

ORDINANCE NO. 0-07-11

AN ORDINANCE REGULATING ANIMALS

BE IT ORDAINED by the Council of the City of Pinckneyville, Perry County, Illinois, as follows:

SECTION 1. Definitions.

For the purpose of this ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

Animal Control Officer. A person over the age of 21 appointed by the Mayor with the advice and consent of the City Council to carry out the duties as hereinafter set forth in this section.

Animal Shelter (Pound). Any premises designated by the City Council for the purpose of impounding and caring for animals held under authority of this ordinance.

Animal. Any living creature, mammal, reptile, or fowl, domestic or wild, other than the human species.

Dangerous Animal. Includes any wild mammal, reptile, or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secured quarters. The term "Dangerous Animal" also means and includes any domestic mammal, reptile, or fowl which, because of its size or vicious propensity or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secured quarters.

Kennel. Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding dogs or cats.

Owner. Any person, partnership, or corporation owning, keeping, or harboring animals.

Person. An individual, partnership, company, or corporation.

Pet Shop. Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding animals of any species.

Restraint. An animal shall be deemed to be under restraint if on the premises of its owner, or if accompanied by a responsible person and under that person's control.

SECTION 2. Cruelty to Animals Prohibited

A. No person shall cruelly treat any animal in any way; any person who inhumanely beats, under feeds, overloads, ill treats, torments, or otherwise abuses or abandons any animal shall be deemed guilty of a violation of this section.

B. No person shall cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

C. No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, or otherwise fail to provide animals with humane care and treatment.

D. No person shall cause or permit any dog fight, cock fight, or other combat between animals or between animals and humans.

SECTION 3. Harboring of Domesticated and Wild Animals and Fowl Prohibited; Exceptions

No person shall maintain, keep, suffer, or permit any domesticated or wild animals or fowl, including game birds, on his premises in the City, except domesticated dogs, cats, small caged birds, or aquatic and amphibious animals, and the domesticated animals and fowl as may be maintained, kept, suffered, or permitted by permission of the City for 4-H projects and similar related youth activities, or for livestock or horse farm operations or in fenced pastures existing prior to the adoption of this Ordinance.

SECTION 4. Diseased Animals

A. No domestic animal afflicted with a contagious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or other animal may be affected; nor shall the animal be shipped or removed from the premises of the owner except under the supervision of the Animal Control Officer.

B. It is hereby made the duty of the Animal Control Officer to secure the disposition of any diseased animal and the treatment of affected premises to prevent the communication or spread of contagion or infection, except in cases where the State Veterinarian is empowered to act.

SECTION 5. Killing Diseased or Dangerous Animals

Any member of the Police Department, the Animal Control Officer, or any citizen acting in a responsible manner is hereby authorized to kill any dangerous, diseased, or vicious animal of any kind when necessary for the protection of any person or other animal.

SECTION 6. Disturbance of the Peace

No person owning any animal shall suffer or permit the animal to disturb the peace and quiet of the neighborhood by barking, meowing, cackling, or the making of other loud or unusual noises, or by running through or across gardens, fields, or yards.

SECTION 7. Conditions Constituting Nuisance; Prohibited

No person owning any animal shall fail to exercise proper care and control of his animal to prevent it from becoming a public nuisance. Excessive, continued, or untimely barking meowing, cackling, or the making of other loud or unusual noises, molesting passerby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or other public places, or trespassing upon private property shall be deemed a nuisance.

SECTION 8. Animals Running at Large; Restraint Required

A. All animals shall be kept under restraint, either by leash or by being kept in an enclosure or accompanied by a responsible person and under that person's control.

B. No person shall permit any animal, including, but not limited to, cattle, horses, swine, sheep, poultry, dogs, or cats, to run at large in the City; any animal running at large in the City shall be deemed to be a public nuisance and impounded in the manner provided in this Ordinance.

C. No person shall permit the picketing or tying of any animal in any of the streets, public ways, or public areas, except where permitted by the City.

D. Exhibits, circuses, or parades of animals which are dangerous are exempt herefrom, but may only be conducted upon securing the advance permission of the City for such purposes.

SECTION 9. Trapping Prohibited

A. It shall be unlawful to engage in trapping for any game, animals, or fowl within the City, except as otherwise authorized by the City Council.

B. Except for the Animal Control Officer, or his duly authorized agents, it shall be unlawful to construct, devise, place, or maintain any trap as herein defined upon, in, or about any public or private place wherein other persons or domestic animals may reasonably be expected to be on or about the place. A trap shall be a device, such as a pitfall, snare, or mechanical apparatus that shuts suddenly as with a spring designed for the taking of game or other animals and fowl.

SECTION 10. Female Dogs or Cats in Heat to be Confined in Building

All female dogs and cats in season or heat shall be confined by the owner or keeper thereof in a suitable building or shed, and during the period that the female dog or cat is in heat, she shall be confined.

SECTION 11. Vehicles Containing Livestock; Parking Time Limited

No person shall permit any vehicle containing livestock or other animals to stand or park in the City for a period of time longer than 30 minutes, except for loading or unloading.

SECTION 12. Hunting Animals Prohibited

It shall be unlawful for any person to hunt or to engage in killing any animal in the City.

SECTION 13. Limit on Number of Dangerous Animals

In no event shall a person keep more than two dangerous animals at any single location in the City.

SECTION 14. Rabies Control

A. Inoculation Against Rabies. It shall be the duty of the owner or person in custody of any dog or cat kept or maintained in the City to have the dog or cat inoculated against rabies at least once each calendar year. Such owner or keeper of such dog or cat shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the animal.

Every owner or keeper of a dog or cat, regardless of age, shall cause said animal to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address, and phone number, if any, of the owner or keeper of the animal.

B. Inoculation to be Performed by Licensed Veterinarian - Issuance of Certificate. The inoculation of dogs and cats required by this section shall be performed by a veterinarian duly licensed to practice in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to such owner or keeper a metallic or other suitable tag to be attached to the collar or harness of such dog or cat, which tag shall also certify to the fact of inoculation against rabies.

C. Duration of Inoculation. The inoculation performed under the provisions of this section shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

D. Specifications for Tag. The tag issued under the provisions of this section shall be in such form as shall be determined by the Department of Agriculture.

E. Exhibition of Certificate Upon Request. At any reasonable time upon request of the Animal Control Officer or any member of the Police Department, the owner or keeper of any unmuzzled dog or cat shall exhibit his certificate issued under the provisions of this section showing the inoculation against rabies of any dog or cat owned or controlled by him.

F. Impoundment of Animals Which Have Bitten Persons. Any animal which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded, and kept separated from other animals for 14 days. If during that period such animal develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such animal shall be destroyed in such a manner as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such animal cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the period of 14 days, no symptoms of rabies have developed in such animal so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by Section 18 herein; provided, however, that in case any animal so impounded for biting any person shall have previously bitten any person, such animal shall be humanely destroyed by the Animal Control Officer. After having been notified that his animal has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless said animal is securely muzzled.

SECTION 15. Impoundment of Animals at Large; Notification of Owner

Unrestrained animals at large may be taken by the Animal Control Officer or police officer and impounded in an animal shelter and there confined in a humane manner. The Animal Control Officer or police officer shall be authorized to deliver any confiscated animal to the Perry County Dog Pound, or any other shelter or pound which may have space available for any confiscated animal, and the animal shall be impounded and kept and reclaimed in accordance with the rules and regulations of any shelter or pound where the animals are delivered. If by a license tag or other means the owner can be identified, the Animal Control Officer shall, immediately upon impoundment, notify the owner by telephone or mail of the impoundment of the animal. The Animal Control Officer shall undertake every reasonable means to identify the owner of the animal impounded. Animals not claimed by their owners as provided by any applicable rules or regulations of the pound or shelter where an animal is delivered may be humanely disposed of in accordance with the rules and regulations of such pound or shelter.

SECTION 16. Adoption of Unclaimed Dogs and Cats

Any unredeemed dog or cat in good health, immunized against rabies, spayed if female, and not vicious by nature, may be deemed suitable for adoption by the Animal Control Officer and may be held in the animal shelter for seven calendar days following the mandatory period if not claimed by the owner during the retention period. The adopter will be required to pay outstanding charges of the animal shelter applicable to the subject animal's care.

SECTION 17. Returning Animals to Owner if Known

Notwithstanding the provisions of Section 15, if an animal is found at large and its owner can be identified and located, the animal need not be impounded, but may instead be taken to the owner. In such case, the Animal Control Officer or police officer may issue a citation for violation of this ordinance and may proceed against the owner for the violation.

SECTION 18. Redemption of Impounded Animal; Fee

Any owner reclaiming an impounded animal shall pay any applicable fees charged by the shelter or pound where any animal is kept and impounded. In addition to any charges by the shelter or pound where the animal is kept or impounded, any owner desiring to reclaim an impounded animal shall first pay to the City Clerk, within seven days from and after the date of impoundment, a fee determined in accordance with the schedule set forth below. Upon payment of the fee, the City Clerk shall issue a written receipt which may be presented to the operator of the shelter or pound where the animal is kept and impounded as proof of payment of the fees due to the City and as authorization by the City for release of the impounded animal.

The schedule of fees due to the City of Pinckneyville for redemption of impounded animals as hereinabove mentioned shall be as follows:

- (a) \$20.00 for each impoundment, unless subsection (b) or (c) is applicable;
- (b) \$30.00 for the second impoundment of the same animal, or any other animal owned by the same owner, occurring within a 12-month period;

- (c) \$50.00 for the third and all subsequent impoundments of the same animal, or any other animal owned by the same owner, occurring within a 12-month period.

In addition to the fees charged hereunder, the City may proceed against such owner for a violation of this Ordinance.

SECTION 19. Certain Animals Not to be Redeemed Without Inoculation

No person shall redeem any animal impounded pursuant to this ordinance if the animal is required by this ordinance to be inoculated against rabies unless the person seeking to redeem the animal shall have in his possession a proper and current certificate of inoculation of the impounded animal as required by this ordinance. In case such animal has not been inoculated against rabies for the current year, such owner shall also advance the fee required to have such animal inoculated by a duly licensed veterinarian as he shall elect, and the Animal Control Officer shall forthwith cause the animal to be duly inoculated against rabies. No animal shall be released without having been inoculated for the current calendar year, or in accordance with the requirements of the Department of Agriculture. Upon payment of the required charges, the animal shall thereupon be released to the owner or keeper.

SECTION 20. Administration and Enforcement

A. Animal Control Officer. The Animal Control Officer shall have police powers in the enforcement of the provisions of this ordinance, and no person shall interfere with, hinder, molest, or abuse any Animal Control Officer in the exercise of such powers. It shall be the duty of the Animal Control Officer to investigate any complaint surrounding the harboring or keeping of any animal in the City and to capture and impound in a place furnished or designated by the City Council every animal found at large in violation of this ordinance, or to return such animal to the owner as provided in this ordinance.

B. Issuance of Citations. The Animal Control Officer shall be authorized to issue citations or complaints for the violation of any provision of this Ordinance.

C. General Penalty. Every person convicted of an offense for the violation of any of the provisions of this Ordinance for which another penalty is not provided shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than

Five Hundred Dollars (\$500.00), exclusive of costs. A separate offense shall be deemed committed each day during or on which such violation occurs or continues.

SECTION 21. Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed upon the effective date of this ordinance.

SECTION 22. Invalidity of Part

In the event any provision or regulation of this Ordinance shall be in conflict with any law of the State of Illinois, this Ordinance shall be deemed amended to conform to such law or regulation. In the event any portion of this Ordinance shall be held invalid, the same shall not have the effect of invalidating the remaining provisions herein.

SECTION 23. Effective Date

This ordinance shall be effective upon its passage, approval, and publication as provided by law.

Introduced this 8th day of October, 2007.

Passed this 8th day of October, 2007.

Approved this 8th day of October, 2007.



Mayor



City Clerk

AYES: Commissioners Beltz, Davis, Kellerman, Stone and Mayor Holder

NAYS: None

ABSENT: None