

ORDINANCE NO. 506

VILLAGE OF BELLEVUE, ILLINOIS
ANIMAL CONTROL ORDINANCE

WHEREAS, Section 11-20-9 of the Illinois Municipal Code (65 ILCS 5/11-20-9) authorizes municipalities to regulate and prohibit the running at large of animals; and

WHEREAS, the Village has entered into an agreement ("Agreement") with the City of Peoria ("Peoria") which provides for Peoria to carry out certain animal control duties within the Village on behalf of the Village; and

WHEREAS, the Agreement provides that the Village shall adopt the animal control ordinance of Peoria or the County of Peoria, and the Village has determined that the best interests of the Village and its citizens will be served by adoption of the County of Peoria animal control ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND TRUSTEES OF THE VILLAGE OF BELLEVUE, ILLINOIS AS FOLLOWS:

Section 1: Ordinances No. 142, 338, 411 and 414 of the Village of Bellevue are hereby repealed.

Section 2: The Village hereby adopts, as its animal control ordinance, the provisions of the County of Peoria animal control ordinance attached hereto and made a part hereof, as revised on the attached document.

Section 3: This Ordinance shall be effective upon its passage and publication as provided by law.

PASSED AND APPROVED THIS 24 DAY OF September, 2001.

AYES: 6
NAYS: 0
ABSENT: 0

VILLAGE OF BELLEVUE, ILLINOIS

By: Ralph E. Wilson
Ralph E. Wilson, President

Attest: Carol A. Payne
Carol A. Payne, Clerk

AGREEMENT

THIS AGREEMENT entered into this 1st day of November, 2001, by and between the City of Peoria, a municipal corporation, (hereinafter referred to as the "City"), and the Village of Bellevue, a municipal corporation, (hereinafter referred to as the "Village");

WITNESSETH AS FOLLOWS

WHEREAS, the parties may, pursuant to Article VII, Section 10, of the Illinois Constitution and Section 741, et seq. of Chapter 127 of the Illinois Revised Statutes, enter into agreement for the exercise of their joint corporate powers; and

WHEREAS, the Village is in need of an animal control program to furnish those services not provided by the County of Peoria; and,

WHEREAS, the City operates the Peoria Animal Welfare Shelter, animal control and rabies control programs for the County of Peoria;

NOW, THEREFORE, be it agreed by the parties as follows:

Duties of the City of Peoria

- I. The City hereby agrees to perform the following duties:
 - A. To respond to calls of and pick up animals running at large within the Village limits during regular shelter hours.
 - B. To respond to calls and enforce the animal control ordinance of Bellevue.
 - C. To patrol the Village a minimum of two (2) days weekly, times and days to vary.
 - D. To impound all animals picked up in the Village at the Peoria Animal Welfare Shelter for a period of three (3) days or until redeemed by the owner of said animal, whichever occurs sooner. The City shall only release said animal to its owner upon payment of \$5 (five dollars) per animal for each day or partial day which the animal was impounded at the shelter plus the redemption fee of \$50 (fifty dollars) for each dog or cat not vaccinated against rabies, \$25 (twenty-five dollars) for each dog or cat vaccinated against rabies, or \$25 (twenty-five dollars) for any animal except a dog or cat.
 - D. To notify the known owner of any animal impounded from the Village by phone or mail of time and date of impoundment.
 - E. To humanely euthanize or adopt animals impounded by the City after three (3) days of

- impoundment.
- F. To provide the Village with a quarterly report describing the number of animals impounded that quarter and the disposition of each.
 - G. All fines, redemption fees, boarding costs, and medical fees are to be retained by the City.

Duties of the Village of Bellevue

- II. The Village hereby agrees to perform the following duties:
- A. To pay to the City \$3,000 (three thousand dollars) annually, payable quarterly, said fee to be paid within 15 (fifteen) days of receipt of a statement from the City.
 - B. To designate the County of Peoria, City of Peoria and the Peoria Animal Welfare Shelter as the Village's authorized delegate for the purpose of enforcing the Village's Animal Control Ordinance.
 - C. To adopt the City of Peoria or the County of Peoria animal control ordinance as the village ordinance for purposes of enforcement.
 - D. Except in the case of willful misconduct or gross negligence by the City, its agents, employees and officers, the Village of Bellevue shall indemnify and save harmless the City, its agents, employees and officers from and against all claims, damages, demands, suits or actions of every nature and description, including legal fees and costs, arising out of the services provided by the City pursuant to this Agreement.

Modification of Agreement

- I. Modifications of the Agreement shall be made in writing on agreement by both parties, said modifications to take effect thirty (30) days after being executed by both parties.

Terms of Agreement

- IV. This Agreement's term is one year, beginning on the date on which this Agreement is executed. Thereafter, this Agreement shall automatically be renewed for one year terms unless notice is given by either party that said party wishes to terminate the Agreement. This Agreement shall terminate sixty (60) days after notice is given at any time by either party, whereupon the quarterly fee shall be prorated and the Village of Bellevue shall be refunded that amount corresponding to the number of days remaining in the calendar quarter from the effective termination date.

Notices

Notices to the City of Peoria shall be sent by certified mail to the Animal Shelter Manager, Peoria Animal Welfare Shelter, 2600 NE Perry, Peoria, Illinois 61603. Notice to the Village shall be sent by certified mail to the Village of Bellevue, 320 South Main Street, Bellevue, IL 61604.

Executed at Peoria, Illinois, the date and year first above written.

VILLAGE OF BELLEVUE

BY: Ralph E. Wilson

TITLE: President

ATTEST:

Carol A. Payne
Village Clerk

CITY OF PEORIA

BY: _____

TITLE: _____

ATTEST:

City Clerk

Chapter 5

ANIMALS AND FOWL

- Art. I. In General, §§ 5-1-5-15
 Art. II. Rabies-Susceptible Animals, §§ 5-16-5-68
 Div. 1. Generally, §§ 5-16-5-35
 Div. 2. Rabies Control, §§ 5-36-5-49
 Div. 3. Vicious and Dangerous Dogs, §§ 5-50-5-59
 Div. 4. Prevention of Cruelty to Animals, §§ 5-60-5-68

ARTICLE I. IN GENERAL

Secs. 5-1-5-15. Reserved.

ARTICLE II. RABIES-SUSCEPTIBLE ANIMALS*

DIVISION 1. GENERALLY

Sec. 5-16. Definitions.

As used in this article the following terms shall mean as indicated below:

Act: The Animal Control Act, 510 ILCS 5/1 through 5/27, as amended.

The City.

Administrator: ~~A veterinarian licensed by the state and appointed pursuant to the act, or his duly authorized representative.~~

State law reference--Similar provisions, 510 ILCS 5/2.01.

Animal: Any animal, other than man, which may be affected by rabies.

State law reference--Similar provisions, 510 ILCS 5/2.03.

Animal control warden: Persons appointed by the administrator in such number as authorized by the county board to perform duties as assigned by the administrator.

At large: Any dog or cat shall be deemed to be at large where it is off the premises of its owner's real property and not restrained by a competent person.

Cat: All members of the genus felis, whether male or female.

City: The City of Peoria, Illinois.

Competent person: A human being over the age of eleven (11) years that is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient.

*State law reference--Animal Control Act, 510 ILCS 5/1 et seq.

ANIMALS AND FOWL

§ 5-18

Registration certificate: A printed form prescribed by the department for the purpose of recording pertinent information as required by the department under the act.

State law reference—Similar provisions, 510 ILCS 5/2.19.

Restraint: A dog or cat, off the premises of its owner's real property, is under restraint within the meaning of this chapter:

- (1) If it is controlled by a line or leash not more than six (6) feet in length when said line or leash is held by a competent person;
- (2) When at "heel" of a competent person;
- (3) When within a vehicle being driven, parked or stopped; or
- (4) When utilized in the sport of hunting.

Rural: The unincorporated area of the county which has not been subdivided for residential purposes.

Shelter: Any facility approved by the administrator for the purposes of enforcing the act and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

Tag: A serially numbered medallion approved by the department to be issued, at a fee set by the ~~county board~~ ^{City} Board, as evidence of inoculation against rabies.

(Res. of 12-14-83; Ord. of 5-11-93)

Sec. 5-17. Administrator. The City shall act as Administrator hereunder.

~~The county board shall appoint a licensed veterinarian as administrator. The administrator may appoint as many deputy administrators and animal control wardens to aid him as may be authorized and appointed by the board. The compensation of the administrator, deputy administrators and animal control wardens shall be fixed by the board. The administrators, deputies and animal control wardens may be removed from office by the board for cause.~~

~~(Ord. of 5-11-93)~~

State law reference—Similar provisions, 510 ILCS 5/8.

Sec. 5-18. Enforcement.

It is the duty of the administrator, subject to the general supervision and regulations of the department, to enforce the provisions of this article and to inoculate dogs and cats or have the work done by his deputies or by licensed veterinarians. The administrator, his deputies, and animal control wardens are, in accordance with the act and for the purpose of enforcing it clothed with power of police officers in the county and within such county are peace officers in the enforcement of the provisions of the act, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or on warrants for violation of the act and to execute and serve all warrants and processes issued by, any circuit court, however, such peace officers are prohibited from carrying concealed weapons. The sheriff

§ 5-18

PEORIA COUNTY CODE

and his deputies and municipal police officers shall cooperate with the administrator in carrying out the provisions of the act.

(Ord. of 5-11-93)

State law reference--Similar provisions, 510 ILCS 5/5.

Sec. 5-19. Dogs or cats running at large.

(a) Every owner of a dog or cat shall contain such animal to the confines of the owner's real property unless the animal is under restraint.

(b) Every owner of a dog or cat is prohibited from allowing said animal to run at large in those unincorporated areas of the county which have been subdivided for residential purposes.

(c) Any dog or cat found running at large in the unincorporated areas of the county which have been subdivided for residential purposes shall be apprehended and impounded in any existing or available public pound.

(d) The provisions of subsections (a), (b) and (c) shall not apply to:

- ~~(1) Dogs being used in hunting, field trials; and~~
- ~~(2) Dog shows while on public lands set aside for those purposes;~~
- ~~(3) While on the private property of others with the actual, implied, customary or constructive consent of the owner of such private premises; or while on federal, state, county or municipal roads or highways in rural areas;~~
- ~~(4) While going to or coming from a hunting, field trial or dog show site;~~
- ~~(5) Blood hounds or other dogs used for tracking in conjunction with police activities;~~
- (6) Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the Armed Forces while being used to conduct official business or being used for official purposes.

State law references--Dogs running at large, 510 ILCS 5/9; power of county board to prohibit dogs from running at large, 55 ILCS 5/5-1071.

Sec. 5-20. Female dogs and cats in heat.

Every owner of a female dog or cat shall cause such dog or cat to be securely confined in an enclosed place while in heat.

Sec. 5-21. Impoundment and redemption.

(a) When any dog or cat is apprehended and impounded by the administrator, he shall give notice of not less than seven (7) days to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the administrator or his deputy or agent, who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog or cat.

ANIMALS AND FOWL

§ 5-25

(b) All dogs and cats which have been impounded in accordance with the provisions of this article shall be humanely dispatched or disposed of by the pound as stray dogs or cats in accordance with the laws that exist or may hereafter exist when not redeemed by the owner within a period of not less than seventy-two (72) hours from the date of impoundment, excepting Sundays and holidays. In case the owner of the impounded dog or cat desires to make redemption thereof, he may do so on the following conditions:

- (1) The owner shall present proof of current rabies inoculation; or
- (2) The owner shall pay for the rabies inoculation and tag fee;
- (3) The owner shall pay the pound for the board of the dog or cat, at such rate as is set by the board, for the period it was impounded;
- (4) The owner shall pay a three dollar (\$3.00) penalty for the first offense and three dollars (\$3.00) for each subsequent offense, which penalty shall be paid into the animal control fund; and
- (5) The owner shall pay each initial impoundment fee as is set by the ~~county board~~ City.
(Res. of 12-14-83)

State law reference--Impoundment and redemption of dogs, 510 ILCS 5/9-5/11.

Sec. 5-22. Right of entry; inspections; refusal to deliver dog or other animal.

The administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act.

State law reference--Similar provisions, 510 ILCS 5/17.

Sec. 5-23. Abandonment of animals.

The owner of any animal subject to rabies is prohibited from abandoning such animal in the county.

Sec. 5-24. Diseased or injured animals.

Any animal which does not exhibit a valid vaccination or registration tag and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by administrator or his designated agent, may be subjected to disposal as provided in section 5-21 of this Code at the earliest possible time by the shelter personnel.

Sec. 5-25. Enforcement officers not responsible for accident or disease to any dog or cat.

The administrator, manager, administrators, animal control wardens or anyone enforcing the provisions of this article shall not be held responsible for any accident or disease that may happen to any dog or cat.

(Ord. of 5-11-93)

§ 5-26

PEORIA COUNTY CODE

~~Sec. 5-26. Annual report.~~

~~The county board shall make an annual report to the department showing the number of dogs or cats inoculated, fees and penalties collected and the number of cases of rabies occurring in the county.~~

Sec. 5-27. Violations and penalties.

(a) Any person violating or aiding the violation of this division, except section 5-19, or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by the act, or resisting, obstructing or impeding the administrator or any authorized officer in enforcing the act, or refusing to produce for inoculation any dog in his possession not confined at all times to an enclosed area, or who removes a tag from a dog for purposes of destroying or concealing its identity, shall pay a penalty of twenty-five dollars (\$25.00) for the first violation, seventy-five dollars (\$75.00) for the second violation occurring within a twelve-month period and two hundred dollars (\$200.00) for the third and each successive violation within a twelve-month period. Each day a person fails to comply constitutes a separate offense.

(b) Any person violating section 5-19 is guilty of a petty offense punishable by a fifty dollar (\$50.00) fine.

(c) Any county officer failing, refusing, or neglecting to carry out the provisions of this chapter or the act shall be guilty of a petty offense and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.

(Res. of 12-14-83)

Sec. 5-28. Collection of monies.

~~The~~ Administrator
~~manager of the county animal shelter~~ shall have and perform the following duties enumerated in this section, in cases involving violations of the sections of this article:

- (1) Accept payment of designated fines, penalties and fees and issue receipts therefor.
- (2) Maintain records of all violations of the provisions of this chapter of which each person has been guilty during the preceding twenty-four (24) months whether such guilt was established in court or by payment of a fine into the animal control fund.

Whenever any person charged with an offense which is payable at the animal shelter shall fail to appear and pay his fine in the time prescribed, the administrator or manager shall cause a complaint to be filed against such person for such violation in accordance with arrest procedures.

Sec. 5-29. Fines and fees paid into animal control fund.

All fines, forfeitures, penalties and fees collected as a result of the enforcement of this chapter shall be paid into the animal control fund.

State law reference—Animal Control Fund, 510 ILCS 5/7.

ANIMALS AND FOWL

§ 5-36

Sec. 5-30. Animal considered a nuisance.

No person owning, possessing or harboring any animal within the county shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

- (1) Substantially damages property other than the owner's.
- (2) Causes unsanitary, dangerous or unreasonably offensive conditions.
- (3) Causes a disturbance by excessive barking, caterwauling or other noisemaking.
- (4) Chases vehicles.
- (5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
- (6) Chases, molests, attacks, bites or interferes with other animals while off the premises of the owner.

The animal shelter manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of section 5-30(5) above and not restrained by a competent person.

Any person found in violation of this section 5-30 shall be penalized as set forth in section 5-27 above. This section requires the support of the complainant for issuance of a violation complaint.

This section does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.

(Res. of 10-11-94)

State law references—Animal Control Act, 510 ILCS 5/24; Criminal Jurisprudence Act, 740 ILCS 55/221.

Secs. 5-31–5-35. Reserved.

DIVISION 2. RABIES CONTROL

Sec. 5-36. Inoculation of dogs and cats.

(a) Every owner of a dog or cat four (4) or more months of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the department. Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the county board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

(b) The veterinarian administering the vaccine shall cause the certificate of inoculation to be distributed as follows:

- (1) One copy shall be given to the owner at the time of the inoculation;

§ 5-36

PEORIA COUNTY CODE

- (2) One copy shall be filed with the office of the administrator, ~~or such place as the county board shall designate~~, within thirty (30) days after the date of the inoculation;
- (3) One copy shall be retained by the veterinarian administering the inoculation for a period of five (5) years, or such period as set by the department ~~or the county board~~.

(c) The type and brand of rabies vaccine used shall be licensed by the U.S. Department of Agriculture and approved by the department.

(d) Every owner of a dog or cat shall comply with the provisions of sections 5-36, 5-37, 5-38 and 5-39 of this Code. Any person who violates these sections shall pay a penalty of twenty-five dollars (\$25.00) for the first violation, seventy-five dollars (\$75.00) for the second violation occurring within a twelve-month period, and two hundred dollars (\$200.00) for the third and each successive violation within a twelve-month period. Each day of noncompliance with this section shall constitute a separate violation. If an animal is not inoculated and registered after its owner has been found to be in violation of this section or sections 5-37, 5-38 and 5-39, three (3) times within a twelve-month period, said animal shall be impounded by the animal shelter manager or his/her delegate and may be redeemed or disposed of in accordance with the provisions of this Code.

(Res. of 12-14-83)

State law reference--Inoculation of dogs required, 510 ILCS 5/8.

Sec. 5-37. Inoculation tags.

(a) The owner of a dog or cat shall, within ten (10) days after a dog or cat has been inoculated against rabies, procure an inoculation tag ~~from the county~~. The cost of the tag shall be determined and set by the ~~county board~~ ^{City}. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not securely confined in an enclosed place. Valid rabies inoculation tags and certificates from other counties shall be honored while the animal is in transit or the dog or cat owner has established residence in this ~~county~~ ^{Village}.

(b) A licensed veterinarian may procure serially numbered inoculation tags ~~from the county~~, at a fee set by the ~~board~~ ^{Administrator}, and issue one tag with each inoculation certificate at the time of inoculation. A licensed veterinarian may collect such tag fee from the owner at the time the inoculation tag is dispensed.

Sec. 5-38. Confinement of animal which has bitten someone.

(a) When the administrator receives information that any person has been bitten by a dog or other animal, the administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of ten (10) days. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the administrator within twenty-four (24) hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of such dog or other animal, on appropriate forms approved by the department. The administrator shall notify the attending

ANIMALS AND FOWL

§ 5-39

physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the department.

(b) When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten (10) days, if the administrator, or other licensed veterinarian, adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the administrator, or another licensed veterinarian.

State law reference—Similar provisions, 510 ILCS 5/13.

Sec. 5-39. Duties of owners of rabid or biting animals.

(a) The owner of any dog or other animal which exhibits symptoms of rabies and any dog or other animal in direct contact with such dog or other animal, whether or not such dog or other animal has been vaccinated, shall immediately notify the administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least ten (10) days, unless officially authorized by the administrator, in writing, to release it sooner.

(b) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the administrator, or his authorized representative.

(c) It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written, or printed instructions made by the administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the

ANIMALS AND FOWL

§ 5-42

administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities.

(d) Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner.

(e) For the purpose of this section, the word "immediately" means by telephone, in person, or by other than use of the mail.

State law reference--Similar provisions, 510 ILCS 5/12.

Sec. 5-40. Reimbursement to animals bite victims.

Village Village
The ~~county~~ is not obligated to pay to any person or resident of the ~~county~~ from the animal-control fund any amount for the purchase of human rabies anti-serum, the purchase of human vaccine, any costs for the administration of the serum or vaccine or any amount for medical care which may have been provided to human bite victims.
(Res. of 12-14-83)

Sec. 5-41. Reimbursement schedule.

The following is the schedule of damages to be paid to owners of animals which are destroyed or injured by dogs within the ~~county~~ Village:

- (1) For goats killed or injured, thirty dollars (\$30.00) per head.
 - (2) For cattle killed or injured, three hundred dollars (\$300.00) per head.
 - (3) For horses or mules killed or injured, two hundred dollars (\$200.00) per head.
 - (4) For swine killed or injured, fifty dollars (\$50.00) per head.
 - (5) For turkeys killed or injured, five dollars (\$5.00) per head.
 - (6) For sheep killed or injured, thirty dollars (\$30.00) per head.
 - (7) For all poultry, other than turkey, one dollar (\$1.00) per head.
- (Res. of 12-14-83; Ord. of 5-11-93)

Sec. 5-42. Registration fees.

Village
The registration fee to be charged to the owner of animals in the ~~county~~ shall be:

- (1) For an annual registration, six dollars (\$6.00) for each animal which is neutered or spayed;
- (2) For a three-year registration, eighteen dollars (\$18.00) for each animal which is neutered or spayed;
- (3) For an annual registration, twelve dollars (\$12.00) for each animal which is not neutered or spayed; and

§ 5-42

PEORIA COUNTY CODE

- (4) For a three-year registration, thirty-six dollars (\$36.00) for each animal which is not neutered or spayed.
(Res. of 12-14-83; Res. of 12-8-87; Ord. of 8-13-91)

Sec. 5-43. Dangerous animals.

Any dog or cat running at large within the ^{Village} county whose capture endangers or threatens the safety of an animal control officer, police officer, sheriff or deputy sheriff, or endangers the safety of any person within the ^{Village} county, may be slain by an animal control officer, police officer, sheriff or deputy sheriff.

(Res. of 12-14-83)

Secs. 5-44-5-49. Reserved.

DIVISION 3. VICIOUS AND DANGEROUS DOGS

Sec. 5-50. Definitions.

For purposes of this division, the following terms shall mean as indicated below:

Dangerous dog: Any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

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 which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such 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.

Found to be vicious dog:

- (1) That the administrator, an animal control warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined herein and, based on that finding, the administrator, animal control warden, or the director has declared in writing that the dog is a vicious dog, or
- (2) That the circuit court has found the dog to be a vicious dog as defined herein and has entered an order based on that finding.

Impounded means taken into the custody of the public pound in the county, city or town where the vicious dog is found.

Vicious dog:

- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

ANIMALS AND FOWL

§ 5-52

- (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (3) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (4) Any individual dog which attacks a human being or domestic animal without provocation.
- (5) Any individual dog which has been found to be a "dangerous dog" upon three (3) separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or 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.

(Ord. of 5-11-93)

Sec. 5-51. Vicious dogs—Confinement, control, impoundment.

(a) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog or (2) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of three hundred (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 dog.

(b) 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, animal control warden, or the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.

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 seven (7) working days, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the administrator, an animal control warden, or the director approves the enclosure as defined in this division.

(c) No owner or keeper of a vicious dog shall sell or give away the dog.
(Ord. of 5-11-93)

Sec. 5-52. Dangerous dogs; nuisance; exceptions.

(a) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

§ 5-52

PEORIA COUNTY CODE

(b) 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 division 2 of this article. 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.

(c) The administrator, the state's attorney, or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the people of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

(Ord. of 5-11-93)

Sec. 5-53. Violations; penalties.

Any person found guilty of a violation of section 5-51(a) or (c), or of section 5-52(a) in a court of law shall pay a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00). A penalty under this section shall be in addition to and not in lieu of any action taken under section 5-51(b), or section 5-52(c).

(Ord. of 5-11-93)

State law references--Authority, counties, 55 ILCS 5/5-1071.1; source, animals, 510 ILCS 5/15.

Secs. 5-54-5-59. Reserved.

DIVISION 4. PREVENTION OF CRUELTY TO ANIMALS

Sec. 5-60. Humane care of animals.

No owner shall fail to provide his/her animal with sufficient food, water, clean proper shelter, protection from the weather and sufficient veterinary care when needed to prevent suffering and/or maintain health.

(Ord. of 6-8-93)

ANIMALS AND FOWL

§ 5-83

Sec. 5-81. Abandonment of animal unlawful.

It shall be unlawful for any person to abandon any animal within the ^{Village.} county.
(Ord. of 6-8-93)

Sec. 5-82. Acts of cruelty to animals prohibited.

Unless justifiable in defense of person or property, no person shall:

- (1) Kill, wound or attempt to kill or wound any domestic animal.
- (2) Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State of Illinois.
- (3) Beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a domestic animal.
- (4) Cause, instigate, permit or attend any dogfight, cockfight, bullfight or other combat between animals and humans.
- (5) Crop an animal's ears, dock an animal's tail or perform similar surgeries except as a licensed veterinarian of the State of Illinois.
- (6) Allow any animal to remain unattended by a competent person in a motor vehicle when the animal's life, health or safety is threatened.

(Ord. of 6-8-93)

Sec. 5-83. Impoundment of victimized animals; owner's appeal.

(a) In the event that the administrator or animal shelter manager finds a domestic small companion animal(s) to be a victim of cruelty, neglect, or abandonment as defined by sections 5-60, 5-61, and 5-62, he/she shall have the right to forthwith remove or cause to have removed any such animal(s) to a safe place for care or to euthanize said animal(s) when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified herein does not relieve the owner of liability for violations and for any accrued charges.

(b) The owner of an animal that has been impounded may appeal, in writing, the impoundment to the director of housing and inspection services of the City of Peoria within seven (7) days of impoundment. After proper notice, a hearing shall be held to determine if said animal was the victim of cruelty, neglect or abandonment. The director of housing and inspection services may find that the animal is a victim of cruelty, neglect or abandonment if:

- (1) Said animal was abandoned;
- (2) Said animal was not provided by the owner (or agent) with sufficient water, proper food, shelter to provide protection from the weather, or veterinary care to prevent suffering; or
- (3) Said animal was a victim of an act cited in section 5-62.

§ 5-63

PEORIA COUNTY CODE

(c) If the director of housing and inspection services finds that the animal is a victim of cruelty, neglect, or abandonment, then the director shall order appropriate remedies, including, but not limited to, proper veterinary care, humane destruction of the animal, or refusal to return said animal to the owner and shall assess all costs to the owner for enforcement of the appropriate remedy, and for impoundment and boarding of the animal.

(Ord. of 6-8-93)

State law reference—Authority, 510 ILCS 70/10.

Sec. 5-64. Diseased and injured animals.

(a) No diseased or sickly horse, cow, hog, dog, cat or other animal nor any that has been exposed to any disease that is contagious among such animals shall be brought into the ^{Village} county unless under veterinary care.

(b) Any animal, being in any street, highway or public place within the ^{Village} county, appearing, in the estimation of the administrator, animal shelter manager, or animal control warden or any inspector of the Peoria County Health Department, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer, or as he/she may direct.

(c) No person, other than inspectors or officers of the Peoria County Health Department or law enforcement officers, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick or injured animal in such street or place. No person shall skin or wound such animal in any street, highway, or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or an inspector of the Peoria County Health Department or the administrator, animal shelter manager or animal control warden.

(Ord. of 6-8-93)

Sec. 5-65. Dead animals prohibited.

No person shall:

- (1) Allow the body, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.
- (2) Skin, dismember, butcher, dress or exhibit any dead animal in view of the public in areas of the county which have been subdivided for residential purposes.

The owner of an animal shall be responsible for the disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains.

(Ord. of 6-8-93)

