

ORDINANCE 10-21
AN ORDINANCE AMENDING THE WEST DUNDEE
ANIMAL CONTROL REGULATIONS

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Illinois Compiled Statutes, Chapter 65 authorize a municipality to regulate, permit and control animals within its municipality; and

WHEREAS, in 2004, the Village President and Board of Trustees amended the Animal Control Ordinance to included a new section on the keeping of farm animals; and

WHEREAS, the Village President and Board of Trustees is desirous of abolishing regulations for the maintenance and licensing of farm animals; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

SECTION 1: That Title 6 Chapter 3 of the West Dundee Municipal shall be amended as set forth in Exhibit A.

SECTION 2: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

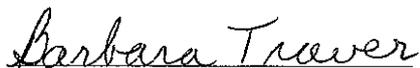
SECTION 3: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 4th day of October, 2010.

AYES: Trustees Voss, Gillam, Price and Yuscka
NAYES: Trustee Osth
ABSENT: Trustee Hanley

ATTEST:

Barbara Traver


Village Clerk

Larry Keller


Village President

Exhibit A

Chapter 3 ANIMAL CONTROL

SECTION:

6-3-1: Animals

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6-3-4: Animal Licensing

6-3-4-1: Farm Animals

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6-3-4-3: Regulation; Fees

6-3-5: Penalty

6-3-1: ANIMALS:

6-3-1-1: DANGEROUS, EXOTIC OR WILD ANIMALS:

A. Prohibited: It is unlawful to permit any dangerous animal, vicious or wild animal as defined in the Illinois Compiled Statutes, of any kind to run at large within the village, or to be kept, harbored or maintained on any premises. Said dangerous or wild animals shall include farm and domestic animals such as cattle, horses, swine, sheep, goats, ducks, geese, chickens, and other poultry and such other farm and domestic animals that may be included therein, and shall further include dogs and cats.

B. Exotic Animals: Any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*Felis domesticus*), member of the canine species other than domestic dog (*Canis familiaris*) or any

other animal that would require a standard of care and control greater than that required for domestic farm animals or customary household pets sold by commercial pet shops, or any poisonous or life threatening reptile.

C. Keeping of Exotic, Wild or Dangerous Animals: It shall be unlawful for anyone to own, harbor, or permit at large any exotic, wild, or dangerous animal without obtaining a written permit granted by the village board. Such permits shall be granted only if it is demonstrated to the satisfaction of the board that the animal will not constitute a threat to public health or safety. Nothing in this section shall be construed as to preclude the following:

1. The exhibition of domesticated animals or farm animals at a fair or other event held for the purpose of displaying said animals for judging or exhibition of animal husbandry;

2. The exhibition or display of any animals under the direct auspices of any public or private school located within the village, provided said exhibition or displays are for educational purposes only and no admission is charged;

3. The exhibition or display in the ordinary course of business of a pet shop within the premises identified in the applicable business license, which premises shall not include any space on the exterior of the store premises or any space within the common area of a mall or shopping center or strip shopping center;

4. Veterinarians, in the ordinary course of their business;

5. Mobile appearances by the humane society;

6. The use, display or exhibition of any animal pursuant to a special use permit issued by the village board. Requests for such permits shall be made to the village manager who shall cause the request to be placed on the next available village board meeting agenda.

D. Authority to Kill: The members of the West Dundee police department, or any other persons empowered by the village, are authorized to kill any dangerous, exotic, or wild animal when it is necessary for the protection of any person or property. (Ord. 2004-19, 8-16-2004)

6-3-1-2: NOISY ANIMALS:

It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night, or for long or sustained periods of time. (Ord. 2004-19, 8-16-2004)

6-3-1-3: FARM ANIMALS AT LARGE OR ON THE PREMISES:

It shall be unlawful to permit any farm animals including specifically, cattle, horses, swine, sheep, goats, ducks, geese, chickens, other poultry, and such other farm and domestic animals that may be included therein, to run at large in the village, or to be maintained on any premises without a license from the village permitting the keeping of said animal. (Ord. 2004-19, 8-16-2004)

Food for any licensed farm animal must be maintained in rodent-proof containers. All licensed chickens must be maintained in the coop or the coop enclosures from sundown to sunup. During daytime hours animals may roam in fenced yard with owner supervision. Coops must be located

at least 15' from the nearest adjacent neighboring habitable building. Village staff shall have discretion when working with owners to determine best location. All waste must be disposed of in a sanitary manner.

6-3-1-4: DISEASED ANIMALS:

It shall be unlawful to keep or maintain any animal, including dogs or cats inflicted with a contagious or infectious disease, or otherwise affecting the health, welfare, or safety of the community. It shall further be unlawful to accept shipment of or delivery of, or upon receipt to remove said animal from the premises of the owner except under the supervision of the chief of police or health officer of the village. Any disposition of such diseased animal shall be done under the supervision of the health officer or state veterinarian to prevent the communicable spread of the contagion or infection. (Ord. 2004-19, 8-16-2004)

6-3-1-5: CRUELTY:

No person shall cruelly treat, in any of the following ways, any animal in the village:

- A. By cruelly beating, torturing, tormenting, mutilating or cruelly killing any animal or causing or knowingly allowing the same to be done.
- B. By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shelter and air.
- C. By abandoning any animal whether it be old, maimed, infirm, sick or disabled animal. (Ord. 2004-19, 8-16-2004)

6-3-1-6: PROHIBITED ACTS:

It shall be unlawful:

- A. For the owner or any person who has in his custody or control, any dog, cat or other animal to enter upon the premises of another within the village without the consent of the owner.
- B. To permit any animal to damage or destroy any property.
- C. To permit any dog to chase, run after or jump at motor or nonmotor vehicles and pedestrians using the public thoroughfares.
- D. To permit any dog to habitually snap, growl, snarl, jump upon or otherwise threaten persons lawfully using any common thoroughfare, sidewalk, passageway, bike path, play area, park or any place where people congregate or walk.
- E. To permit any dog, cat or other animal to howl, yelp, whine or meow, bark or make noise in such a manner as to disturb any person or neighborhood.
- F. To allow any place where any animal is or may be kept to become unclean or unsanitary or become offensive to those residing in the vicinity.

G. To keep on the premises more than three (3) dogs or three (3) cats or any combination thereof over four (4) months of age, or more than two (2) such animals which are boarded for compensation or kept for sale with the exception of regularly established and zoned veterinary hospitals, pet shops, pounds or shelters.

The provisions of this section will not apply to dogs and cats in the village which were licensed prior to May 2, 1994. However, the provisions will apply if the ownership of the animal is transferred.

H. To allow any female dog or cat to be outside of any building or secure enclosure while it is in heat except for planned breeding.

I. To allow any vicious or dangerous dog, as defined in the Illinois Compiled Statutes¹, to run at large within the village, or to be kept, harbored or maintained on any premises. (Ord. 2004-19, 8-16-2004)

J. To slaughter a farm animal.

K. To raise a farm animal for commercial purposes.

6-3-2: DOGS:

6-3-2-1: DEFINITION:

The word "dog" as used in this chapter shall mean all animals, male and female, of the canine species. (Ord. 2004-19, 8-16-2004)

6-3-2-2: LICENSE REQUIREMENT:

It shall be unlawful for any dog to be or remain in said village without being licensed and tagged as herein provided. (Ord. 2004-19, 8-16-2004)

6-3-2-3: RABIES VACCINATION:

Every owner of a dog shall cause such dog to be inoculated with the rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois department of agriculture. The rabies vaccine shall be licensed by the United States department of agriculture and approved by the Illinois department of agriculture.

No license for a dog shall be issued unless the application for said license is accompanied by a certificate by a veterinarian that said dog has received inoculations for rabies prevention within the preceding year as required. (Ord. 2004-19, 8-16-2004)

6-3-2-4: RUNNING AT LARGE AND IMPOUNDING:

Any dog found running at large in the village shall be deemed and considered to be a public nuisance. It shall be the duty of the police department to impound such dog, and to make a record of such impounding, entering the breed, color and sex of such dog, and whether licensed, if known; and, if licensed, shall enter the name and address of the owner and the number of the license tag. When any licensed dog shall be impounded, the police department shall give notice

in person, by mail or by telephone to the owner of such licensed dog, informing such owner of the impounding of his dog. (Ord. 2004-19, 8-16-2004)

6-3-2-5: IMPOUNDMENT AND REDEMPTION FEES:

The cost of impounding the dog and a fine of fifty dollars (\$50.00) shall be paid before it shall be redeemed by the owner. The owner of any unlicensed dog kept in the village, which has been impounded, shall also be required to pay the annual license fee provided in section 6-3-4-3 of this chapter before redemption. If a dog is not redeemed within five (5) days after being impounded, such dog may be disposed of by the authorization of the police department. (Ord. 2004-19, 8-16-2004)

6-3-2-6: DOGS ON LEASH; VOICE OR SIGHT CONTROL:

- A. No person shall cause or permit any dog owned or kept by him to be at large at any place within the village, other than on the property of such owner or keeper, unless such dog is securely fastened and restrained by a leash. Any dog not upon the owner's or keeper's property which is not fastened and restrained by a leash shall be deemed as being at large.
- B. It shall be unlawful for any dog, even though on a leash, to be or enter upon any public hall, restaurant, confectionery shop, office, store, grocery or any other store for the sale of food, except any store for the sale of animal pets anywhere within the village during the time that any of said places are open for use by the public.
- C. It shall be unlawful for any dog, even though on a leash, to go or be upon any school premises within the playground equipment area or public playground equipment area within the village.
- D. No leash shall be longer than six feet (6') nor shorter than would allow the freedom of movement for at least three feet (3'). Leashes of extendable length must be restricted to no more than six feet (6') when used in any public area of the village.
- E. The provisions of this section shall not apply to assistance dogs. (Ord. 2004-19, 8-16-2004)

6-3-2-7: DEFECATION NUISANCE:

It is a public nuisance for any person to cause or permit any dog owned or kept by him to defecate upon any public street, sidewalk, or other public place or upon any premises not owned or controlled by the person owning or keeping the dog; provided, however, that if any such defecation is completely and promptly removed by the owner or keeper of the dog, the terms of this section shall not be found applicable. (Ord. 2004-19, 8-16-2004)

6-3-3: CATS:

6-3-3-1: DEFINITION:

The word "cat" as used in this chapter shall mean all animals, male and female of the feline species. (Ord. 2004-19, 8-16-2004)

6-3-3-2: RABIES VACCINATION:

Every owner of a cat shall cause such cat to be inoculated with rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois department of agriculture. The rabies vaccine shall be licensed by the United States department of agriculture and approved by the Illinois department of agriculture. (Ord. 2004-19, 8-16-2004)

6-3-3-3: CLASSES DESIGNATED:

For purpose of application of this chapter, cats which are: kept within or on the property or other premises of their owners; maintained by being provided with food or by being given other privileged use of privately owned property; brought into the village; or otherwise present within the village; shall be divided into the following two (2) classes:

- A. Cats whose ownership is promptly traceable by means of any readable identification affixed to a collar or harness, or whose ownership is certified to by a reliable witness and immediately verifiable by the police officer or his representative, all such cats hereinafter to be classed as "nonferal and protected", and
- B. Cats whose ownership, if any, cannot readily be established by any of the means stated in subsection A of this section, all such animals hereinafter to be classed as "feral and unprotected". (Ord. 2004-19, 8-16-2004)

6-3-3-4: COMPLAINT PROCEDURE:

Upon receiving a complaint testifying to extreme nuisance, including undue and repeated disturbance, imminent danger to any property, inhabitant's safety and/or assessable damage to person or property, caused by the presence of a cat on the property or premises of the complainant, and upon said complainant's certification that he has no knowledge whatsoever of the identity of the owner, said complainant shall be given the right to appear before the police officer or other representative of the animal control section at a designated time and place to sign a complaint in verification of the facts, the police officer or his representative shall accept from the complainant any cat(s) cited, the police officer or his representative shall visit the complainant's premises and make reasonable effort to apprehend said cat(s). (Ord. 2004-19, 8-16-2004)

6-3-3-5: STRAY CATS; COMPLAINT AND REMOVAL PROCEDURE:

If a cat wearing a traceable identification or whose owner otherwise can be identified is found on or strays onto the property of another, it shall be the responsibility of the owner of said property, independent of and completely apart from the section on animal control, to notify the cat owner if removal is desired. (Ord. 2004-19, 8-16-2004)

6-3-3-6: FERAL AND UNPROTECTED CATS; DISPOSAL:

Cats accepted or apprehended as feral and unprotected, as classified in section 6-3-3-3 of this chapter immediately shall be designated as surplus to the capabilities of the village to accommodate or otherwise provide for, and they shall be delivered forthwith to the animal control center for whatever disposal the said center elects to make of them with the stipulated holding period of five (5) days. Further, neither the village nor said center shall be placed under

obligation to disclose such disposal or to answer in any manner for its action to any party who later may seek to claim ownership. (Ord. 2004-19, 8-16-2004)

6-3-3-7: IMPOUNDMENT AND REDEMPTION FEES:

The cost of impounding the cat and a fine of fifty dollars (\$50.00) shall be paid before it shall be redeemed by the owner. If a cat is not redeemed within five (5) days after being impounded, such cat may be disposed of by the authorization of the police department. (Ord. 2004-19, 8-16-2004)

6-3-3-8: DEFECATION NUISANCE:

It is a public nuisance for any person to cause or permit any cat owned or kept by him to defecate upon any public street, sidewalk, or other public place or upon any premises not owned or controlled by the person owning or keeping the cat, provided, however, that if any such defecation is completely and promptly removed by the owner or keeper of the cat the terms of this section shall not be found applicable. (Ord. 2004-19, 8-16-2004)

6-3-4: ANIMAL LICENSING:

- A. It shall be unlawful to permit any animal enumerated in this chapter to be maintained on any premises without a license from the village permitting the keeping of said animal.
- B. Any owner of or any person desiring to have, keep, control, or harbor any animal enumerated in this chapter in said village shall pay either an annual or three (3) year license fee to the village as set forth in this section.
- C. The initial license shall be purchased within thirty (30) days of the acquisition of the animal or within thirty (30) days of residency within the village. Proof of rabies inoculation shall be required. Thereafter, the license shall be renewed within thirty (30) days of the expiration of the rabies inoculation in each year of the required license renewal. In the event the license is not purchased within the required time frames, the license fee shall be increased by five dollars (\$5.00). Any animal brought into the village holding a current license from another municipality shall be deemed sufficiently licensed to meet the requirements of this subsection. The owner of said animal, however, shall apply for a village license within thirty (30) days; said license shall be issued at no charge to the owner. In addition, the owner must provide the village with all required information to complete the license application. (Ord. 2004-19, 8-16-2004)
- D. For farm animals, licenses must be applied for and approved prior to acquisition of any animal.

6-3-4-1: FARM ANIMALS:

6-3-4-1: FARM ANIMALS:

The owner of or person desiring to have, keep, control, or harbor any farm animal, including specifically cattle, horses, swine, sheep, goats, ducks, geese, chickens, other poultry, and such other farm and domestic animals that may be included therein, in said village, shall pay an annual license fee to the village:

For cattle, horses, swine, sheep, goats, and fowl weighing fifteen (15) pounds or more the annual license fee shall be twenty five dollars (\$25.00) for each animal. These animals are only allowed on properties that are five (5) acres in size or more.

For chickens and other similarly sized poultry less than fifteen (15) pounds in weight the maximum total number of animals permitted are four (4) per zoning lot. The annual license fee shall be twenty five dollars (\$25.00) for up to four (4) animals. Roosters are prohibited.

The following policy guidelines will be used in reviewing the issuance of a license for these types of animals:

A. The type and number of animals to be maintained on one premise shall be in keeping with the residential character of the village.

B. The housing or maintenance of any of these types of animals shall be done in such a manner as to minimize the visual and noise impact upon the neighboring properties or residences.

C. Concerns from adjacent property owners shall be given due consideration during the license issuance process.

D. No license shall be issued if:

1. The issuance of a license will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community or neighboring residents.

2. The issuance of a license will be injurious to the enjoyment of property or property owners in the immediate vicinity.

E. The validity of all such animal licenses shall be contingent upon the continued adherence to the licensing policy guidelines and the abatement of all nuisances associated with these animals as specified herein. If it is determined that the premises or the animal(s) are not kept or maintained in a manner consistent with these policy guidelines; the license will be immediately revoked without reimbursement of the annual fees paid.

F. If an annual license is not purchased within the time frames set forth in subsection 6-3-4C of this chapter, the annual license fee shall double (Ord. 2004-19, 8-16-2004)

G. Nuisances shall include the creation of noxious or offensive odors, damaging property other than that of the owner, and emitting loud noises excessively for an extended and uninterrupted period.

6-3-4-2: SECURITY ANIMALS:

A. Definition: The words "security animal" as used in this chapter shall mean all animals used to provide security either on a contractual or permanent basis on or in any business establishment.

B. Licensing: All security animals which are kept or maintained on any premises in West Dundee for the purpose of providing watchdog or security purposes, and which have been trained to watch or guard property, shall be licensed under a special license classification with the village.

1. Any owner of or person desiring to have, keep, control, or harbor any security animal, including those listed above, in said village, shall pay an annual license fee to the village of ten dollars (\$10.00) for each animal.
2. Any animal defined as a "security animal" licensed hereunder shall pay only the fee required for security animals.

C. Late Purchase of Annual License: If an annual license is not purchased within the time frames set forth in subsection 6-3-4C of this chapter, the annual license fee shall increase to twenty dollars (\$20.00). (Ord. 2004-19, 8-16-2004)

6-3-4-3: REGULATIONS; FEES:

A. Any owner of or person desiring to have, keep, control or harbor any dog in said village shall pay a license fee to the village of ten dollars (\$10.00) for an annual license or twenty dollars (\$20.00) for a three (3) year license for each dog over four (4) months old. Such fees shall be used to defray the cost of tags and the animal shelter contractual agreement.

B. A three (3) year license will only be issued if the application for said license is accompanied by a certificate of rabies inoculation provided by a veterinarian who shows that the year of expiration for the rabies inoculation will coincide with the expiration of the three (3) year license.

C. If an annual license is not purchased within the time frames set forth in subsection 6-3-4C of this chapter, the license fee shall be increased by ten dollars (\$10.00).

D. Every dog shall be provided by its owner or keeper with a collar to which shall be secured, attached, or kept the license tag which shall be worn by the dog at all times.

E. All unlicensed dogs within the village in violation of this chapter shall be impounded. (Ord. 2004-19, 8-16-2004)

6-3-5: PENALTY:

Any person, firm or corporation violating any provision of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues after written notice from the village of West Dundee, chief of police or health officer.

In addition, the court may order any person, firm or corporation violating subsection 6-3-1-6B, C, or D of this chapter to have any dog muzzled or kept out of the village or destroyed, or enclosed within a kennel type enclosure suitable to the size of the animal. (Ord. 2004-19, 8-16-2004)