

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 3 OF THE WEST DUNDEE
MUNICIPAL CODE OF ORDINANCES**

WHEREAS, the Village of West Dundee, Kane County, Illinois (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, to ensure and protect the health, safety, and welfare of its residents, as prescribed in Article 7, Section 6(a) of the 1970 Constitution of the State of Illinois, the Village has adopted certain regulations pertaining to licensing, care and control of animals; and,

WHEREAS, the President and Board of Trustees of the Village of West Dundee find that it is in the best interests of the Village and its residents to regularly review and update the Village Code on the licensing, care and control of animals as hereinafter provided.

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. The recitals in the preambles to this Ordinance are incorporated into this Section 1 as if fully set forth herein.

Section 2. The Village of West Dundee’s Municipal Code is hereby amended by deleting Title 6, Chapter 3 in its entirety and replacing it with the following:

“CHAPTER 3. ANIMAL CONTROL

SECTION:

6-3-1: Animals

6-3-1-1: Rabies Control, Dog Licensing And Stray Dog Control

6-3-1-2: Vicious And Dangerous Animals Regulations

6-3-1-2-1: Vicious Dogs

6-3-1-2-2: Dangerous Dogs

- 6-3-1-3: Prohibited Animals
- 6-3-1-3-1: Permit Required
- 6-3-1-3-2: Definitions
- 6-3-1-4: Animal Care
- 6-3-1-5: Farm Animals
- 6-3-1-6: Honeybee Keeping
- 6-3-1-7: Nuisance Feeding Prohibited
- 6-3-1-8: Penalty

6-3-1: ANIMALS:

A. General Definitions:

ADMINISTRATIVE ADJUDICATION DEPARTMENT: A department of the Village authorized to enforce compliance with all municipal ordinances pursuant to Title 6, Chapter 3 of the West Dundee Village Code.

ANIMAL: Any living vertebrate creature, domestic or wild, other than man.

ANIMAL CONTROL WARDEN: Any member of the West Dundee police department.

CAT: All members of the family Felidae.

COMPANION ANIMAL: Any animal commonly considered to be, or to be used as a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.

DANGEROUS DOG: Any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

DEPARTMENT: The West Dundee police department.

DOG: All members of the family Canidae.

DOWNED ANIMAL: An animal incapable of walking without assistance.

ENCLOSURE: A fence or structure of at least six feet (6') in height, approved by the Village, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

EXHIBITOR: Any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects the public, regardless of compensation. This term includes carnivals, circuses, animal acts, zoos, and educational exhibits, exhibiting such animals

whether operated for profit or not. This term excludes retail pet stores, horse and dog races, organizations sponsoring and all persons participating in state and county fairs, livestock shows, rodeos, field trials, coursing events, purebred dog and cat shows and any other fairs or exhibitions intended to advance agricultural arts and science as may be determined by the department.

FERAL CAT: A cat that: 1) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or 2) is a formerly owned cat that has been abandoned and is no longer socialized or lives on a farm.

HAS BEEN BITTEN: Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further included contact of saliva with any break or abrasion of the skin.

HEARING OFFICER: An attorney licensed to practice law in Illinois for a minimum of three (3) years who presides over all hearings of the Administrative Adjudication Department to determine whether or not a violation of the Village Code exists.

HIVE: A shelter constructed for housing a colony of honeybees; beehive.

HUMANE SOCIETY: Any chartered, not for profit organization authorized to do business in this state and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

IMPOUNDED: Taken into custody of the department.

INOCULATION AGAINST RABIES: The injection of an anti rabies vaccine approved by the Illinois department of agriculture and administered by a licensed veterinarian in accordance with the manufacturer's recommendations for the vaccine used.

LEASH: A cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or animal under control.

LICENSED VETERINARIAN: A veterinarian licensed by the state in which he/she engages in the practice of veterinarian medicine.

NUC COLONY: "Nucleus colony" means a small honeybee colony created from a larger colony. Term also refers to the structure holding the colony, nuc box.

NUISANCE: Persons in possession of real property are entitled to the quiet enjoyment of their lands. If a neighbor interferes with that quiet enjoyment, either by creating smells, sounds, pollution or any other hazard that extends past the boundaries of the property it shall be deemed a nuisance.

OWNER: Any person having a right of property in an animal, or who keeps or harbors an animal, or who has in his care, or acts as its custodian, or who knowingly permits a domestic, wild or exotic animal to remain on or about any premises occupied by that person. Owners must be eighteen (18) years of age or older.

PERSON: Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the state of Illinois,

municipal corporation or political subdivision of the state, or any other business unit.

PHYSICAL INJURY: The impairment of physical condition.

POUND: "Pound" or "Animal Control Facility" may be used interchangeably and mean any facility approved by the department for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs.

REGISTRATION CERTIFICATE: A printed form prescribed by the Kane County animal control for the purpose of recording pertinent information as required by Kane County.

RESEARCH FACILITY: Any school (except elementary or secondary school), institution, organization or person that uses or intends to use live animals in research, test, or experiments, and that: (a) purchases or transports live animals in commerce or (b) receives funds under a grant, award, loan, or instrumentality of the United States for the purpose of carrying out research, test or experiments.

SECURITY ANIMALS: All animals used to provide security either on a contractual or permanent basis on or in any business establishment.

SERIOUS PHYSICAL INJURY: A physical injury that creates a substantial risk of death or that causes death, serious protracted disfigurement, and protracted impairment of health, impairment of the function of any bodily organ or plastic surgery.

STRAY OR STRAYING ANIMAL: A dog or other animal not on the property of the owner or not confined or under control by leash or other recognized control measures.

VICIOUS DOG: A dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions. (Ord. 2015-06, 4-6-2015)

ZOO OR ZOOLOGICAL PARKS: Any park, building, cages, enclosure, or other structure or premises in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

6-3-1-1: RABIES CONTROL, DOG LICENSING AND STRAY DOG CONTROL:

A. Inoculation Against Rabies Required: Every owner of a dog or cat four (4) months or more of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian. Every dog or cat shall have a second rabies vaccination within one year of the first vaccination and every year thereafter. However, if the vaccine used is one recognized by the Illinois department of agriculture for a three (3) year period of immunity, and the dog or cat is over twelve (12) months of age at the time of inoculation, the interval between inoculations may be extended to three (3) years.

B. Dog License Required: It shall be unlawful for any dog to be or remain in the village without being licensed and tagged as provided. All dogs must be

registered within thirty (30) days of the acquisition of the animal or within thirty (30) days of residency within the village.

1. The license fee shall be as follows: Ten dollars (\$10.00) for an annual license or twenty dollars (\$20.00) for a three (3) year license for each dog over six (6) months old. Such fees shall be used to defray the cost of tags and the animal shelter contractual agreement.

2. 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 which shows that the year of expiration of the rabies inoculation will coincide with the expiration of the three (3) year license.

3. All security animals which are kept or maintained on any premises in the Village 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. 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.

4. 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.

C. Dogs Running At Large; Public Nuisance; Impoundment: Any dog not under the immediate control of its owner or the owner's agent, found straying or running at large within the village shall be deemed and considered to be a public nuisance. Any dog found running at large or straying may be apprehended and impounded.

1. Invisible Or Electronic Fencing: Persons who utilize "invisible" or "electronic" fencing to contain any animal must display prominently on their property immediately adjacent to the public right of way a sign which indicates that any animal located thereon is contained by way of "invisible fencing". Invisible fencing installed after April 6, 2015, must have a containment area of a minimum of four feet (4') from any public right of way and property lines. In cases where a side yard is less than four feet (4'), then the invisible or electronic fence shall be placed at the farthest point away from the structure on the property.

2. Impoundment and Redemption Fees: The cost of impounding the dog and all fines shall be paid before it shall be redeemed by the owner in the amount set forth in Section 6-3-1-8. 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 subsection B of this section 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 department.

D. Prohibited Acts: It shall be unlawful:

1. 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.

2. To permit any animal to damage or destroy any property.

3. To permit any dog to chase, run after or jump at motor or non-motor vehicles and pedestrians using the public thoroughfares.

4. To permit any dog to habitually snap, growl, snarl, jump upon or otherwise threaten person lawfully using any common thoroughfare, sidewalk, passageway, bike path, play area, park or any place where people congregate or walk.

5. 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.

6. 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.

7. 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.

E. Dog Barking Or Other Animals Emitting Loud Noises: It shall be unlawful for any owner or other person to allow their dog or other animal to bark, howl, cry, whine, or otherwise emit loud noises day or night so as to disturb the peace or quiet of any person, place or neighborhood or family in the village while said dog or other animal is not within the confines of the owner's residence or other enclosed building upon the owner's property. Any dog or other animal emitting such noises shall be deemed and considered to be a public nuisance. Any person who shall fail, neglect or refuse to abate such nuisance after notice thereof, shall, for each twenty four (24) hours thereafter during which said nuisance continues, be deemed to have committed a separate violation of this chapter and be subject to like penalty as that originally incurred.

F. Dogs on Leash; Voice or Sight Control:

1. 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.

2. 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.

3. 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.

4. 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.

5. The provisions of this section shall not apply to assistance dogs.

6-3-1-2: VICIOUS AND DANGEROUS ANIMALS REGULATIONS:

6-3-1-2-1: VICIOUS DOGS:

A. Investigation: In order for a dog or other animal to be deemed "vicious", the Animal Control Warden must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that that dog or other animal is a vicious animal. The Animal Control Warden may issue a citation to be heard by the Administrative Adjudication Department or file a complaint in the circuit court in the name of the people of the state of Illinois to deem a dog or other animal to be a vicious animal. Testimony of a certified animal behaviorist may be relevant to any determination of whether the dog or other animal's behavior was justified. The Animal Control Warden must prove the animal is a vicious animal by clear and convincing evidence. The Animal Control Warden shall determine where the animal shall be confined during the pendency of the case.

B. Justification: A dog or other animal shall not be declared vicious if the hearing officer or court determines the conduct of the dog or other animal was justified because:

1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or other animal, or upon the property of the owner or custodian of the dog or other animal;

2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatened the dog or other animal or its offspring; or

3. The dog or other animal was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the hearing officer or the court shall deem the dog or other animal to be a vicious animal.

C. Requirements: If a dog or other animal is found to be a vicious animal, the animal shall be spayed or neutered within ten (10) days of the finding at the expense of the owner and microchipped, if not already, and is subject to enclosure. A dog or other animal found to be a vicious animal shall not be released to the owner until the department approves the enclosure. No owner or keeper of a vicious animal shall sell or give away the vicious animal without approval of the Animal Control Warden. Whenever an owner of a vicious animal relocates, he or she shall notify the department. The only times that a vicious animal is allowed out of the enclosure are: 1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, 2) in case of an emergency or natural disaster where the animal's life is threatened, or 3) the animal is securely muzzled and restrained with a leash not exceeding six feet (6') in length, and under the direct control and supervision of the owner or keeper of the animal or muzzled in its owner's residence.

Any dog or other animal that has been found to be a vicious animal and is not confined to an enclosure shall be impounded by the department.

If the owner of the vicious animal has not appealed the impoundment order within fifteen (15) working days, the animal may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear all costs associated with the impoundment and the burden of timely notification to the department in writing.

D. Exemptions: Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies and registered with the department of its specific duties. It shall be the duty of the owner of such exempted dog to notify the department of changes of address. In the case of a sentry or guard dog, the owner shall keep the department advised of the location where such dog will be stationed. The department shall provide Quad Com dispatch center with a categorized list of such exempted dogs, and shall promptly notify such department of any address changes reported to them.

6-3-1-2-2: DANGEROUS DOGS:

A. Investigation: In order for a dog or other animal to be deemed "dangerous", the Animal Control Warden must perform a thorough investigation which must include sending, within three (3) days of the department becoming aware of the alleged infraction, notification to the owner of the animal alleged to have committed the infraction, the fact of the initiation of an investigation, and affording the owner an opportunity to meet

with the Animal Control Warden or his appointee prior to the making of a determination. The Animal Control Warden or his appointee shall gather any medical or veterinary evidence; interview witnesses; and make a detailed written report with the findings. No dog or other animal shall be deemed a "dangerous dog" without clear and convincing evidence. The owner of the dangerous animal shall be sent immediate notification of the determination by registered or certified mail that shall include a complete description of the appeal process. Testimony of a certified animal behaviorist may be relevant to the determination of whether the dog's or other animal's behavior was justified pursuant to the provisions of this section.

B. Justification: No dog or other animal shall be declared dangerous if the Animal Control Warden determines the conduct of the dog or other animal was justified because:

1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or animal, or upon the property of the owner or custodian of the dog or other animal;

2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or other animal or its offspring; or

3. The dog or other animal was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring;

4. The injured, threatened or killed companion animal was attacking or threatening to attack the dog or other animal or its offspring.

C. Requirements: If a dog or other animal is found to be a dangerous animal, the animal shall be spayed or neutered within ten (10) days of the finding at the expense of the owner and microchipped, if not already, and one or more of the following as deemed appropriate by the investigating officer or his appointee:

1. Evaluation of the dog or other animal by a board certified veterinary behaviorist or other recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog or other animal shall be responsible for all costs associated with the evaluation and training ordered under this section.

2. Direct supervision and leash control by an adult eighteen (18) years of age or older when the animal is on public or private property including the property of the owner.

3. The dog or animal shall be muzzled when the animal is on public or private property other than the property of the owner in a manner that will prevent it from biting any person or other animal.

D. Exemptions: Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police owned dogs are exempt from this section; provided, an attack or injury to a person occurs

while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies and registered with the department of its specific duties. It shall be the duty of the owner of such exempted dog to notify the department of changes of address. In the case of a sentry or guard dog, the owner shall keep the department advised of the location where such dog will be stationed. The department shall provide Quad Com dispatch center with a categorized list of such exempted dogs, and shall promptly notify such department of any address changes reported to them.

E. Leash Required: It is unlawful for any person to knowingly or recklessly permit any dangerous dog or other animal to leave the premises of its owner when not under the control by a leash.

F. Appeal: The owner of a dog or other animal found to be a dangerous animal pursuant to this chapter by the Animal Control Warden may file a complaint in the Administrative Adjudication Department or in the circuit court within thirty (30) days of receipt of the notification of the determination before the Hearing Officer or the circuit court. After hearing both parties' evidence, the hearing officer or the court may make a determination of a dangerous animal if the investigating officer meets his burden of proof of clear and convincing evidence. Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the investigating officer or his appointee.

6-3-1-3: PROHIBITED ANIMALS:

Possession of a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, any hybrid thereof, or any other similar feline animal, bear, hyena, wolf, coyote, wolf-dog or coyote-dog hybrid, fox or any member of the vulpes family, any member of the crocodylian family, poisonous reptile, or any other life threatening reptile shall be prohibited to be kept except at a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital in an escape proof enclosure. All such persons or institutions shall possess state of Illinois, United States department of agriculture permits enabling them to keep such animals and must be inspected and approved by the department prior to bringing such animals into West Dundee, whether on a permanent or temporary basis.

Any person seeking to keep such animal in the Village must at a minimum demonstrate to the satisfaction of the department the following:

A. That the enclosure in which the animal is confined is both escape proof and adequate to prohibit members of the public from coming into contact with the animal.

B. That there are adequate plans to recapture or euthanize any animal which does escape and file a copy of said plan with the department.

C. That the person has the education, training, skills, and knowledge to provide adequate care for the animal as well as the safety of the public.

D. Provide a certification from a veterinarian that the animal is not diseased and otherwise in good health and have an attending veterinarian available to provide care for the animals.

E. Provide permits of Illinois and United States Department of Agriculture enabling the person or institution to keep such animal.

F. Provide proof of the public liability insurance in the minimum amount of one million dollars (\$1,000,000.00).

6-3-1-4: ANIMAL CARE:

A. Owner's Duties: Each owner shall provide for each of his animals:

1. Sufficient quantity of good quality, wholesome food and water;
2. Adequate shelter and protection from the weather;
3. Veterinary care when needed to prevent suffering; and
4. Humane care and treatment.

B. Cruel Treatment: No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

C. Aggravated Cruelty: No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the department of agriculture.

D. Prohibited Acts: No person may sell, offer for sale, barter, or give away as a pet or a novelty any rabbit or any baby chick, duckling or other fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks, ducklings or reptiles shall not be sold, offered for sale, bartered, or given away as pets or novelties. Rabbits, ducklings, baby chicks or reptiles, shall not be awarded as prizes in any game of chance. No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place or amusement or offer such animal as an incentive to enter a business agreement whereby the offer was for the purpose of attracting trade. No person shall be permitted to keep animals in violation of the "Illinois humane care for animals act" or the "Illinois animal welfare act".

E. Animals for Use in Entertainment; Prohibited Acts:

1. No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

2. No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between two (2) or more animals or any animal and human, or the intentional killing of any animal.

3. No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

4. No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals, or any human and animal, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

5. No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more animals, or any animal and human, or the intentional killing of any animal for the purpose of sport, wagering or entertainment.

6. No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between two (2) or more animals, or any animal and human, or the intentional killing of any animal.

7. No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals or any animal and human, or the intentional killing of any animal for the purpose of sport, wagering or entertainment.

8. No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection shall apply only when such dog is intended to be used in a dog fight.

9. No person shall hold a greased pig contest.

F. Teasing, Striking Or Tampering With Police Dogs Prohibited: It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to any dog used by a law enforcement officer in the performance of his functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by a law enforcement department or agency or any handler thereof in the performance of the functions or duties of said department or agency.

G. Injury Or Killing Police Dogs Prohibited: It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

H. Equidae; Acts Prohibited And Stable Care:

1. No person shall sell, offer to sell, lead, ride, transport, or drive on any public way any equidae which, because of debility, disease, lameness or any other cause, could not be worked in village without violating this chapter, unless the equidae is being sold, transported, or housed with the intent that it will be moved in an expeditious and humane manner to an approved slaughtering establishment. Such equidae may be conveyed to a proper place for medical or surgical treatment, for humane keeping or euthanasia, or for slaughter in an approved slaughtering establishment.

2. Every person in possession or control of any stable or place open for public use where animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to Illinois and West Dundee fire prevention regulations.

I. Poisoning Dogs Or Other Domestic Animals Prohibited Exception: No person may knowingly poison or cause to be poisoned any dog or other domestic animal. The only exception will be by written permit from the Animal Control Warden for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a written permit shall name the person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved, and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drug used for euthanasia shall be by or under the direction of a licensed veterinarian.

J. Transportation Of Animals: No owner, railroad or other common carrier may, when transporting any animal, allow that animal to be confined in any type of conveyance more than twenty four (24) consecutive hours without being exercised as necessary for that particular type of animal and without being properly rested, fed and watered; except that a reasonable extension of this time limit shall be granted when a storm or accident causes a delay. In the case of default of the owner or consignee, the company transporting the animal shall exercise the animal, when necessary for the particular type of animal and for the proper resting, feeding, watering and sheltering of such animal, and shall have a lien upon the animal until all expenses resulting there have been paid.

K. Confinement in Motor Vehicle and Animal Transport:

1. No owner or person shall confine any animal in a motor vehicle or enclosed trailer in such a manner that places it in a life or health threatening

situation by exposure to a prolonged period of extreme heat (>86 degrees F) or cold (<20 degrees F), without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, a community service officer or law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle or trailer by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

2. No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load on the vehicle unless the space is enclosed or has side and tail racks to a height of at least forty eight inches (48") extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from being thrown, falling or jumping from the vehicle.

L. Downed And Injured Animals:

1. No downed animal shall be sent to a stockyard, auction, or other facility where its impaired mobility may result in suffering. An injured animal may be sent directly to a slaughter facility.

2. A downed animal sent to a stockyard, auction, or other facility in violation of this section shall be humanely euthanized, the disposition of such animal shall be the responsibility of the owner, and the owner shall be liable for any expense incurred. If an animal becomes downed in transit it shall be the responsibility of the carrier.

3. A downed animal shall not be transported unless individually segregated.

4. Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private property outside of a structure shall be removed, if possible, by the Animal Control Warden and transported to the nearest veterinarian or veterinary clinic willing to accept such animal. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition, such animal shall be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.

5. Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible, or shall immediately report such injury to the animal owner, if known, or to the department.

M. Defecation Nuisance: No person shall allow cat or dog feces to accumulate in any yard, pen, or premises in or upon which a cat or dog shall be confined or kept so that it becomes offensive to those residing in the

vicinity or a health hazard to the residing cat or dog. No person shall fail to remove feces deposited by his cat or dog, except guide dogs, upon the public ways or within the public places of the village or upon the premises of any person other than the owner without the person's consent.

N. Diseased Animals Prohibited: No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.

O. Dead Animals: Any person having a dead animal within his or her possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois dead animal disposal act.

6-3-1-5: FARM ANIMALS:

A. Size, Type And License Fee: 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:

1. 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 and are prohibited in the R-5 medium density multiple-family district.

2. 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. Chickens and similarly sized poultry are prohibited in R-5 medium density multiple-family districts. Roosters are prohibited in all districts.

3. For honeybees, the annual license shall be ten dollars (\$10.00) for up to four (4) hives.

B. License Policy Guidelines: The following policy guidelines will be used in reviewing the issuance of a license for these types of animals:

1. The type and number of animals to be maintained on the premises shall be in keeping with the residential character of the village.

2. 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.

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

4. No license shall be issued if:

a. 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.

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

5. 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.

C. General Requirements:

1. Running At Large Unlawful: 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.

2. Keeping Of Food: Food for any licensed farm animal must be maintained in rodent proof containers.

3. Coop And Coop Enclosure Size Requirements: Coop and coop enclosures must be sized properly for the number of chickens maintained. Coop and coop enclosure areas must be a minimum of forty (40) square feet but shall not exceed a maximum of one hundred (100) square feet.

4. Coop Location Requirement: Coops must be set back a minimum of ten feet (10') from the property line with a minimum of fifteen feet (15') from the nearest adjacent neighboring habitable building.

5. Chickens On Premises: All licensed chickens must be maintained in the coop or coop enclosures from sundown to sunup. During daytime hours animals may roam in fenced yard with owner supervision.

6. Disposal Of Waste: All waste must be disposed of in a sanitary manner.

D. 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.

6-3-1-6: HONEYBEE KEEPING:

Anyone wishing to maintain honeybees must obtain a license from the village and register hives with the Illinois department of agriculture. West Dundee license holders are subject to the following regulations:

A. Property owners are permitted to maintain up to four (4) hives or colonies of honeybees on premises. If the property is less than ten thousand (10,000) square feet hives shall be limited to two (2) primary and two (2) nuc colonies.

B. Hives shall be located on the rooftop of the principal structure, on the rooftop or deck area of an accessory structure of adequate size, or in the unimproved area of the rear yard of the property. No hives are permitted on any part of the front yard or side yard including corners.

C. All hives shall be set back ten feet (10') from the property line.

D. For hives within twenty feet (20') of a property line, a flyaway barrier or screen must be provided. A flyaway barrier can be a fence or landscaping that is a minimum of five feet (5') in height. The flyaway barrier can be close to the hive or at the lot line. All fencing must be installed in conformance with regulations of section 9-1A-7 of this code.

E. Owners are required to maintain a convenient and adequate source of on site fresh water to prevent the bees from straying from the property in search of water.

F. A small sign to announce "Bees On Premises" shall be posted at walkway or gate area entrances to the rear yard of the premises to warn visitors to the property of the presence of bees on site. This sign shall not exceed two (2) square feet. Signs are not required for rooftop hives.

G. Anyone seeking the issuance of a honeybee keeping license from the village of West Dundee will first provide courtesy notification of his or her plan to keep honeybees to any property owner with land abutting the rear yard area. The beekeeper should be prepared to provide information and resources to help educate their neighbors and alleviate fears.

6-3-1-7: NUISANCE FEEDING PROHIBITED:

The feeding of any cat, or other wildlife except birds, including hand feeding or the placing out of food to be left attended or unattended, which created or has the potential to create a hazard to public health or safety is hereby declared to be a public nuisance and to be unlawful. If feeding birds, feeders must be located at least five feet (5') off of the ground. Feed shall be a blend designed to be used for birds. At no time shall any residence have more than five (5) bird feeders. No bird feeders may be located on public property. Bird feeders should be designed or utilize sufficient protections to discourage nonbird species from accessing the feed.

6-3-1-8: PENALTY:

Any person, firm or corporation violating any provision of this chapter shall be fined no less \$75.00 or such sum as determined by the Hearing Officer or the court but not exceeding one thousand dollars (\$1,000.00) for each petty offense and such amount for misdemeanors as set forth in Section 1-4-1 of this Code and all of the Village's cost of prosecution including reasonable attorney fees. The cost for impoundment of any animal in addition to the fine assessed shall be not less than \$100.00. "

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed this 19th day of April, 2021, pursuant to a roll call vote as follows:

AYES: Trustees Wilbrandt, Price, Kembitzky and Yuscka

NAYS: None

ABSENT: Trustees Hanley and Anderley

Approved this 19th day of April, 2021.



Village President

Attest:

Barbara Traver
Village Clerk

Published in pamphlet form:

April 20, 2021