

CHAPTER 13

ANIMAL CONTROL

13-1-1 DEFINITIONS. As used in this Chapter, the following terms are defined below:

Animal at Large: Any animal not secured by a leash or lead or under the control of a responsible person and off the premises of the owner.

Animal Control Officer: The employee of the City responsible for the enforcement of this Chapter and all other applicable animal control laws and regulations.

Animal Shelter: Any facility operated by a Humane Society of St. Clair County or its authorized agents, for the purpose of impounding animals under the authority of this Chapter for care, confinement, return to owner, adoption or euthanasia.

Bite: To cut with teeth.

Circus: A commercial variety show featuring animal acts for public entertainment.

Confinement Structure: A securely locked pen, kennel, or structure designed and constructed for the keeping of a vicious or dangerous animal(s), which shall be designed, constructed and maintained in accordance with 510 ILCS 5/1 et seq. All structures erected to house vicious or dangerous dogs must comply with all zoning and building regulations. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition.

Domestic Animal: An animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling animals. It shall consist of more than **three (3) dogs**, cats or other domestic animals over **four (4) months** of age.

Leash: A cord, chain, rope, strap, or other such physical restraint having a tensile strength reasonably capable of controlling the animal under restraint.

Muzzle: A device constructed of strong, soft material or metal, made in a manner which will not cause injury to the animal(s) or interfere with its vision or respiration, but prevents it from biting any person or animal.

Owner: Any person, partnership, association, or corporation or agent thereof owning, keeping, or harboring **one (1)** or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for **thirty (30) consecutive days** or more.

Public Nuisance or Public Nuisance Animal: Any animal or animals that unreasonably annoy humans, endanger the life or health of any other animal or person, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that is repeatedly found at large; attacks other

domestic animals; damages the property of anyone other than its owner; molests or intimidates pedestrians or passerby; chases vehicles or cycles; excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored for a continuous period in excess of **ten (10) minutes**; or has been determined by the City animal control officer, after notice to its owner, to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety.

The term "public nuisance" shall mean and including, but not be limited to, a condition which causes fouling of the air by odor and thereby creates unreasonable annoyance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained.

Restraint: Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner(s).

Vicious or Dangerous Dog or Cat: Any individual dog or cat which when either unmuzzled, unleashed, or unattended by its owner or a person responsible for the animal's care, in a vicious or terrorizing manner, approaches any person in an apparent of attack upon streets, sidewalks, or any public grounds or places. The Police Department shall cause such dog or cat to be destroyed.

Wild Animal: Any member of a species not customarily used as an ordinary household pet, but which would ordinarily be confined to a zoo or one which could ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damages. A wild animal shall include, but not be limited to, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, except fish in an aquarium or captive-bred species of common cage birds.

13-1-2 ANIMAL SHELTERS; PERMITS.

(A) No person, partnership, or corporation residing in the City shall operate a commercial animal establishment or animal shelter without first obtaining approval in compliance with the City Zoning Code and obtaining the required approval and permits from the State of Illinois.

(B) It shall be unlawful for any person or persons to keep or harbor within the City more than **three (3)** domestic animals over **six (6) months** of age at a single residence. This limitation shall not apply to any person, group of persons or corporation lawfully engaged in the commercial business of breeding, buying, selling or boarding dogs, or operating a veterinary hospital or a chartered animal shelter.

13-1-3 RESTRAINT.

- (A) All animals shall be kept under restraint.
- (B) No owner shall fail to exercise proper care and control of his/her domestic animal(s) to prevent them from becoming a public nuisance.
- (C) Every domestic animal in heat shall be confined in a building or secure enclosure in such a manner that such animal(s) cannot come into contact with another animal except for planned breeding.
- (D) Officers of the Police Department or Animal Control Officer shall be authorized to destroy or tranquilize any dangerous, vicious or animal in heat when necessary for the protection of any person or property.

13-1-4 CONFINEMENT OF VICIOUS OR DANGEROUS ANIMALS. No person shall possess any vicious or dangerous dog unless the vicious or dangerous dog is confined or restrained in compliance with **510 ILCS 5/1 et seq.**

13-1-5 IMPOUNDMENT AND VIOLATION NOTICE.

- (A) Unrestrained dogs and nuisance animals found running at large by Officers of the Police Department or Animal Control shall be presumed to be in violation of this Section and shall be subject to impoundment by Animal Control in accordance with St. Clair County Animal Control's regulations.
- (B) Impounded animals shall be kept at the St. Clair County Animal Control and fall under the rules and regulations of St. Clair County Animal Control.
- (C) The owner of an impounded animal may also be prosecuted for any violation of this Chapter.
- (D) Every case in which an animal bites a person shall be promptly reported to the Police Department and St. Clair County Animal Control. Investigation of such bites shall be conducted by the Police Department and St. Clair County Animal Control and quarantine of any involved animals shall be in accordance with **510 ILCS 5/13.**

13-1-6 ANIMAL CARE.

- (A) **Proper Care.** No owner shall fail to provide his/her animal(s) with food or water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment, to include rabies vaccination and registration with St. Clair County Animal Control. **(Ord. No. 7348; 01-19-10)**
- (B) **Animal Abuse.** No person shall beat, cruelly treat, torment, overload, overwork, or to otherwise abuse an animal, or knowingly allow same to be done.

(C) **Animal Transportation.** No person shall carry or keep any animal bound or tied by its legs or bound down by the neck so that it cannot freely stand in an upright position while being transported, or by carrying or keeping any animal(s) in a crate or cage so constructed as to permit the animal(s) to push its head between the slats or wires or other openings of the crate or cage, unless the spaces between the slats or wires are also sufficient to permit the animal(s) to freely withdraw its head therefrom.

(D) **Animals as Prizes.** No person shall give away any live animal(s), fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game or other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade. Except for special circumstances with permission granted by the Mayor.

(E) **Exposing Poison.** No person shall expose any known poisonous substance; whether mixed with food or not, so that the same is accessible and may be eaten by any animal, provided that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance.

(F) **Farm Animals.** No person shall keep any goats, pigs, sheep, cattle or other farm animals of any kind anywhere in the City. No person shall raise, maintain or have upon any property within the City any chickens, ducks, geese, guinea hens, pigeons and other similar fowl. This limitation shall not apply to any person or persons within the City limits who on the date of the enactment of this Chapter own farm animals which is at least **one hundred fifty (150) feet** of any residence other than the residence of the person so keeping or having such animals. This limitation shall not apply to those premises annexed to the City and provided that the farm animals were kept on the premises on the date of such annexation and continuously thereafter; and provided further, that such premises have remained the same size as when first annexed to the City. However, this shall not be construed to allow such person or persons to replace farm animals upon the death or loss of such animal with a like number of farm animals.

(G) **Horse Stables.** No person, firm or corporation may stable or otherwise keep a horse or horses anywhere in the City, except on premises where keeping of horses was lawful under the ordinances of St. Clair County at the time such premises were annexed to the City and provided that horses were kept on the premises on the date of such annexation and continuously thereafter; and provided further, that such premises have remained the same size as when first annexed to the City.

(H) **Diseased Animals.** No animal infested with any disease, whether contagious or pestilential, shall be brought into the City or shall be allowed to remain in the City without proper medical care being sought by the owner.

(I) **Injury of Owned At Large Animals.** Any person who allows his/her animal(s) to run at large is responsible for veterinary fees if the animal is injured by a motor vehicle.

(J) **Giving Away Animals in Public Places.** It is a violation to give away dogs or cats in public places including, but not limited to, a grocery store, drugstore, shopping centers or swap meets.

(K) **Dead Animals.** Any person being the owner or occupant of any premises within this City having a dead animal on the premises shall, within **twenty-four (24) hours**, remove or cause the removal of the dead animal. Failure to remove the dead animal, will result in the Sanitation Department removing such animal and charging the owner of the animal, and/or placing a lien on the property of the owner.

(L) **Animal Waste.** The owner of every animal shall be responsible for the removal of any excrement deposited by the animal(s) on public walks, streets, recreation areas, private property or any other property located within the City.

(M) **Hunting, Trapping, Etc.** No person shall hunt, kill, entrap, injure or destroy by any means any bird or animal within the City limits, unless first having obtained permission from the Chief of Police and the State of Illinois. Humane trapping by the Humane Society, Animal Control, Police Department or their designee shall be exempt from this provision.

(N) **Feeding Stray Animals.** No person shall willingly feed stray domestic animals whereby allowing the animals to continue to run at large.

13-1-7 KEEPING OF WILD ANIMALS.

(A) No person shall own, possess, or have custody of any wild animal for display, training or exhibition purposes whether gratuitously or for a fee.

(B) No person shall keep or permit to be kept any wild animal as a pet.

(C) The provisions of this Section shall not apply to licenses to pet shops and circuses, if:

- (1) the location conforms to the provisions of the zoning ordinances of the City;
- (2) all animals and animal quarters are kept in a clean and sanitary condition, well ventilated conditions that allow the animal room to exercise, and so maintained as to eliminate objectionable odors; and
- (3) no person lives or resides within **one hundred fifty (150) feet** of the quarters in which the animals are kept.

13-1-8 PERFORMING ANIMAL EXHIBITIONS.

(A) No person shall fight or bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting any dog or other animal.

(B) No person may sponsor, promote, train an animal to participate in, contribute to the involvement of any animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is abused or

stresses mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities, and applied regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.

13-1-9 PETS OR OTHER ANIMALS AT PUBLIC EVENTS AND PLACES.

Pets or other animals shall not be allowed in the confines of any City approved public event, including, but not limited to: school picnics, parades, sidewalk fairs, organized events and activities scheduled on the public square/downtown area, open to the public. The following types of animals are excluded from this Section: seeing eye dogs and other working animals; animals participating in the public event, animals approved by the sponsoring group. A violation of this Section shall be a petty offense.

13-1-10 TEASING, STRIKING OR TAMPERING WITH POLICE DOGS PROHIBITED.

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

13-1-11 INJURY OR KILLING POLICE DOGS PROHIBITED. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

13-1-12 PENALTIES. In addition to the specified penalties herein, any person violating any provision of this Chapter may be prosecuted and found guilty of a misdemeanor, punishable by a fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**, and relinquishment of ownership of the involved animal(s).

13-1-13 TETHERING DOG REGULATIONS. The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for **one (1) hour** or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners

and guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within **fifty (50) feet** of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within **ten (10) feet** of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than **three (3) dogs** may be tethered on one residential property.

(H) No more than **one (1) dog** shall be attached to a tether.

(I) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment and shall be maintained.

(J) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof, four sides, and solid floor **three (3) inches** above the ground. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

(K) Tethering shall not be used as permanent means of containment for any companion pet.

(L) Tethering shall be acceptable under the following conditions:

(1) Trolley or pulley types of tethering systems are recommended.

(2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

(3) All tethers will be a minimum of **fifteen (15) feet** in length and no more than **one-eighth (1/8)** the dog's weight.

(4) The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.

(5) No pinch or choke collars shall be allowed.

(6) No tether shall be directly attached to the dog.

(M) No dog shall be tethered longer than **ten (10) continuous hours** or **twelve (12) hours** in any **twenty-four (24) hour** period.

(N) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

(Ord. No. 7622; 08-06-12)

13-1-14 **MICROCHIPPING.** All dogs impounded for running at large for a second time shall be microchipped at the owner's expense. The fee shall be **Fifteen Dollars (\$15.00)** per dog. A dog found running at large a third time shall be spayed or neutered within **thirty (30) days** of being reclaimed. The owner's failure to comply with this order shall result in the impoundment of the dog. **(Ord. No. 7711; 09-03-13)**

(Ord. No. 7217; 01-05-09)