted.

(E) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to this Section 90.095 pending prosecution of the Owner of the animal shall be assessed to the Owner as a cost of the case if the Owner is adjudicated liable.

(F) If a person is adjudicated liable for a violation of this Section and the Hearing Officer or the court determines that such animal would be subject to any cruelty in the future, such animal will not be returned to or remain in the custody of such person, and the Hearing Officer or the court shall order the animal turned over to an animal shelter or licensed veterinarian for adoption.

Sec. 90.095.1 Tethering.

Notwithstanding any provision of this Chapter to the contrary, it shall be unlawful for any person to tether any animal to a fixed object, except upon the satisfaction of each of the following conditions:

- (1) The chain, rope, Leash, run line, or other device used to tether the animal shall be placed or attached so as to prevent the animal from becoming entangled with a structure, tree, plant, shrubbery, another animal, or any other object;
- (2) The chain, rope, Leash, run line, or other device used to tether the animal shall be of sufficient length, in proportion to the size of the animal, to allow the animal to obtain proper exercise, convenient access to food and water, and protection from direct sunlight or extreme weather conditions;
- (3) The chain, rope, Leash, run line, or other device used to tether the animal does not weigh more than one-eighth the amount of the animal's weight and is not made from a logging chain or a tow chain;
- (4) The tethered animal must be Altered;
- (5) The animal is not tethered in a manner that either:
 - (a) permits the animal to trespass upon public property, or upon private property without the consent of the property Owner, or
 - (b) threatens the health, safety or welfare of any person or animal;
- (6) The animal is not tethered and unsupervised for more than one hour during any 24 hour period;
- (7) The animal is not tethered between the hours of 9:00 p.m. and 7:00 a.m.;
- (8) The animal is not tethered and unsupervised within 500 feet of any school at any time;
- (9) The animal is not tethered and unsupervised on public property at any time;
- (10) The animal is not tethered on private property without the prior consent of the property Owner; and
- (11) The animal is not tethered during extreme temperatures, including without limitation during heat advisories or when the temperature is below 32 degrees Fahrenheit.

Sec. 90.096 Problem pet owners.

(A) Problem pet ownership. For purposes of this Chapter, a problem pet owner is a person who has been determined by the Hearing Officer or the court to have committed (i) three

or more violations of this Chapter in one 36 month period or (ii) two or more violations of this Chapter after having a dog owned by him or her designated as a Dangerous Dog or a Vicious Dog.

(B) Designation of problem pet owner. A person shall be designated as a problem pet owner when the Hearing Officer or the court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to past violations of this Chapter by the person, and entered an order determining that the person has committed the violations described in Section 90.096(A) and designating the person as a Problem Pet Owner.

(C) Notice of hearing. A person whom the Police Department requests be designated as a Problem Pet Owner shall be provided with written notice of a hearing before the Hearing Officer or the court, served by certified and regular mail to the person's last known address, containing the following information:

- (1) the name and address of the person who is the subject of the hearing;
- (2) the names, descriptions, and license numbers of any animals owned by or licensed to the person;
- (3) brief descriptions of the violations that form the basis of the request;
- (4) notification of the date, time, and location of the hearing before the Hearing Officer or the court; and
- (5) a summary of the impact of designation as a problem pet owner, as set forth in this Section.

(D) Pre-Hearing confinement of animals.

Upon service of notice pursuant to Section 90.096(C) of this Section, the animals owned by a person whom the Police Department seeks to be declared to be a problem pet owner may be impounded if the Chief of Police or his designee determines that impoundment is in the interests of public safety or the health and welfare of the animals. Upon such a determination by the Chief of Police or his designee, an animal control officer or police officer may require that the animals be held in an animal shelter or a secure veterinary hospital until a hearing is held. If the animals are not impounded prior to the hearing, the Owner shall comply with any and all requirements imposed by the Chief of Police, the Animal Warden, or their designee for the confinement and care of the animals pending the hearing. Any failure to comply with any such requirement is a violation of this Section 90.096(D), and each day of non-compliance will constitute a separate violation.

(E) Bar on licensing or owning animals. If, after conducting a hearing, the Hearing Officer or the court determines that a person should be declared a problem pet owner, all animal licenses held by that person will be immediately revoked, and it shall be unlawful for that person to license or own any animal in the City for a period of 24 months from the date of the entry of that determination. Further, upon the determination by the Hearing Officer or the court that a person is a problem pet owner, the problem pet owner must immediately surrender all animals in his or her possession to the Chief of Police, the Animal

Warden, or their designee.

Sec. 90.100 Hindering enforcement.

It shall be unlawful to hinder or molest any police officer or the Animal Warden engaged in the enforcement of this Chapter. Further, it shall be unlawful for any person to violate any provision of this Chapter.

Sec. 90.105 Animals prohibited in certain places.

Animals shall not be permitted or allowed inside of any of the following locations when food or drink is being commercially dispensed at the location: the premises of any church or other place of worship, public halls or buildings, school premises, restaurants, stores, markets, nursing homes, and any private places. The provisions of this Section shall not apply to: (a) animal hospitals, clinics, pounds, or training schools; (b) Police Dogs, Service Dogs, or animals exhibited at animal shows; or (c) Emotional Service Dogs; provided however, that Emotional Service Dogs shall not be permitted or allowed inside the actual room or rooms in which the food or drink is being commercially dispensed.

Sec. 90.110 Exceptions to dog provisions.

The provisions of Sections 90.005, 90.010, 90.015 and 90.025 of this Chapter shall not apply to dogs receiving treatment or temporary care in veterinary hospitals, boarding kennels, or pet shops that are not otherwise housed within the corporate limits of the City.

Sec. 90.115 Enforcement of dog provisions.

The Animal Warden, Chief of Police, and such other persons as may be designated by the Animal Warden, Chief of Police, or the City Manager are authorized and directed hereby to enforce the provisions of Sections 90.001 through 90.120.

Sec. 90.120 Keeping animals.

Any pen, stable, or place in which animals are housed or kept that is unreasonably offensive to persons residing in the vicinity of the same, due to associated debris or odors, or to persons passing along any street or alley near the same, or that constitutes a hazard to the health of persons residing nearby, is declared to be a public nuisance.

*** [omit sections re: horses and other animals and fowl]

Sec 90.999 Penalty.

(A) Violation notices for violations of this Chapter shall be issued, served, and resolved in accordance with the Administrative Hearing System established pursuant to Chapter 38 of this Code or, if brought before a court of competent jurisdiction, pursuant to the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and such other rules that may apply to such court.

(B) Whoever violates Sections 90.040, 90.055, 90.070, 90.090, and/or 90.095 of this Chapter shall be considered to have committed a misdemeanor and shall be fined not less than \$50 nor more than \$500 for each and every offense, and/or shall be imprisoned for not more than six months for each such offense, except that whoever violates Section 90.040(A) or Section 90.040(C) of this Chapter shall be considered to have committed a misdemeanor and shall be fined \$25 for the first offense, \$50 for a second offense, and not less than \$100 or more than \$500 for a third offense and any subsequent offense, and/or shall be imprisoned for not more than six months for each such offense.

(C) Whoever violates Section 90.045 of this Chapter shall be considered to have committed a misdemeanor and shall be fined not less than \$500 nor more than \$1,000 for each and every offense, and/or shall be imprisoned for not more than six months for each such offense.

(D) Whoever violates Section 90.047 or 90.096 of this Chapter shall be considered to have committed a misdemeanor and shall be fined not less than \$1,000 nor more than \$1,500 for each and every offense, and/or shall be imprisoned for not more than six months for each such offense.

(E) Any person who violates any provision of Chapter 90 for which no other penalty is prescribed pursuant to this Section 90.099, upon conviction, shall be fined in an amount set forth in the Annual Fee Resolution.