

ORDINANCE NO. 353.05

AN ORDINANCE REGULATING ANIMALS IN THE
VILLAGE OF MENDON, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Mendon, Adams County, Illinois, as follows:

SECTION 1. All Ordinances or parts of Ordinances dealing with the control of animals in the Village of Mendon are hereby vacated and there is substituted therefor the following.

SECTION 2. **General.** It shall be unlawful for any person to keep or maintain any dog, cat, cattle, horse, swine, sheep, goat or poultry within the Village of Mendon in violation of any provision of this Ordinance.

SECTION 3. **Definitions.**

3.1 "Village" means the Village of Mendon, Adams County, Illinois.

3.2 "Dangerous dog" means any dog which has approached any person in an apparent attitude of attack.

3.3 "Vicious dog" means: (1) any dog that inflicts harm upon, bites or scratches, or attacks a person or other domestic animal; or (2) any dog with a known propensity, tendency or disposition, whether by previous conduct or known breed characteristics, to attack or cause injury or to otherwise endanger the safety of persons or other domestic animals; or (3) any dog which attacks a person or domestic animal; or (4) any dog which is found to be a "dangerous dog" as defined in this Ordinance, upon two separate occasions. For purposes of this Ordinance, Pit Bulls and Rottweilers are "vicious dogs" based on their known propensities, tendencies and dispositions. No dog shall be deemed "vicious" solely because it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces a person who has tormented or abused the dog.

3.4 "Enclosure" means a fence or other structure of at least six (6) feet in height which will prevent the entry of young children and will confine a vicious dog, with the enclosed area secured or locked with secure sides, top and bottom which will prevent the dog from escaping from the enclosed area. An "enclosure" for purposes of this Ordinance does not include a house or building if there are windows, doors or other openings which would allow the dog to exit the building. Such enclosures shall have a prominent sign displayed warning that a vicious dog is located on the premises.

3.5 "Impounded" means taken into the custody by the County Animal Control Officer or any other animal control officer designated by the Village of Mendon.

3.6 "**Run line**" means a system of tying a dog in place with either rope or chain having a tensile strength of at least 300 pounds.

3.7 "**Owner**" means any person, firm or corporation owning, keeping, maintaining, housing or harboring any animal or animals. For purpose hereof, "keeping" or "maintaining" shall include, but not be limited to regularly feeding or watering any animal or animals.

3.8 "**Person**" means a person, firm or corporation.

3.9 "**Animal Control Officer**" means the person from time to time designated by the Village as the officer in charge of enforcement of the Animal Control Ordinances of the Village.

3.10 "**Owner of animal**" means the person who is responsible for the feeding and care of an animal, and the person who has been feeding and caring for the animal for a minimum period of two (2) weeks.

SECTION 4. **Vicious Dogs - Confinement.** It shall be unlawful for any person to keep or maintain in the Village any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only time that a vicious dog may be allowed out of the enclosure is: (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or (2) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

SECTION 5. **Non-Confined Vicious Dogs.** Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the law enforcement authority having jurisdiction in such area or Animal Control Officer and shall be destroyed.

SECTION 6. **Transfer of Ownership.** No owner or keeper of a vicious dog in the Village shall sell or give away any vicious dog.

SECTION 7. **Dangerous Dogs.**

7.1 **Generally.** It shall be unlawful to keep or maintain any dangerous dog, unless the same is confined by a fence, a house or structure (but not necessarily an enclosure as defined herein) or on a run line, so as to prevent the dog from escaping the confinement. A dangerous dog may be permitted outside the premises of the owner or keeper provided it is securely restrained by a leash no longer than five (5) feet in length and the leash is in the physical control of a person of sufficient age and physical strength to control and restrain the dog.

7.2 **Guard or Sentry Dogs.** Any person keeping or maintaining any guard or sentry dog on any commercial or industrial or manufacturing premises shall register the dog with the Animal Control Officer, providing a photograph of the dog and such information regarding the age, breed, gender and location of the dog as determined necessary by the Animal Control Officer. It shall be the duty of the owner of such guard or sentry dog to notify the Animal Control Officer of any change of address of the owner and the

present location where such dog will be stationed. The Animal Control Officer shall provide police and fire departments with a categorized list of such exempt dogs, and shall promptly notify such departments of any address changes reported to him.

7.3 **Exemption.** Dangerous dogs, as otherwise defined herein, shall not include, guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, or police-owned dogs 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 as required by this Ordinance or state statute. It shall be the duty of the owner of such exempt dog to register the dog with the Animal Control Officer and provide a photograph of the dog and such information regarding the age, breed, gender and location of the dog as determined necessary by the Animal Control Officer. It shall be the duty of the owner of such exempt dog to notify the Animal Control Officer of any change of address. The Animal Control Officer shall provide police and fire departments with a categorized list of such exempt dogs and shall promptly notify such departments of any address changes reported to him.

7.4 **Violation.** Any dangerous dog which is not confined by a fence, house, structure or on a run line or attended to by a leash as provided herein shall be taken up and impounded at the owner's expense. The Animal Control Officer may continue the impoundment of said dangerous dog until the owner thereof provides verification to the Animal Control Officer of the means by which said dog will be confined in accordance with this Ordinance. If the owner fails to provide such verification of the manner and means by which said dog will be confined within fourteen (14) days of the impoundment, the dog may be destroyed. Any dangerous dog which is impounded three (3) times within any twelve (12) month period is deemed a public nuisance and shall be destroyed.

SECTION 8. **Dog Bite.**

8.1 **Generally.** Any dog which does not have a current rabies vaccination and shall bite any person or injure any person shall be kept under the observation of a licensed veterinarian or an approved animal shelter for a period of ten (10) days and the veterinarian, or the animal shelter, shall at the end of the ten (10) day period make a written report to the Adams County Department of Health and should said dog show evidence of rabies, then it shall be killed in a humane manner. In the event the dog, other than a vicious dog, is pronounced free from rabies by a veterinarian, then said dog shall be released to the owner or keeper upon the payment of the veterinarian's or animal shelter's fee, provided the owner shall provide verification to the Animal Control Officer of the manner and means by which said dog shall be confined in an "enclosure" as defined in Section 3(C) above. The owner of the dog may claim the same at the end of the ten (10) day period by making payment of the costs involved while the dog is under observation and also the costs of a license if said dog is not licensed. If the owner does not claim the dog at this time then said dog shall be killed in a humane manner.

8.2 **Vicious Dog.** Notwithstanding the foregoing, any vicious dog which bites any person or causes other severe or permanent injury to any person shall be destroyed as provided in this Ordinance.

SECTION 9. **Female Dog in Heat.** Every female dog shall be confined in a building or secure enclosure in such manner that such female dog in heat cannot come into contact with another animal except for planned breeding.

SECTION 10. Dogs Running at Large. No person shall cause or permit any dog owned or kept by him to run at large at any time or in any place in the Village; provided however, that the provisions of this section shall not prohibit the owner or keeper from permitting such dog to run at large on the private premises of such owner or keeper, or upon the private premises of another person with such person's consent, so long as otherwise consistent with this Ordinance, including, specifically, the provisions for confinement of vicious and dangerous dogs. Except as otherwise provided herein, dogs may be permitted to run upon public ways, including streets and sidewalks, but only when on a leash not exceeding ten (10) feet in length, controlled by the owner or keeper of the dog.

It shall be the duty of the owner or keeper of any dog to keep such dog from running at large. If a dog is running at large through the act or intervention of a third person not a member of the owner's household and without the owner's consent, such fact shall be and constitute an affirmative defense to any proceeding brought under this section.

SECTION 11. Prohibited Use of Dogs for Fighting or Entertainment.

11.1 It shall be unlawful to own, keep, capture, breed, train or lease any dog or other animal for purposes of fighting another dog or other animal or for any other entertainment purposes prohibited under any rule, regulation or law of the State of Illinois.

11.2 No person shall promote, stage, hold, manage, conduct or carry on any animal fight, or train any animal for the purpose of an animal fight or any other type of contest game or fight of a similar nature, nor any simulated version of game that involves baiting or inciting an animal to fight.

SECTION 12. Enforcement. The Animal Control Officer is authorized to go upon private property in order to enforce this Ordinance, including taking and impounding any dog at large or not confined as required herein (even if not running at large) or found without required inoculation licensing or identification tags, provided such persons may not enter a private dwelling house for this purpose without the consent of the occupant or a valid warrant.

SECTION 13. Removal of Waste Material. No person shall permit a dog to be upon the public ways or within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement of the dog; nor shall any person fail to remove any excrement deposited by such dog. This action shall not apply to a blind person while walking his or her guide dog.

SECTION 14. Control of Miscellaneous Animals.

14.1 **Animals Prohibited.** It shall be unlawful to permit or maintain any horses, cattle, swine, sheep, goats or poultry within the Village. Both the owner of the property and the person in possession of the property upon which animals are permitted or maintained in violation of this Ordinance shall be subject to the penalties as provided herein. Notwithstanding the foregoing, this Section shall not be enforced until six (6) months after the date of the adoption of this Ordinance in order to allow owners and possessors of animals to come into compliance with this Ordinance in a reasonable period of time.

14.2 Exceptions to Prohibitions. The foregoing notwithstanding, otherwise prohibited animals will be allowed in the Village for agricultural shows, parades and other organized community events provided a permit is issued in advance by the Village. Application to the Village shall be made in writing thirty (30) days prior to the scheduled event.

SECTION 15. Control of Cats.

15.1 The Keeping of Cats. No person shall keep more than five (5) cats over the age of six (6) months of age in the Village. The permitting or maintaining of cats contrary to this Section is hereby declared to be a nuisance. This provision shall not apply to a licensed veterinarian or to a veterinary hospital or clinic maintained and operated by a licensed veterinarian.

15.2 No person shall permit a cat to run at large at any time or in any place in the Village where such cat constitutes a nuisance which shall include but shall not be limited to the causing of undue and repeated disturbance, eminent danger to any person or other animal, or the depositing of fecal material on the property of another person. The mere straying of a cat into the property of another, public or private, shall not be construed to constitute a nuisance hereunder.

15.3 Inoculation Against Rabies. Every owner of a cat four (4) months or more of age not confined at all times to an enclosed area shall cause such cat to be inoculated against rabies by a licensed veterinarian.

SECTION 16. Animal Noises - Nuisance.

16.1 Prohibition Against Loud Noise. No person shall permit any animal to bark, howl, cry or make other distressing or loud noise or to disturb the peace or quiet in the Village. The disturbing of any person by such animal is declared to be a nuisance, provided that the disturbance is in a substantially repetitious and consistent manner.

16.2 Absentee Owner. In the event the owner of any animal causing a repetitious and consistent disturbance cannot be located after a reasonable search, the animal may be removed by an Animal Control Officer of the Village. The owner of the animal shall be liable for all expenses incurred in connection with the control of the animal pursuant to this Section.

16.3 Declaration of Nuisance. The repetitious disturbance of any person in the Village is hereby declared a nuisance and no person shall permit such nuisance to exist.

SECTION 17. Cruelty to Animals.

17.1 Cruel Treatment. No person shall cruelly treat any animal in the Village in any way. Cruel treatment of animals includes but is not limited to beating, under-feeding, over-feeding or abandoning any animal.

17.2 Removal of Mistreated Animal. When any animal is found to have received cruel treatment, the animal may be removed from the owner or keeper thereof. Said removal is to be by an Animal Control

Officer, officer of the Village, or a person designated by an officer of the Village. The owner or keeper of the mistreated animal shall be held liable for all expenses incurred with the removal, care and treatment of the animal.

SECTION 18. Grandfather Clause.

18.1 Application. This grandfather clause applies to any owner, as defined in Section 3.7 hereof, who is a resident of the Village on the date that this Ordinance is adopted, and any owner who becomes a resident of the Village by reason of annexation within one (1) year of the date of the adoption of this Ordinance. This section applies only to horses.

18.2 Additions and Replacements Not Allowed. Any owner, as defined in Section 3.7 hereof, of horses in the Village on the date this Ordinance is adopted may continue to own, keep, maintain and house the same horses in the Village, anything to the contrary in this Ordinance notwithstanding. However, no horse may be replaced, exchanged or substituted, and no horse may be added to the horse or horses on the owner's property other than the ones at the time of the adoption of this Ordinance. The owner's right to own, keep, maintain or house horses pursuant to this section shall cease at the earlier of: (a) when the owner sells or conveys the property on which the horses are maintained; (b) when owner no longer owns and maintains a horse on the property; or (c) when the owner violates Section 17 of this Ordinance.

SECTION 19. Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day of violation of the Ordinance shall be considered a separate offense. In addition, the Village may seek injunctive relief or other relief as the law may afford. In addition to the foregoing, any person in violation of this Ordinance shall be responsible for and pay to the Village the "processing costs, which shall include attorney fees, court costs, employee time or other out-of-pocket costs in connection with the enforcement of this Ordinance.

SECTION 20. Effective Date. This Ordinance shall be in force and effect from and after its passage and approval.

SECTION 21. Conflicts of Ordinances. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance shall be, and the same are, to the extent of such conflict, hereby repealed.

ADOPTED: 2-7, 2005.
APPROVED: 2-7, 2005.

Randy Louon
Village President

ATTEST:

Susan Woodruff
Village Clerk

PUBLISHED: 2-7, 2005.
in Campalet Form
Village Office