

CHAPTER 90: ANIMALS

SECTION

DOGS, CATS, AND OTHER ANIMALS

- 90.001 Rules and Definitions
- [90.002 Procedures Non-exclusive](#)
- 90.005 Duty to Register and License
- 90.010 Registration and License
- ~~90.012 Registration and Licensing of Guard Dogs~~
- ~~90.013 Keeping of Guard Dogs~~
- 90.015 Annual License Fee
- 90.020 Inoculation Against Rabies
- 90.025 Collar and Tag
- 90.030 Unauthorized Removal of Tags
- ~~90.035 Running at Large~~
- 90.040 ~~Biting and Attacking Dogs~~[Prohibited Conduct](#)
- 90.045 ~~Confinement of~~ Dangerous Dogs
- 90.047 ~~Confinement of Vicious Dogs~~~~90.050 Consequences of Failure to Confine~~
- Vicious Dogs
- 90.055 Quarantine of Biting Animals
- ~~90.060 Disturbing Quiet and Damaging Property~~
- 90.065 Female Dogs in Heat
- 90.070 ~~Rabies~~[Rabid Dogs](#)
- ~~90.075 Muzzles~~
- 90.080 Redemption of Impounded Dogs
- 90.085 Disposition of Unclaimed Dogs
- 90.090 Dog Fighting Prohibited
- 90.095 Unlawful Treatment of Animals
- [90.095.1 Tethering](#)
- [90.096 Problem Pet Owners](#)
- 90.100 Hindering Enforcement
- 90.105 Animals Prohibited in Certain Places
- 90.110 Exceptions to Dog Provisions
- 90.115 Enforcement of Dog Provisions
- [90.120 Keeping Animals](#)

HORSES

- 90.200 Horses to be Ridden at Reasonable Speed on Streets
- 90.205 Racing in Public Streets Prohibited
- 90.100 Sleighbells; Standing Horse without Hitching
- 90.215 Keeping Horses in Residence District Restricted
- 90.220 Horses Running at Large

OTHER ANIMALS AND FOWL

- 90.250 Keeping Cattle or Swine
- 90.255 Keeping Homing Pigeons in City Prohibited
- 90.300 Possession of Device to Remove Animal Excrement Required
- 90.305 Duty to Remove Animal Excrement

SECTION

PENALTY

- 90.999 Penalty

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 ~~work~~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) ~~As used in~~Wherever the following words or phrases are used, they shall, for purposes of this Chapter, ~~unless the context otherwise requires, the terms specified below~~ have the meanings ascribed to them ~~hereinbelow~~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-~~Dog~~" means a dog~~an animal~~ that has been ~~rendered~~ permanently ~~sterile~~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 ~~of Highland Park~~ or

other individual designated by the City Manager that is charged with the enforcement of this Chapter.

~~"Bite" means any cutting, wounding, or tearing with the teeth, including any abrasion of the skin.~~

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

~~"Chief of Police" means the Chief of Police of the City.~~

~~"City" means the City of Highland Park, a municipal corporation in Lake County, Illinois.~~"Dangerous Dog" means a dog designated as a Dangerous Dog pursuant to Section 90.045.

~~"Dangerous Dog" means any dog possessing the characteristics described in Section 90.045(A).~~

~~"Director" means the Director of Finance of the City.~~

~~"Director of Public Safety" means the Director of Public Safety of the City.~~"Dog" means any animal whichthat 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 ~~and~~that:

~~(1) is designed to (1) confine and prevent the escape of a dangerous or vicious dog~~Dangerous Dog or Vicious Dog and ~~(2) prevent the entry of children or other animals.~~Enclosures shall lock:

~~(2) locks~~ securely, and ~~shall include~~includes a secure top, sides, and bottom. ~~The:~~

~~(3) has~~ sides ~~of an enclosure shall~~that embed into the ground at a depth of at least one foot and ~~shall~~ attach to the bottom of the ~~enclosure~~Enclosure so that the animal confined within cannot escape by digging under the sides of the ~~enclosure.~~ ~~Enclosures must be~~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.

~~"Guard dog" means any dog that is housed or used for the primary purpose of (1) attacking intruders; (2) patrolling and protecting persons and/or property; or (3) exhibiting hostile propensities and aggressiveness to unauthorized persons, whether or not the dog has been~~

~~specifically trained to do so.~~

"Hearing Officer" means the individual(s) appointed as a ~~hearing officer~~Hearing Officer in the City's Administrative Hearing System pursuant to ~~Section 38.005~~Chapter 38 of the City Code.

"Impounded" means taken into custody by the Animal Warden ~~of the City.~~

"Leash" means a cord, rope, strap, or chain with a tensile strength of at least 300 pounds, ~~which shall be~~ 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 ~~month~~ September.

~~"Mayor" means the Mayor of the City.~~

"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 ~~Officer~~Dog" means ~~a member of~~any dog owned or used by the Police Department ~~of~~in the City~~course~~ of Highland Park~~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~~Owner and not under the control of the ~~owner~~Owner (or a person acting for the ~~owner~~Owner) by means of a ~~leash, cord, chain, or like device,~~Leash not more than six ~~(6)~~ 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.

~~"Vicious Dog" means (a) any dog that, without provocation, attacks a person or animal and causes physical injury or death; or (b) a dangerous dog that has been found in violation of Section 90.045 on two separate occasions.~~

"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 ~~(6)~~ months of age must be registered with, and licensed by, the City pursuant to this Chapter not later than the first day of ~~the License Year for every~~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 ~~less than~~housed within the City that becomes six months of age after the first day of the License Year must ~~also~~ 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 other than guard~~ dogs shall be made to the ~~Director, who shall record the information in a dog register book at the time of registration. 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~~Owner, if different from the applicant; ~~and~~

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

~~It shall be the obligation of the applicant or the owner, if different from the applicant, to notify the Director of any change to the information required pursuant to this Subsection at least 48 hours before the change occurs.~~

~~— (B) — Upon (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; and (3) submission of a complete application pursuant to Section 901010(A), the Director shall register the dog in the dog register book and shall issue a license certificate and metal license tag for each dog registered.~~

(3) whether the dog has been Altered;

~~(C) 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 replacement fee for lost or destroyed licenses tags shall be at the rate set forth in the Annual Fee Resolution. 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;~~

~~— (D) Licenses issued pursuant to this Section 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 Director as set forth in Section 90.010(a), representation of a veterinarian's certificate as set forth in Section 90.010(B), and payment to the City at the rate set forth in the Annual Fee Resolution.~~

~~Sec. 90.012 Registration and licensing of guard dogs.~~

~~— (A) All guard dogs housed within the corporate limits of the City must be registered and licensed as provided in this Section. The application for the registration and licensing of guard dogs shall be made to the Director, who shall record the information in a dog register book at the time of registration. The application shall include the following information:~~

(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

~~(4) the name, address, and telephone number of~~ 7) a written affidavit by the

applicant, and ~~of~~ by the ownerOwner, if different from the applicant, ~~and the address and phone number of the premises on which the guard dog will be kept if different from that of 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.

~~_____ (2) the breed, color, sex, name, and date of rabies inoculation of the guard dog;~~

~~_____ (3) a statement whether the applicant owns or rents the premises to be guarded, and if the applicant rents the premises, a written acknowledgment from the property owner that the applicant has the owner's permission to keep and use a guard dog on the premises;~~

~~_____ (4) a description of the guard dog for purposes of identification;~~

~~_____ (5) a written acknowledgment by the applicant that the premises to be guarded are maintained in accordance with Section 90.013; and~~

~~_____ (6) a written acknowledgment by the applicant that the guard dog will be kept in such a manner as to ensure the safety of the public and the welfare of the animal.~~

(B) It shall be the obligation of the applicant, or the ~~owner~~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.

~~_____ (B) It shall be a condition of the issuance of any guard dog license certificate that a police officer or the Animal Warden inspect the premises where the guard dog is kept to ensure compliance with the requirements of this Chapter. Such inspection shall occur within 10 days after the submission of the application.~~

(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:

- ~~(C) Upon-~~
- (1) payment of the license fee required by this Chapter;
 - (2) presentation of a certificate of a licensed veterinarian that the ~~guard 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 ~~90.012(A); and (4) the approval of the premises pursuant to Section 90.012(B); the Director shall register the guard dog in the dog register book and shall issue a license certificate and metal license tag for each guard dog registered.~~ 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~~Owner to whom a license has been issued ~~cease~~ceases to be the ~~owner~~Owner of the ~~guard~~ dog for which the license was issued, then the ~~owner~~Owner may transfer the license to another ~~guard~~ 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 ~~90.012(A), presentation~~90.010(A) of this Chapter, representation of a veterinarian's certificate as set forth in Section ~~90.012~~90.010(C) of this Chapter, and payment to the City ~~at~~in the ~~rate~~amount set forth in the Annual Fee Resolution.

~~Sec. 90.013 Keeping of guard dogs.~~

~~It shall be unlawful for any person to keep or maintain a guard dog within the corporate limits of the City unless the following provisions are met:~~

~~— (A) Guard dogs shall be confined on the premises for which they are registered by sufficient restraining structures, such as fences or walls of the maximum allowable height within the applicable zoning district, to prevent access by the public during the periods that the guard dog is used to protect the premises and to prevent the escape of the guard dog from the premises.~~

~~— (B) The presence of a guard dog shall be indicated by warning signs posted conspicuously at each entrance to the premises for which it is registered. Such warning signs shall be in lettering clearly visible from a distance of 50 feet and shall contain a telephone number at which a person responsible for controlling the guard dog can be reached 24 hours a day.~~

~~— (C) No dangerous or vicious dog shall be used as a guard dog.~~

~~— (D) A guard 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:~~

~~— (1) restrained on a leash no longer than six feet; and~~

~~— (2) 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.~~

~~(E) Any guard dog that is not kept in accordance with this Section is declared hereby a public nuisance and may be apprehended and impounded upon the order of the Chief of Police or 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.~~

~~(F) In addition to the penalties authorized by Section 90.999, the Hearing Officer may, upon a determination that a violation of this Section occurred, order that the owner of the guard dog shall have no right to redeem the dog unless he or she agrees:~~

~~(1) to permanently remove the dog from the corporate limits of the City within 14 days; and~~

~~(2) that the dog shall not, after such removal, be kept, harbored, or maintained within the corporate limits of the City at any time.~~

(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 and unaltered dogs, including guard dogs,~~Altered dogs, un-Altered dogs, Dangerous Dogs, and Vicious Dogs shall be at in the ~~corresponding rates~~amounts set forth in the Annual Fee Resolution; provided, however, that ~~where a dog is~~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~~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 ~~herein~~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~~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~~Owner's duty to make certain that the collar and tag are worn by the dog at all times when off of the ~~owner~~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~~Owner of the dog or the ~~owner's agent. of his~~Owner's agent.

Sec. ~~90.035 Running at large.~~ 90.040 Prohibited conduct.

(A) Running at large. It shall be unlawful for any ~~owner~~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 ~~which~~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) ~~Sec. 90.040~~ Biting and attacking ~~dogs~~.

~~(A)~~ (1) It shall be ~~the duty of the owner~~unlawful for an Owner or any other person in control of any dog to ~~prevent the~~allow a dog ~~from biting~~to bite or ~~attacking~~attack any other animal or person in the City. If a person is bitten by a dog, ~~he or she shall immediately report~~ 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.

~~(B)~~ — ~~Except as provided in Section 90.040(D), any~~ (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.

~~(C) For purposes of this Section, dog bites and attacks shall be considered to have occurred without provocation if the bite or attack occurred while the dog was unleashed, unattended, or not confined on the owner's premises.~~

~~(D) Service dogs, registered guard dogs, and City-owned police dogs _____ (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 ~~this~~ 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 ~~Subsection~~ Section 90.040(B)(3), each such dog must be currently inoculated against rabies and properly licensed and registered in accordance with this Chapter.

~~Sec. 90.045 Confinement of dangerous dogs.~~

(C) Disturbing quiet or damaging property.

~~(A1) 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 confined in accordance with Section 90.045(B). A dangerous dog is a dog that, when unmuzzled, unleashed, or unattended by its owner or custodian, 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~~Person or ~~animal~~an Animal.

However, a dog shall not be considered to behave in a dangerous ~~dog if~~manner when the behavior ~~that would provide the basis for its dangerousness~~ occurred because:

~~(1) —~~

(a) the threatened or injured person was committing a crime or offense upon the owner or custodian of the dog; 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;

~~(2) (c)~~ the threatened or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

~~(3) (d)~~ the threatened, or injured, ~~or killed~~ animal was attacking or threatening to attack the dog or its offspring;

~~(4) (e)~~ the dog was responding to inflicted pain or injury;

~~(5) (f)~~ the dog was protecting itself or its offspring; or

~~(6) — the dog was protecting its owner, custodian, or a member of its household;~~

~~or~~

~~Further, service dogs, registered guard dogs, and City-owned police dogs shall not be dangerous dogs if the behavior that would provide the basis for dangerousness occurred while~~ (g) the dog is a Service Dog or a Police Dog and was performing its duties as expected.

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

~~(B) Every dangerous dog must be confined in accordance with the following provisions:~~

(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) A dangerous dog on private premises shall be kept in an enclosure or on a run line.~~ 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) 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:~~ 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;

~~(a)~~

(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 ~~leash~~non-retractable Leash no longer than six feet; and

_____ (bii) 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.

~~(C) Any dangerous dog~~ (D) Public nuisance. Any Dangerous Dog that is not confined kept and maintained in accordance with this Section 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.

~~(D) If a dangerous dog is not confined in accordance with this Section, or is otherwise in violation of this Chapter, the owner of the dog shall be subject to the penalty provisions of Section 90.999 and the Hearing Officer may order:~~

~~(1) that the dog, at the owner's expense, be spayed or neutered within 14 days; and or;~~

~~(2) that the dog be permanently removed from the corporate limits of the City.~~

~~(E) The Hearing Officer may consider the testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, and other experts for the determination of whether a dog's behavior was justified pursuant to the provisions of this Section.~~

~~Sec. 90.047 Confinement of vicious dogs.~~

(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.

(A)B) Restriction of Vicious Dogs. It shall be unlawful ~~for any person to harbor or keep or maintain a vicious dog, as defined in Section 90.001,~~ a Vicious Dog within the ~~corporate limits of the City unless~~ City except upon compliance with each and all of the following ~~provisions are met~~ restrictions at the expense of the Owner:

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

(1) ~~A vicious dog~~ (a) A Vicious Dog on private premises shall ~~be kept in an enclosure or on a run line~~ must be kept ~~indoors or within an Enclosure~~ at all times.

(2) ~~A vicious dog~~ (b) A Vicious Dog shall only be allowed ~~out~~ outdoors and outside of an ~~enclosure or off of a run line~~ Enclosure if:

(a) The dog is securely muzzled, ~~restrained on a leash 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, ~~and;~~

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

(b) ~~The~~ (iv) the release is:

(ia) ~~Necessary~~ necessary for veterinary care for the dog; ~~or~~

(iib) Pursuant ~~pursuant~~ to a sale or other change of ~~ownership~~ Ownership that results in the removal of the ~~vicious dog~~ Vicious Dog from the corporate limits of the City ~~or~~;

~~(iii)~~ Pursuant to the immediate transfer of the vicious dog Vicious Dog to another enclosure or run line Enclosure; or

~~(iv) Necessary for compliance with an order of the Hearing Officer or of a court of competent jurisdiction.~~ 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.

~~(B)~~ (D) Public Nuisance. Any ~~vicious dog~~ 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.

~~(C) An owner or custodian of a vicious dog shall not sell, give away, or plan or intend to sell or give away a vicious dog unless he or she has given written notice to the person who will be receiving the vicious dog that the dog is a vicious dog.~~

~~Sec. 90.050 Consequences of failure to confine vicious dogs:~~

~~(A) If a vicious dog is not confined in accordance with this Chapter or is otherwise in violation of this Chapter, the owner of the vicious dog shall be subject to the penalty provisions of Section 90.999. Further, the Hearing Officer, subject to Chapter 38 of this Code, shall order that:~~

~~(1) the dog, at the owner's expense, be spayed or neutered within 14 days and be confined in accordance with Section 90.047; or~~

~~(2) that the dog, at the owner's expense, be spayed or neutered and permanently removed from the corporate limits of the City within 14 days.~~

~~(B) The Hearing Officer shall not impose the penalties authorized by this Section if he or she determines that the conduct of the vicious dog was justified because:~~

~~(1) the attacked or injured person was committing a crime or offense upon the owner or custodian of the dog;~~

~~(2) the attacked or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;~~

~~(3) the attacked or injured animal was attacking or threatening to attack the dog or its offspring;~~

~~(4) the dog was responding to pain or injury;~~

~~(5) the dog was protecting itself or its offspring; or~~

~~(6) the dog was protecting its owner, custodian, or a member of its household.~~

~~(C) The Hearing Officer may consider the testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, and other experts for the determination of whether a dog's behavior was justified pursuant to the provisions of this Section.~~

~~(D) Service dogs, registered guard dogs, and City-owned police dogs shall not be vicious dogs if the behavior that would provide the basis for viciousness occurred while the dog was performing its duties as expected. To qualify for exemption under this Subsection, each such dog must be currently inoculated against rabies and properly licensed and registered in accordance with this Chapter.~~

(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~~Owner of any animal has notice that his or her animal has bitten any person, it shall be unlawful for the ~~owner~~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~~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~~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~~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~~Owner and shall be paid by said ~~owner~~Owner.

(B) In the event any animal ~~which~~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~~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 ~~the foregoing paragraphs~~Sections 90.055(A) and 90.055(B) of this ~~Section~~Chapter, the ~~owner~~Owner of any animal ~~which~~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; ~~or~~

(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~~Owner, or upon the ~~owner~~Owner's premises, for a period of 10 days in an ~~enclosure~~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~~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~~Owner fails to comply with the requirements of this Subsection.

(D) It is the responsibility of the ~~owner~~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. 90.060 Disturbing quiet and damaging property.~~

~~(A) It shall be unlawful for any person to own, keep, possess, or harbor any animal which, 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, causes damage to the property of any person other than its owner, attacks any person, or causes danger or fear to any person or neighborhood. Any animal causing such disturbance or damage is declared to be a public nuisance.~~

~~(B) Upon finding that any animal is creating any such disturbance or damage within the City, a police officer or the Animal Warden may give notice of the disturbance or damage to the person or persons keeping or permitting the animal to remain in or on his premises, which notice shall direct that the disturbance be abated or the damage be repaired within 24 hours after the giving of the notice; through:~~

- ~~(1) the removal of the animal from the City;~~
- ~~(2) the payment of restitution for any damage; or~~
- ~~(3) some other means sufficient to abate the nuisance.~~

~~(C) In case of a repetition of the disturbance or damage after the expiration of the 24 hour period, the police officer or Animal Warden shall impound the animal.~~

Sec. 90.065 Female dogs in heat.

The ~~owner~~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~~Owner's property during the entire period the dog is in heat. Any female dog in heat ~~which~~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 ~~Rabies~~Rabid dogs.

(A) It shall be the duty of the ~~owner~~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~~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.

~~Sec. 90.075 Muzzles.~~

(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~~impounded dogs.

(A) The ~~person in charge of the City pound~~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~~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~~Owner thereof shall be notified by mail sent to the address listed on the dog register book; or if the ~~owner~~Owner of the dog is unknown, notice shall be posted at the ~~City pound~~Police Department and at ~~the~~ City Hall describing the dog and the time and place of taking.

(B) Except as provided in Sections ~~90.013~~, 90.040, 90.045, and 90.047 of this Chapter, the ~~owner~~Owner of any licensed dog or the person claiming to be the ~~owner~~Owner of any unlicensed dog may redeem the dog upon payment of the license fee, if unpaid, ~~and an impounding fee at the rate set forth in the Annual Fee Resolution~~, and a maintenance charge ~~at~~in the ~~rate~~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 ~~person in charge of the City pound~~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 ~~person in charge of the City pound~~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 or vicious dog~~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~~Owner has passed.

Sec. 90.090 Dog fighting prohibited.

No person shall own, keep, possess, harbor, or maintain care or custody of any dog ~~for the purpose of dog fighting; or train, torment, badger, bait or use 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 ~~encouraging the dog to attack other animals or persons 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, ~~including, without limitation, any provision regarding the use of run lines~~, 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~~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~~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; ~~and~~

(3) ~~The animal shall not be~~ 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~~ Owner, or

(b) threatens the health, safety or welfare of any person or animal~~;~~

~~(C) 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.~~

(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;~~ (b) Police Dogs, Service Dogs, or animals exhibited at animal shows; or (c) ~~emotional service dogs~~ Emotional Service Dogs; provided however, that ~~emotional service dogs~~ 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, ~~90.012,~~ 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 ~~90.110.~~ 90.120.

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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 ~~90.013,~~ 90.040, ~~90.045,~~ ~~90.047,~~ 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 ~~or~~ 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, and said payment shall be made at the Finance Department at City Hall, Highland Park, Illinois.

~~# 6062865_v4~~

6062865_v9

Document comparison by Workshare Professional on Wednesday, August 19, 2009
2:35:34 PM

Input:	
Document 1 ID	interwovenSite://HKDMS/Active/6062865/1
Description	#6062865v1<Active> - HP animal regulations for prep of amendments
Document 2 ID	interwovenSite://HKDMS/Active/6062865/9
Description	#6062865v9<Active> - HP dog amendments
Rendering set	standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	356
Deletions	309
Moved from	21
Moved to	21
Style change	0
Format changed	0
Total changes	707