

ORDINANCE NO. 661

**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;

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 City of Peoria, and the Village has determined that the best interests of the Village and its citizen will be served by the adoption of Peoria's animal control ordinance.

AGREEMENT

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Section 1: Ordinances No. 142, 338, 411, 414 and 506 of the Village of Bellevue are repealed.

Section 2: The Village hereby adopts, as its animal control ordinance, the provisions of Peoria's animal control ordinance the pertinent parts of which are set forth herein.

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

PASSED AND APPROVED THIS 13th DAY OF February 2012.

AYES: 5

NAYS: 0

ABSENT: 1

VILLAGE OF BELLEVUE, ILLINOIS

By: Larry Merriman

Larry Merriman, President

Attest: Carol S. Howard

Carol S. Howard, Clerk

ANIMAL CONTROL ORDINANCE PROVISIONS

4.1 Definitions

The following terms and phrases have the following meanings except where context indicates a different meaning:

Animal means every nonhuman species, domestic and wild.

Animal shelter means the Peoria animal shelter, animal control and rabies control.

At large means off the owner's premises property and not restrained by a competent person.

Cat means domestic members of the feline family *Felis catus*.

Competent person means a person at least 11 years of age capable of physically controlling the animal in question and to whose command the animal is obedient.

Confine means physical restraint of an animal by fence, structure, chain, rope or other means sufficient in strength or construction to restrain the animal in question.

Dog includes domestic members of the canine family *Canis familiaris*.

Domestic animals:

- (1) Dogs but not hybrids of dogs.
- (2) Cats but not hybrids of cats.
- (3) Domestic guinea pigs, hamsters, white rats, and white mice.
- (4) Farm animals include members of swine, ovine, caprine, bovine/equine families, poultry or rabbits.
- (5) Non life threatening and nonpoisonous reptiles or amphibians.
- (6) Nonpoisonous and non life threatening fish.
- (7) Birds except those protected as wild birds by state or federal statutes.
- (8) Ferrets.

Dwelling unit means a single unit providing complete, independent living facilities for one or more person including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exotic animal means nondomestic animals not native to Illinois.

Multiple pet owner is a person who harbors more than 4 dogs or cats or in any combination over 4 months of age in a dwelling unit.

Owner means a person at least 17 years of age or the parent/guardian of a person under age 17 or a parent/guardian of an incapacitated person having a property right in an animal; or who acts as custodian, cares for, keeps, feeds, knowingly permits an animal to remain on or about a premises occupied by that person or a person who registers an inoculation certificate for an animal with Peoria.

Person means an individual, partnership, corporation or joint venture and includes any trustee, estate, receiver, assignee or personal representative.

Poultry means domesticated birds raised for show, eggs or meat.

Redemption fee means costs incurred when impounding an animal, including handling and processing the animal's entry and exit to the animal shelter. The fee does not include boarding, medical or transportation incurred by the shelter in keeping the animal.

Restraint means an animal not found on property of its owner when:

- (1) Controlled by a line or leash not more than 6 feet in length when the line or leash is held by a competent person.
- (2) Controlled by a leash of no more than 50 feet during training by a competent person.
- (3) Confined in a motor vehicle.
- (4) Confined in a cage or other carrier.

Secure enclosure means a structure of sufficient height and construction not allowing contact between the animal and other animals or persons.

Sterilized means the surgical spay of a female or castration of a male animal rendering the animal incapable of producing.

Wild animal means any member of the animal kingdom, including exotic animals, other than a domestic animal.

4.2 Animals Running at Large

(a) The owner of any animal shall keep it confined or under restraint when off the premises of the owner's real property and shall not permit the animal to be at large. Dogs trained for law enforcement and under control of an officer are not required to be confined or under restraint.

(b) Failure to comply is a violation for which the person shall pay a penalty of \$50 for the first violation, \$150 for the second violation, within any 12-month period, and \$300 for a third or further violation within any 12-month period. The settlement option set forth herein does shall not apply to the second and subsequent violations within any 12-month period.

4.3 Keeping Wild Animals

(a) No person shall keep, harbor, possess, act as custodian for or have a right of property in a wild animal except zoos, veterinary hospitals, animal shelters, corporations or individuals, all which must be licensed by federal and/or state statutes. Persons owning or fostering animals trained or to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of training from a certified trainer.

(b) No individual or corporation has a right of property to keep, harbor, care for, act as custodian of or maintain possession of animals described below without an annual license from Bellevue upon payment of \$25 per section 4.32; a member of the family Felidae, except for the species *Felis Catus*, domestic cat, a member of the family Ursidae, a members of the family Hyaenidae, a member of the family Canidae, except the species *Canis Familiaris*, domestic dog, members of the family Elephantidae, non human primates or hybrids thereof. Application for a license shall be made 30 days prior to the animal's arrival within Bellevue. Owning, keeping, harboring, caring for or maintaining an animal without a license is a violation for which the owner shall be fined not less than \$500.

(c) The animal shelter manager may impound animals violating this ordinance pursuant to procedures set in section 4.23. The animals shall be redeemed by the owner upon payment of the fees accrued as set forth herein, after verification of licensing and showing an ability to conform with this ordinance.

4.4 Farm Animals

Except as provided in the zoning ordinance, farm animals including those in section 4.5, including but not limited to members of swine, ovine, bovine, caprine/equine families, poultry and rabbits, are prohibited.

4.5 Rabbits

Possession of rabbits is a violation except as follows:

(a) The owner shall provide a cage of at least 8 cubic feet with no dimension less than 1 foot for each animal.

(b) Each cage or structure must be at least 10 feet from property lines.

(c) The aggregate rabbits shall be 10 or less or no more than 1 per 3,000 square feet of lot, whichever is less.

4.6 Humane Care

No owner shall fail to provide an animal with:

(1) Sufficient nutritious food.

(2) Fresh clean water at all times.

(3) Shelter with 4 sides, a roof, floor and bedding. It shall sufficient in size to permit the animal to stand up and turn around when fully grown and allow retention of body heat. It shall be placed to provide shade and protection from weather.

(4) Regular care to prevent to maintain health.

4.7 Abandonment

It is unlawful for a person to abandon any animal in Bellevue.

4.8 Acts of Cruelty

No person shall:

(1) Kill, wound or attempt to kill or wound a domestic animal.

(2) Put to death a domestic animal except under supervision of a veterinarian.

(3) Beat, ill treat, torment, overload, overwork or abuse a domestic animal.

(4) Cause, instigate, permit or attend a dogfight, cockfight, bullfight or other combat between animals or humans.

(5) Crop ears, dock a tail or perform surgery except by a veterinarian.

(6) Allow an animal to remain unattended by a competent person in a motor vehicle when the animal's life, health or safety is threatened.

4.9 Impoundment of Victimized Animals, Owner Appeal

If the animal shelter finds a domestic animal to be a victim of cruelty, neglect or abandonment as defined in sections 4.6, 4.7 and 4.8, it has the right to remove the animal for care or to euthanize the animal if necessary to prevent suffering at the owner's expense. Return to the owner may be denied or withheld until the owner pays all expenses. Treatment of animals by any method specified herein does not relieve the owner of liability for violations or fees.

4.10 Diseased and Injured Animals

(a) No diseased or sick horse, cow, hog, dog, cat or other animal nor any exposed to a disease that is contagious among animals shall be brought into Bellevue unless under veterinary care.

(b) An animal in any street or public place in Bellevue appearing to the animal shelter or Peoria health department to be injured or diseased and past recovery of any useful purpose, and not attended to or properly cared for by the owner and not having been removed to a premises or other place designated by the shelter or department within one (1) hour may be deprived of life.

(c) Other than the Peoria health department or law enforcement officers or persons authorized by contract shall interfere with removal of a dead, sick or injured animal. No person shall skin or wound an animal unless to terminate its life as authorized; except the owner may terminate its

life in the presence and by consent of a law enforcement officer, the Peoria health department or animal shelter.

4.11 Dead Animals

(a) No person shall:

(1) Allow the body or any part of a dead animal to decompose by remaining on his/her property.

(2) Skin, butcher, dress or exhibit a dead animal in public view in residential areas.

(b) The owner is responsible for disposal of the animal's remains on death.

4.12 Live Animal Research

No animals in possession of the animal shelter shall be released, sold or given to an institution, firm or individual for medical or scientific research.

4.13 Reporting Animal Bites

A person having knowledge of a person being bitten by an animal must report it to the animal shelter or police within 24 hours.

4.14 Disposal of Wild Animals Who Have Bitten a Person

Wild animals which have bitten a person shall be destroyed and a necropsy performed.

4.15 Harboring Stray Animals

No person shall harbor, keep, care for, feed or maintain on their property a stray domestic animal without notifying the animal shelter within 48 hours.

4.16 Liberation of Owned Animals

No person shall release an animal belonging to another person unless in an emergency or with the owner's consent.

4.17 Liberation of Impounded or Captured Animals

No person shall liberate or attempt to liberate an animal impounded.

4.18 Interference with Animal Shelter

No person shall obstruct, impede or interfere with the animal shelter or police in performance of their duties, or prevent or attempt to prevent the animal shelter or police from capturing or impounding an animal within Bellevue.

4.19 Trapping

No person shall set a trap, permit a trap owned by him or in his control to be set or allow a trap to be set on his property unless approved by the animal shelter. Indoor trapping of rats and mice is permitted. Live traps which do not injure are permitted unless there is a designated trapping season preventing them.

4.20 Provoking Animals

No person shall provoke an animal to create a nuisance to a neighborhood.

4.21 Animal Waste

Owner shall promptly remove any animal's waste in Bellevue.

4.22 Animals Considered a Nuisance

(a) No person shall own, possess or harbor a nuisance animal in Bellevue. Animals, other than dogs trained for law enforcement, are considered a nuisance if it:

- (1) Damages real or personal property other than the owner's.
- (2) Causes unsanitary, dangerous or offensive conditions.
- (3) Has excessive barking, caterwauling or other noisemaking.
- (4) Chases vehicles.
- (5) Chases, molests, attacks, bites, interferes with or intimidates any person on or off the premises of the owner.
- (6) Chases, molests, attacks, bites or interferes with other animals off the premises of the owner.

(b) The animal shelter, upon reasonable grounds, shall impound an animal creating a nuisance in violation hereof and not restrained by a competent person. Failure to comply with this ordinance is a violation of law for which, upon conviction, the owner shall be fined \$300 for the first violation, \$600 for the second violation and \$1,000 for the third and subsequent violations.

4.23 Dangerous Animals

(a) Dogs, cats or other animals running at large in Bellevue which endanger the safety of any person or animal may be slain by an animal control or law enforcement officer.

(b) The animal shelter may impound a cat, dog or other animal within Bellevue upon determining probable cause through reliable information or reports that it is dangerous. The animal shelter shall hold a hearing to determine whether the animal is dangerous. The hearing must be within 14 days if the animal is impounded, otherwise at the discretion of the animal shelter.

(c) Notice of the hearing to determine if the animal is dangerous shall be in writing and inform the owner of the charge. Service of notice shall be made upon the alleged dangerous animal's owner by certified mail to the address of the owner or hand delivered to the address of the owner or hand delivered by the animal shelter, at least three days prior to the hearing. The animal shelter shall not proceed to hearing to determine whether the animal is dangerous unless it determines that proper notice was given or that the owner is avoiding notice.

(d) The animal shelter shall determine whether the dog, cat or other animal is dangerous. The animal shelter shall find the animal dangerous if the animal:

(1) Has been involved in an attack or bite on a person or animal.

(2) Has chased, molested, attacked, bitten, interfered with, or intimidated a person on or off the premises of the owner.

(3) Has caused property damage over \$300 to persons other than the owner.

(4) Presents a danger to the health, safety and welfare of persons in Bellevue.

(e) After the hearing the animal shelter will issue a written order of its findings.

(f) If the owner, after written notice of the order where the animal was declared dangerous, has not appealed the order to the Circuit Court of Peoria City within 7 days, the animal may be destroyed.

(g) If the animal shelter finds animal dangerous, it shall order remedies including but not limited to impoundment, caging, muzzling or destruction and assess costs for enforcing the appropriate, impounding and boarding.

(h) No person shall own, act as custodian for, care for or keep a dangerous animal.

(i) Except as provided in section 4.28, a person guilty of a violation of this section in court shall be fined not less than \$2000 or more than provided for herein. Sanction under this subsection are in addition to the administrative action provided. Dogs trained for law enforcement are exempt from this section.

(j) The owner shall pay boarding, impoundment, medical or other costs associated confinement during the appeal.

(k) Record of the proceedings shall be made.

4.24 Impounding Animals Running at Large

Any animal running at large in Bellevue may be impounded by the animal shelter or police. After impounded at the animal shelter, it may be released only after payment of fines, redemption/adoption fees set forth herein and, if the animal was not inoculated against rabies as required when impounded, inoculation and registration costs incurred to inoculate and register.

4.25 Redemption Fees

(a) The redemption fee for an animal impounded, except dogs and cats, is \$50.

(b) In addition to redemption fees for animals impounded, except dogs and cats, the owner or redeemer shall pay the cost of transporting, boarding and medical charges, and adjudicated fines and fees. Redemption, boarding and medical costs shall be paid even if the animal is not redeemed by its owner.

4.26 Animal Shelter Powers

(a) The animal shelter shall investigate and keep record of any person bitten by an animal in Bellevue; shall impound and dispose of, per this ordinance, animals at large, causing a nuisance and dangerous; and shall remove and impound injured animals that are abandoned or neglected, wherever found in Bellevue.

(b) The animal shelter has the power to enter property of others to investigate violations and impound animals that may be in violation. If anyone refuses entry into a building where animals shelter, and the shelter has reasonable grounds to believe the animal sought exists, the animal shelter may, with assistance of Bellevue, obtain a search warrant for inspection or seek other relief from the circuit court of Peoria to obtain entry.

(c) The animal shelter is also empowered to enforce this ordinance and provisions of chapter 8 of the Illinois Revised Statutes to protect the welfare and health of citizens and animals.

4.27 Complaint and Service

(a) Peoria City Animal Protection Services has the power to issue notice or complaint to appear in court for violation of this ordinance as follows.

- (1) Must be in writing.
- (2) State the sections for which the violation is made.
- (3) State the date of the violations.
- (4) State the facts for the alleged violations.
- (5) Describe where the violations were committed by address.
- (6) Be served upon the violator by:

b. Personal delivery of a copy of the complaint to the alleged violator or member of his household 13 years of age or older. Personal service shall be made by the animal shelter manager or an employee of the animal shelter or by any law enforcement officer or any person authorized by law to make personal service; or

c. Certified or registered mail, return receipt requested, addressed to the last known place of occupancy of the alleged violator when signed by him, his agent or member of his abode.

d. The notice may be incorporated into a short-form complaint in order to prosecute violations of this chapter. One short-form complaint may be used for a single animal for which multiple ordinance violations are sought, provided the ordinance violations charged have the same date of violation, the same location of violation and one owner of the animal charged for all the ordinance violations indicated in the complaint. Otherwise, one short-form complaint must be used in order to charge a person with each violation of this chapter.

4.28 Penalty and Settlement

(a) Except as provided in section 4.22, anyone convicted in a court of law of a violation of any act prohibited or declared to be unlawful by this chapter shall be punished by a fine of not less than \$75 and not more than \$300 for each offense. Each day an offense is committed shall constitute a separate offense.

(b) After receipt of a complaint regarding any section of this chapter, except as provided in sections 4.6, 4.8, 4.22, 4.23 and 4.65, the person may settle the violation of law by making a payment of \$50 to the Peoria treasurer for each violation of ordinance indicated in the complaint at least 7 calendar days prior to the court appearance date indicated on the complaint. The settlement option shall not apply to a second violation within any 12-month period.

(c) The receipt of \$50 for each and every violation indicated on the complaint, except for violations of the sections listed above, 7 calendar days prior to the court appearance date shall terminate the ordinance violation action and resolve all Peoria claims for fines against the alleged violator by Peoria.

(d) Peoria shall file in the circuit court of Peoria all complaints against those persons, served with a copy of the complaint by either certified mail or personal service, who fail to settle their violations with Peoria 7 days prior to their court appearance date set forth in the complaint to answer Peoria's claim for fines and court costs. In cases where service by certified mail or personal delivery has been attempted and failed, the complaint shall be filed in the circuit court of Peoria and a summons shall be issued.

4.29 Owner Liability

Owners of animals shall be liable for any damage done by their animals to persons, other domestic animals or other person's property.

4.30 Intentionally Omitted

4.31 Keeping Certain Animals in Dwelling Units

No person shall keep, harbor, possess, or act as custodian of any of the animals described below, within a dwelling unit, or within the yard or accessory structure of a dwelling unit:

(1) Any member of the family Felidae, except the species *Felis Catus*, domestic cat, all members of the family Ursidae, all members of the family Hyaenidae, any member of the family Canidae, except the species *Canis Familiaris*, domestic dog, all members of the family Elephantidae, any non-human primate, or any hybrids thereof.

(2) Individuals owning or fostering animals trained or to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.

4.32 License Requirements

An applicant for an animal license required under section 4.3 must comply with USDA regulations and shall meet the following conditions:

- (1) Applicant shall provide copies of current USDA permit, an itinerary of performances scheduled 30 days prior and 30 days after performance in Peoria, and a list of every animal to be possessed or exhibited.
- (2) Animals described in section 4.3(b) are prohibited from any contact with the public.
- (3) The applicant shall supply certification of insurance naming the host agency and Bellevue as additional insured in the amount of \$1,000,000.
- (4) The licensee or keeper of any animal shall promptly report the escape of any such animal to the local law enforcement agency and the local animal shelter.

The provisions of this section relative to licensing do not apply to any municipal, City, state or other publicly owned wildlife exhibit.

4.33 – 4.50 Intentionally Omitted

4.51 Inoculation

- (a) No person shall own, possess, keep, maintain or harbor any dog or cat over the age of 4 months of age without causing such dog or cat to be inoculated against rabies as required by the code of Peoria or Bellevue. Such inoculation shall be required, regardless of whether the dog or cat is confined at all times to an enclosed area.
- (b) If an animal is not inoculated against rabies, such animal may be impounded by the animal shelter and may be redeemed or disposed of as set forth herein.
- (c) Failure to comply with this section is a violation for which such person shall pay a penalty of \$50 for the first violation, \$150 for the second violation occurring within any 12-month period, and \$300 for the third and each subsequent violation within any 12-month period. The settlement option set forth in section 4.28 shall not apply to a second violation within any 12-month period.

4.52 Registration

- (a) No person shall own, possess, keep, maintain or harbor any dog or cat over the age of 4 months without registering such certificate of the inoculation with the office of the administrator of Peoria's rabies control program. The registration of the rabies vaccination certificate may be transferred from one owner to another, but not from one animal to another.

(b) If a dog or cat is not registered, such dog or cat may be impounded by the animal shelter and may be redeemed or disposed as set forth herein.

(c) Failure to comply with this section is a violation for which such person shall pay a penalty of \$50 for the first violation, \$150 for the second violation occurring within any 12-month period, and \$300 for the third and each subsequent violation within any 12-month period. The settlement option set forth in Section 4.28 shall not apply to a second violation within any 12-month period.

4.53 Collars

No person shall own, possess, keep, maintain or harbor any dog or cat over 4 months of age within Peoria or Bellevue without providing such dog or cat with a collar to be worn when the animal is outside a secure enclosure. Collars for dogs shall be of sufficient strength to control and restrain the animal without injury to the animal. Animals restrained by rope or chains must have collars.

4.54 Registration Tags

The registration tag, issued by Peoria, requiring inoculation by a licensed veterinarian, shall be attached to the collar required by section 4.53.

4.55 Collar and Tag Removal

No person shall, without the consent of the owner or keeper of any dog or cat, take away or otherwise remove the registration tag, identification tag or collar from any dog or cat.

4.56 Redemption by Owner or Delegate

(a) The owner of every dog or cat impounded by the animal shelter, if known, shall be notified of the time and date of impoundment of dog or cat by mail or telephone. It shall be the duty of the owner or delegate of such impounded dog or cat to immediately redeem same, unless such dog or cat has been impounded for:

- (1) Biting some person;
- (2) Being afflicted with rabies;
- (3) Being suspected of being afflicted with rabies;
- (4) Being a dangerous animal.

Such owner shall redeem his animals within 72 hours of the date and time of notice excepting Sundays and holidays.

(b) The dog or cat may be redeemed by the owner upon payment to the animal shelter of the lawful fees accrued pursuant to this chapter for impounding such dog or cat, any adjudicated fines owed for violation of this chapter, and if the dog or cat was not inoculated against rabies as required by this chapter when impounded, any inoculation and registration cost incurred by the

animal shelter to inoculate and register the dog or cat. Pursuant to the Illinois Animal Control Act, 510 ILCS 5/10, when dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip. If no microchip is found, a microchip shall be implanted prior to redemption and the implantation of the microchip shall be at the owner's expense.

(c) If the owner of the animal believes that the impoundment was unlawful or the fees were improper, an administrative hearing may be requested. Peoria will appoint a hearing officer who shall have the authority to refund any or all of the fees and costs assessed or to release the animal to the owner. Such request shall be made in writing, setting forth the basis for such request within 72 hours of the notice of impoundment. In order to make such a request, the owner must pay the redemption fees, boarding and medical costs assessed pursuant to this chapter, under protest, by giving written notice of payment under protest to the animal shelter.

4.57 Redemption by Non Owner

(a) Upon expiration of 72 hours from the date of impoundment, excepting Sundays and holidays, an unclaimed dog or cat, which has been deemed suitable for adoption by the animal shelter, may be adopted by any person other than the owner upon payment to the animal shelter the adoption fee and sterilization deposit; provided that every dog or cat redeemed must have attached to its collar, or proof must be provided within 72 hours of, the rabies registration tag of Peoria.

(b) No animal shall be adopted from the animal shelter unless sterilized at the cost of the new owner. Any animal adopted from the animal shelter shall be sterilized pursuant to an adoption agreement. Any owner who fails to sterilize his adopted animal pursuant to the terms of the agreement shall be in violation of the law. Ownership of any adopted animal not sterilized shall revert to the animal shelter, and the animal is subject to immediate impoundment by the animal shelter manager or delegate.

4.58 Redemption/Adoption Fees

(a) The redemption fee for any registered dog or cat impounded at the animal shelter shall be \$50. The redemption fee for any unregistered dog or cat impounded at the animal shelter shall be \$90.

(b) The adoption fee for each dog shall be \$85. The adoption fee for each cat shall be \$60.

(c) In addition to the redemption fees to be charged for every dog or cat impounded, the owner or redeemer of such dog or cat shall pay the animal shelter for cost of transporting it, boarding for the entire period that it was impounded, for the entire period that it was impounded, and all medical charges which have accrued as a result of medical treatment. These redemption, boarding, and medical costs shall be paid, even if the animal is not redeemed by the owner.

(d) In addition to redemption fees charged for every dog or cat impounded, the cost of implantation of a microchip, if none is found at impoundment, shall be paid by the owner.

4.59 Redemption of Dog or Cat That Has Bitten a Person

(a) No impounded dog or cat which has bitten a person within Bellevue or Peoria shall be redeemed before the expiration of 10 days from the date on which the person was bitten. All fees due hereunder shall be paid within 72 hours after the animal is impounded; and if not paid within that period, the dog or cat shall be humanely destroyed and a necropsy performed.

(b) Every dog or cat not afflicted, or suspected of being afflicted, with rabies, which has been impounded for biting a person, may be redeemed at the end of 10 days by the owner after an examination by a licensed veterinarian who makes a negative rabies finding, and after all fees are paid.

4.60 Disposal of a Dog or Cat That Has Bitten a Person

Any impounded dog or cat which has bitten any person in Peoria or Bellevue shall, within 10 days after the date the person was bitten, be destroyed, unless redeemed as set forth herein or shall be destroyed if afflicted with rabies. Every stray dog or cat impounded for or suspected of having rabies will be humanely destroyed after a 72-hour impoundment period and a necropsy performed.

4.61 Disposition of Unredeemed Cats and Dogs

All dogs and cats which have been impounded and not redeemed or adopted as set forth herein after the expiration of 72 hours, excepting Sundays and holidays, from the date of the original impoundment shall be humanely euthanized.

4.62 Disposition of Dog or Cat Suspected of Rabies

Any dog or cat suspected of being afflicted with rabies may be slain by the animal shelter, police officer, sheriff or deputy sheriff if the officer deems it essential to the safety of any person or necessary to prevent its escape. The head of such animal shall be preserved and delivered to a Peoria veterinarian so that a necropsy can be conducted to determine if the animal was rabid.

4.63 Confinement of Female Dogs in Heat

The owner of any female dog or cat in heat shall confine such animal in a building or secure enclosure. The failure to do so is a violation of law and will allow the animal shelter to impound the animal and to hold the animal until redeemed/adopted as set forth herein.

4.64 Driver Duty upon Striking an Animal

Any person whose motor vehicle strikes a dog or cat within the city shall promptly report such occurrence to the animal shelter or police department with a description of the animal struck, condition of the animal and the location of the striking.

4.65 Multiple Pet License

(a) Multiple-pet owners shall obtain an annual license from Peoria upon payment of a fee of \$25. Such license shall be obtained no later than 30 days after assuming ownership of a 5th

animal and must be renewed annually by January 1. The annual renewal fee shall be \$10 if the owner receives an inspection rating of excellent. Payment by a multiple-pet owner shall not exempt the licensee from payment of Peoria registration fees for each dog or cat owned.

(b) Multiple-pet ownership without obtaining such license shall be a violation of law for which, upon conviction thereof, such owner shall be penalized not less than \$200 and not more than as provided in Section 1.5.

4.66 Multiple Pet Owner License Requirements

An applicant for a multiple-pet license shall consent to the inspection of the premises where his animals are kept or maintained. The inspection shall be performed before issuance of the license or upon receipt of a complaint. Annual inspections may be required for multiple-pet owners with marginally acceptable standards. The inspection may be performed by the animal shelter. Failure to comply with a request for inspection is a violation of this article. Holders of multiple-pet licenses shall conform to the following requirements:

(1) All dogs and/or cats over four months of age must be inoculated against rabies and registered pursuant to this article.

(2) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.

(3) If the dogs and/or cats are kept or maintained within a structure or building, such building shall:

- a. Comply with the Bellevue Code and the Code of Peoria City.
- b. Be kept clean, free of feces and urine.
- c. Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.
- d. Be well ventilated and maintain appropriate temperature to prevent suffering.

(4) If the dogs and/or cats are kept or maintained outside a building:

- a. A shelter of sufficient size to permit such animal to stand up and turn around inside when fully grown shall be provided at all times.
- b. The shelter shall have four sides, a roof, floor, and bedding. The shelter shall be placed to provide shade from the sun and protection from the weather.
- c. The shelter shall be placed in the rear yard.
- d. The shelter shall be placed at least ten feet from all property lines except where there is an alley.

e. No more than 2 dogs may be housed outside at any one time on a property lot or lots of less than 10,890 square feet.

f. A dog shall be deemed to be housed outside if the dog is outside for more than 8 hours in the aggregate during any 24-hour period or is outside for more than 30 minutes between the hours of 11:00 p.m. and 7:00 a.m.

(5) The dogs and/or cats shall be prevented from running at large.

(6) The dogs and/or cats shall be prevented from causing a nuisance per Section 4.22.

(7) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.

(8) The applicant shall not have been found guilty of more than 3 violations of this or Peoria's animal control ordinance within the previous 3 years from the date of application.

(9) The owner shall immediately notify the animal shelter of any change in the animals governed by the multiple pet license including the rabies vaccination and registration as set forth herein.

4.67 Revocation of License

(a) Upon conviction of a 2nd violation of the requirements pursuant to this article, the animal shelter shall revoke the multiple pet license for a period of not less than 3 months or more than 5 years, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple pet license.

(b) Upon revocation of the license, the owner shall relinquish ownership of his animals to the animal shelter.

4.68 Impounding Multiple Animals

(a) The animal shelter manager may impound the dogs and cats of any multiple-pet owner if the owner does not hold a multiple-pet license.

(b) The animals shall be redeemed by the owner upon payment to the animal shelter of the fees accrued as set forth herein and after application and approval for a multiple-pet owner license.

4.69 Dog Confinement Outside

(a) No person shall house more than 2 dogs outside on a property lot or lots of less than 10,890 square feet.

(b) No person shall place a doghouse, dog kennel, or other dog housing outside except in the rear yard.

(c) No person shall place a doghouse, dog kennel, or other dog housing or restraint in the rear yard unless the structure or restraint is at least 10 feet from all property lines that have adjoining property. A dog trained for law enforcement while in the ownership of a law enforcement officer shall be exempt from the requirements of this subsection.

(d) A dog shall be deemed to be housed outside if the dog is outside for more than 8 hours in the aggregate during any 24-hour period or is outside for more than 30 minutes between the hours of 11:00 p.m. and 7:00 a.m.