

**CHAPTER 3**

**ANIMALS**

**ARTICLE I - GENERAL PROVISIONS**

**3-1-1 DEFINITIONS.** For the purpose of this Chapter, all terms have the same meaning as in the Animal Control Act, **510 ILCS 5/1 et seq.** The following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"ADMINISTRATOR"** means a veterinarian licensed by the State of Illinois and appointed by Sangamon County Animal Control, or in the event a veterinarian cannot be found and appointed, a non-veterinarian may serve as Administrator under this Chapter. In the event the Administrator is not a veterinarian, the Administrator shall defer to a veterinarian regarding all medical decisions.

**"ANIMAL"** means every living creature, other than man, which may be affected by rabies.

**"ANIMAL CONTROL WARDEN"** means any person appointed by the Administrator to perform the duties set forth in this Act, and those designated by the Chief of Police whose duty it is to enforce the provisions of this Chapter.

**"AT LARGE"**. Any animal not under restraint as defined herein.

**"BITE"**. To seize with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

**"CAT"** shall mean all members of the family Felidae.

**"CHIEF OF POLICE"**. The Chief of the Village Police Department.

**"CONFINED"** means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

**"COUNTY"**. Sangamon County, Illinois.

**"COUNTY ANIMAL CONTROL PERSONNEL"**. Personnel who are employed by the County to take up domestic animals and transport them to the County Pound, or take

up wild animals and dispose of them in accordance with the procedures of the County Animal Control Department.

**"COUNTY POUND"**. The animal pound operated by the County Animal Control Department.

**"DANGEROUS DOG"**. "Dangerous dog" means 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 OF AGRICULTURE"** means the Department of Agriculture of the State of Illinois.

**"DOG"**. All members of the family Canidae.

**"ENCLOSURE"**. A fence or structure of at least **six (6) feet** in height, 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 with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the dog must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

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

**"FIGHT"**. A prearranged conflict between or among **two (2)** or more animals, but does not include a conflict that is unorganized or accidental.

**"IMPOUNDED"**. Taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

**"INOCULATION AGAINST RABIES"** means the injection, subcutaneously or otherwise, as approved by the Department of Agriculture of the canine anti-rabies vaccine approved by the Department.

**"LEASH"** means a cord, chain, rope, strap, or other such physical restraint having a tensile strength of not less than **three hundred (300) pounds**.

**"LIVESTOCK"**. Cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, and any other animals commonly recognized as livestock.

**"MUZZLE"**. A device constructed of strong, soft material or a metal muzzle, made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting any person or animal.

**"NIP"**. To pinch or squeeze with teeth with no breaking of skin or tissue.

**"OWNER" OR "KEEPER"**. A person having a right of property in an animal, who keeps or harbors such animal, who cares for or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by such person.

**"POLICE ANIMAL"**. An animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

**"POLICE OFFICER"**. The Chief of Police of the Village, or any police officer employed by the Village, or any police officer from another jurisdiction operating in the Village under a mutual aid agreement or under the direction of the Chief of Police of the Village.

**"POUND" or "ANIMAL CONTROL FACILITY"**. May be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

**"PUBLIC ENTRANCE"**. The entranceway of a residence or other building closest to the public street or sidewalk or one which would be reasonably perceived by the public to be the entrance to the dwelling available for public use.

**"REGISTRATION CERTIFICATE"**. A printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Act.

**"RESTRAINT"**. An animal is under restraint if it is:

- (A) Attached to a leash held by a responsible person;
- (B) Attached to a structure or fixture in such a manner that it is unable to reach beyond the limits of the owner's or keeper's property and is unable to reach or molest service persons or casual visitors to the owner's or keeper's property using the public entrance or persons placing mail in the mailbox or delivering newspapers at the request of the owners; or

(C) Enclosed in a fenced yard from which it is unable to escape without assistance from a person; or

(D) On the property of its owner or keeper authorized by the owner, and under voice command.

Herding of animals, and tethering of animals for grazing purposes it not "under restraint" as defined herein.

**"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.

**"WORKING DAY"**. Any day when the office or public entity referred to was open for the transaction of business.

**3-1-2      EXERCISE OF CERTAIN POWERS.**

(A) The Chief of Police, police officers, and the Mayor shall have the exclusive power to request County Animal Control Personnel to take up and transport animals in accordance with this Chapter and in accordance with contractual arrangements with the County.

(B) Police officers on duty shall have the additional authority to take up and temporarily detain vicious animals and animals running at large pending the arrival of County Animal Control Personnel.

**3-1-3      KEEPING OF CERTAIN ANIMALS PROHIBITED.**

(A) The keeping of livestock within the corporate limits of the Village is prohibited, except in areas in the Village zoned agricultural.

(B) The keeping of undomesticated animals within the Village is prohibited.

(C) The keeping of more than **three (3) dogs** or **three (3) cats** on one zoning lot within the Village is prohibited, provided this Section does not apply to a litter of pups or kittens less than **five (5) months** of age.

**3-1-4      INOCULATION OF DOGS; INOCULATION TAG AFFIXED TO COLLARS.** Each calendar year, or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog which is **four (4) months** of age or older shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog at all times.

**3-1-5 INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.**

(A) The inoculation of dogs required by this Chapter shall be performed by a veterinarian, duly licensed to practice in this State or in the State where the inoculation occurred. On performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate of such fact.

(B) Each owner or keeper is responsible for obtaining annually from the County Clerk a metallic tag suitable for attaching to the collar of such dog which tag shall also certify to the fact of inoculation against rabies. The tag shall be in such form as shall be determined by the Department of Agriculture and adopted for use by the County Clerk.

**3-1-6 DURATION OF INOCULATION.** The inoculation performed under the provisions of **Section 3-1-4** shall be effective until the expiration of a 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.

**3-1-7 EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time on request of any member of the Police Department or animal control officer, the owner or keeper of any dog shall exhibit any current, valid certificate, required under the provisions of this Code, certifying the inoculation against rabies of any dog owned or kept by him.

**3-1-8 RESTRAINT OF DOGS AND OTHER ANIMALS.** Owners and keepers of dogs and other animals shall keep the dogs and other animals under restraint at all times and shall not permit such dogs and other animals to be at large. Any animal found running at large contrary to provisions of this Code may be apprehended and impounded.

**3-1-9 ANIMALS AS NUISANCES.**

(A) The owner or keeper of an animal shall not suffer or permit the animal to bark, howl, cry, or make other distressing or loud or unusual noise or to disturb the peace or quiet of any place, neighborhood, family, or person in the Village. The disturbing of any neighborhood or persons by any such animal is declared to be a nuisance, and no person shall suffer or permit any such nuisance to exist.

(B) In addition to the general restrictions of paragraph (A), for the purpose of this Section, an owner or keeper is in violation of this Section if he or she permits a dog to bark in a substantially continuous manner between the hours of **10:00 P.M.** and **7:00 A.M.** for a period of more than **fifteen (15) minutes**, or who allows

such animal to bark, howl or cry for numerous periods of time, regardless of duration, so as to disturb the quiet of the neighborhood or of particular neighbors.

(C) In case any animal shall repeatedly disturb the peace or quiet of any place or neighborhood or become a nuisance as defined in this Code, the Village police department may contact animal control to remove the animal for placement in the Sangamon County Animal Pound.

(D) The owner may redeem the animal from the Sangamon County Animal Pound pursuant to **Section 3-1-22**. Failure to redeem the animal will result in its disposition pursuant to **Section 3-1-23**.

**3-1-10 KEEPING ANIMALS.** No person shall house or keep animals in any pen, stable, yard, confinement structure, or any other place in such a manner that associated debris or odors are unreasonably offensive to persons residing in the vicinity or passing along any nearby street or alley, or constitute a hazard to the health of persons residing nearby. Any pen, stable, yard, confinement structure or other place where animals are housed or kept in violation of this Section is declared to be a nuisance.

**3-1-11 BITING ANIMALS.** No owner or keeper of an animal shall suffer, permit, or fail to prevent an animal from biting or attacking a person or another animal resulting in injury to the person or animal attacked, provided that such an attack on a person who is or reasonably appears to be in the commission of a criminal act is not prohibited if the animal is acting in the defense of the owner or keeper of his or her family or premises, and the animal remains on its premises. For purposes of this Section, it is not necessary that the person bitten or attacked be arrested or convicted of a criminal offense.

**3-1-12 CONFINEMENT; WARNING OF DANGEROUS ANIMALS.** No person shall own, keep, or harbor within the Village an animal known to be dangerous or vicious, unless such person shall keep such animal safely and securely confined so as to protect from injury any child or other person who may come on the premises in the vicinity where such animal may be located. Adequate warning by sign, or otherwise, shall be given to all persons coming on the premises in the vicinity of any such vicious or dangerous animal.

**3-1-13 KILLING OR ATTACKING ANIMALS.**  
(A) No person shall kill or wound or attempt to kill or wound by the use of firearms, sling shot, bow and arrow, B-B gun, air rifle, or any other dangerous weapon, any animal within the Village limits, provided that this Section shall not prohibit

a person from defending himself or another from attack by an animal. This Section does not prohibit the use of a weapon by a police officer to destroy animals which are seriously injured to avoid unnecessary suffering, or in self-defense or defense of others.

(B) Any owner seeing his or her livestock, poultry, or equidae being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may kill such dog.

**3-1-14 CRUELTY TO ANIMALS.** No person shall commit acts of cruelty to animals. The following acts shall be deemed to be examples of cruelty to animals and are not intended to be a complete list of acts which may constitute cruelty. Doctors or veterinary medicine, in the performance of their profession, are not subject to the provisions of this Section.

(A) Overloading, overdriving, overworking, beating, torturing, tormenting, mutilating, or killing any animal or causing or knowingly allowing the same to be done.

(B) Cruelly working any old, maimed, injured, sick, or disabled animal or causing or knowingly allowing the same to be done.

(C) Failing to provide any animal in one's charge or custody, as owner or keeper, with proper food, drink, shelter, air, sanitation, or medical care.

(D) Abandoning any animal without making provisions for its care and feeding.

**3-1-15 COCK FIGHTING; DOG FIGHTING.** No person shall use or keep animals or be in any way connected with the management of any place kept or used for the purpose of fighting or baiting any dogs, cocks, or other animals or permit such place to be kept or used on premises owned or controlled by such persons.

**3-1-16 DEAD ANIMALS.**

(A) The owner or keeper of an animal shall be responsible for the disposal of such animal's remains upon its death, from whatever cause, and regardless of the location of the remains of such animals.

(B) Animals remains shall be disposed of:

- (1) By burial beneath at least **eighteen (18) inches** of compacted soil on the property of the animal's owner or keeper, or any other location with the express permission of the owner of the property.
- (2) By or through the County Animal Pound.
- (3) By or through a licensed veterinarian; or
- (4) By action of the Police Department.

(C) The Police Department may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of an animal as prescribed herein. Such person shall have **twenty-four (24) hours** from receipt of such notice to properly dispose of such remains. The notice shall be served on the violator personally or by leaving such notice at this usual place of abode with some person of the family, of the age of **thirteen (13) years** or upwards and informing that person of the contents thereof.

(D) The Village may dispose of any animal's remains without notice to the owner or keeper when:

- (1) Such remains are located on a public roadway;
- (2) The remains are located on the property of a person other than the owner or keeper; or
- (3) Service of a notice on the owner or keeper is refused or not readily possible within a short time;

(E) In any case where a disposal notice is required, in accordance with paragraph (C) above, on failure of a person served a notice to properly dispose of such remains within the time allowed, the remains may be disposed of by employee of the Village and all costs of such removal shall be paid by the owner or keeper of the dead animal to the Village.

(F) A minimum charge of **Fifty Dollars (\$50.00)** for each hour or part of an hour spent by police officers or other Village employees in disposing of the remains shall be levied against the owner or keeper when the Village disposes of the remains. The Village may institute legal proceedings to collect any amount owing by the owner or keeper providing that such suit is filed within **two (2) years** of the issuance of the notice or disposal of the remains if no notice is required.

**3-1-17      INJURED ANIMALS; ANIMALS FOUND DEAD ON PUBLIC WAY.**

(A) Any animal discovered injured on a public way shall be impounded or picked up by the County Animal Control Personnel at the direction of a police officer and processed in accordance with the procedures of the County Pound.

(B) When a domestic animal is discovered dead on a public way, the police officer on duty shall attempt to ascertain its owner and shall request that the owner dispose of the remains. If a wild animal is discovered dead on the public way, or the officer cannot ascertain the owner of a dead domestic animal, the officer shall notify the Street Department of the animal, and the Street Department shall dispose of the remains.

**3-1-18      INTERFERENCE WITH ENFORCEMENT.** No person shall, in any way, interfere with any person who is known to such person to be or who identifies himself to be and is in fact, a Village or County employee or other officer enforcing the

provisions of this Chapter or engaged in catching or impounding any animal under the authority of this Chapter.

**3-1-19 AUTHORITY TO IMPOUND ANIMALS AND ENTER ONTO PRIVATE PROPERTY.**

(A) It shall be the duty of police officers to request the County Animal Control Personnel to take up and impound in the County Animal Pound any animal found at large or any dog found in the Village without inoculation tags contrary to any of the provisions of this Chapter, or statutes of the State.

(B) Police officers and County Animal Control Personnel are authorized to go on private property in order to enforce this Chapter or to take up any animal which is believed to be at large or take up any dog found without required inoculation tags; however, such persons may not enter a private dwelling house for this purpose without a valid warrant or the consent of the occupant. Nor shall such persons remove an animal believed to be at large without reasonably attempting to ascertain whether the property on which the animal is found is owned by the owner or the authorized keeper of the animal.

**3-1-20 IMPOUNDMENT OF DOGS OR OTHER ANIMALS WHICH HAVE BITTEN PERSONS.**

(A) Any dog whether under restraint or not, which shall have bitten or otherwise injured any persons so as to cause an abrasion of the skin shall be immediately taken by the Police Department or County Animal Control Personnel, impounded at the County Pound, and kept separated from other animals for **ten (10) days**. The Chief of Police and Sangamon County Animal Control Personnel may reduce such period of confinement. The victim of such bite shall notify the Police Department of the bite within **twenty-four (24) hours**. If during that period such animal develops symptoms of illness, a veterinarian shall diagnose its condition. If the symptoms disclose or are such as to indicate the presence of rabies, the animal shall be destroyed in such manner, however, as to preserve intact the head, which shall be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case the animal cannot be safely taken up and impounded, it may be killed, care being taken to preserve the head intact which shall be detached and immediately delivered to the diagnostic laboratory of the Department of Agriculture.

(B) If at the expiration of the period of **ten (10) days**, no symptoms of rabies have developed in such animal so impounded, the same may be redeemed by the owner or keeper on payment of the redemption fees and charges specified by this Code.

(C) After having been notified that his or her animal has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be outside of his premises except on a leash with

a responsible adult until the procedures prescribed in subsections (A) and (B) of this Section have been completed. An owner who has knowledge that his or her animal has bitten or otherwise injured any person and knows that the Police Department or Sangamon County Animal Control Center is investigating a claim shall not under any circumstances trade, sell, or give away the animal until such investigation is complete.

**3-1-21 NOTICE TO OWNERS OR KEEPERS OF IMPOUNDMENT AND VIOLATION.** The Police Department shall make best efforts to notify the owners or keepers of animals impounded pursuant to this Chapter, if known to them, of the fact of impoundment and the procedures for redemption of the impounded animal. Such notification shall be independent of any citation for ordinance violation, but may be served together with a citation for ordinance violation. Notice shall be sufficient if substantially in the form attached to this Chapter as Appendix A. Notice shall be given within **twenty-four (24) hours** of impoundment, either by personal service, or if the owner is not at home when service is made, by taping the notice to the front door of the residence of the owner, if known.

**3-1-22 REDEMPTION OF IMPOUNDED ANIMALS.**  
(A) An animal impounded under the provisions of this Chapter, except an animal that may have bitten any person, shall, unless sooner redeemed, be held until it may be disposed of pursuant to **Section 3-2-27** in order to afford opportunity to the owner or keeper thereof to redeem the same. Any owner or keeper desiring to redeem an impounded animal shall pay an impounding fee of **Fifty Dollars (\$50.00)** per animal payable to the Sangamon County Animal Control Center in the form of cash, cashier's check or money order in addition to the fees and set forth in subparagraph (B). Prior to disposition, animals shall be held for a minimum of **three (3) calendar days**, if the owner is not known, and for a minimum of **seven (7) calendar days**, if the owner is known, in order to give the owner an opportunity to redeem the animal. Animals which have bitten persons are subject to an impoundment of at least **ten (10) days** in the Sangamon County Pound.

(B) Pursuant to an intergovernmental agreement with the Village, Sangamon County will remit the impounding fee to the Village. Any owner or keeper desiring to redeem an impounded animal shall, as a condition of release:

- (1) Show proof of inoculation or pay the requisite deposit as set forth in subparagraph (D); and
- (2) Pay to County Animal Control Officer, or reimburse the Village, for all fees charged by Sangamon County Pound or to be charged by Sangamon County Pound for responding to any and all calls with respect to the animal, picking up the animal, and boarding the animal. Sangamon County Animal Control's hourly charges and boarding fees for impounded

animals are established by Sangamon County and are outside the Village's control.

(C) If the animal is in the County Pound, it may be released only upon the owner's showing of proof of inoculation, or by payment by the owner of the Sangamon County Pound's charges for inoculation. If the owner cannot show proof of inoculation, then in addition to all other charges, the owner shall pay Sangamon County Animal Control the amount of money required for inoculation, which fee is established by Sangamon County.

(D) The owner of an impounded animal shall pay the Sangamon County Animal Control Center directly for all impoundment fees, costs, and services rendered. In the event that the Village is billed for the fees, costs, and services rendered, the Village will be entitled to collect costs from the owner in the amount of **Eighty Dollars (\$80.00)** per hour for each call with a minimum **one (1) hour** charge and boarding fees for impounded animals of **Ten Dollars (\$10.00)** per day.

**3-1-23 VICIOUS DOG (ANIMALS).**

(A) In order to have an animal deemed "vicious", an Animal Control Officer, Chief of Police, or the Village Attorney, must give notice of the infraction that is the basis of the investigation to the owner. The police department shall 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 the animal is a vicious animal and give the report to the States Attorney's Office and the owner. The State's Attorney, or Village Attorney, or Animal Control Officer may file a complaint in the circuit court to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. Sangamon County Animal Control shall determine where the animal shall be confined during the pendency of the case. The provisions and appeal rights of this Section shall be carried out pursuant to Section 15 of the Animal Control Act, **510 ILCS 5/15.**

(B) If the dog is found to be a vicious dog, the dog shall be spayed or neutered within **ten (10) days** of the finding at the expense of its owner and microchipped, and subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden, or Chief of Police approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(C) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (i) if it is

necessary for the owner or keeper to obtain veterinary care for the dog, (ii) in the case of an emergency or natural disaster where the dog's life is threatened, or (iii) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding **six (6) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **fifteen (15) working days**, the dog may be euthanized.

Upon filing notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

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 in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

**3-1-24      DANGEROUS DOG (ANIMAL) DETERMINATION.**

(A)            After a thorough investigation including: sending, within **three (3) days** of the Chief of Police or Animal Control Officer becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Chief of Police or Animal Control Officer prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, or Chief of Police, may ask the Administrator of Sangamon County Animal Control, or his or her designee, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(B)            A dog shall not be declared dangerous if the Administrator, his or her designee, or the Director determines the conduct of the dog was justified because:

- (1) The threat was sustained by a person who at the time was committing an offense upon the owner or custodian of the dog;
- (2) The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
- (3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
- (4) The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(C) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(D) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order the dog to be spayed or neutered within **fourteen (14) days** at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

- (1) Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
- (2) Direct supervision by an adult **eighteen (18) years** of age or older whenever the animal is on public premises.

(E) The Administrator or Chief of Police may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(F) 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 performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

**3-1-25**     **DANGEROUS DOG; LEASH.** It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

**3-1-26**     **DANGEROUS DOG; APPEAL.**

(A)           The owner of a dog found to be a dangerous dog to this Chapter by an Administrator may file a complaint against the Administrator in the circuit court within **thirty-five (35) days** of receipt of notification of the determination, for a de novo hearing on the determination pursuant to Section 15.3 of the Animal Control Act; **510 ILCS 5/15.3.**

(B)           The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within **fourteen (14) days** of receipt of notification of the determination, request an administrative hearing to appeal the determination pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings; 8 Ill. Adm. Code Part 1, Sub Parts A and B.

(C)           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 Administrator, the court, or the Director.

(D)           At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

**3-1-27**     **DISPOSITION OF ANIMALS.** Any dog or other animal, which has not been redeemed within the time specified in **Section 3-1-22** shall be humanely destroyed or otherwise disposed of by the director of the County Animal Pound.

**(Ord. No. 05-10; 06-22-05)**

**ARTICLE II - PENALTIES AND ENFORCEMENT**

**3-2-1      CITATIONS IN ORDINANCE VIOLATION CASES.**

(A) For violations of this Chapter other than violations relating to dangerous, vicious and biting dogs and other animals, Village police officers are authorized to issue citations. Citations shall be issued on forms approved by the Chief of Police and shall be served personally on the violator, left with a responsible family member of at least **thirteen (13) years** of age at the home of the violator, or mailed to the residence of the violator.

(B) On receipt of any citation alleging violation of any section of this Chapter, the violator may pay **one-half (1/2)** of the minimum fine provided in this Chapter at the Village Hall within **ten (10) working days** of issuance of the citation, and in such event, the Village will not prosecute the ordinance violation. After **ten (10) working days** but before filing of an action with the Circuit Court of Sangamon County, an alleged violator may avoid prosecution under this Chapter by paying the full minimum fine applicable to the violation at the Village Hall.

**3-2-2      PROSECUTION OF VIOLATIONS.**

(A) The Village may by its attorney file a complaint and prosecute any alleged violation of this Chapter:

- (1) where a citation has been issued, after **ten (10) working days** have elapsed from the date of issuance of a citation;
- (2) where no citation has been issued, at any time.

(B) In addition to the penalties set forth in this Chapter, the Village may pursue any and all other remedies available under State law, including but not limited to bringing actions to abate nuisances and seeking the destruction of dangerous or vicious animals.

**3-2-3      FINES AND PENALTIES.** Any person found to have violated this Chapter shall, in addition to boarding costs and impoundment fees required herein, be fined as follows:

(A) For any other violations of any section of this Chapter other than those pertaining to vicious, dangerous or biting animals, penalties shall be as follows:

- (1) **Fifty Dollars (\$50.00)** for the first offense;
- (2) **Seventy-Five Dollars (\$75.00)** for the second and subsequent offense.

(B) For violation of any section of this Chapter pertaining to vicious, dangerous or biting animals not less than **Two Hundred Fifty Dollars (\$250.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense.

(C) Each day an offense continues shall be considered a separate offense.

**(Ord. No. 05-10; 06-22-05)**