

CHAPTER 2

ANIMAL CONTROL

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6-2-1: **DEFINITIONS:** As used in this Chapter, the following definitions shall apply:

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| ANIMAL: | Any live vertebrate creature except man. |
| ANIMAL CONTROL OFFICER/WARDEN: | Any employee of the Village designated by the Chief of Police to exercise police powers in the enforcement of this Chapter. |
| AUTHORIZED PERSON: | Any member of the Police Department, Animal Control Officer/Warden or any person under their supervision. |
| BITE: | Seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such cat, dog or other animal with any break or abrasion of the skin. |
| CAT: | All members of the feline family. |

CONTROL:	Any owned animal that is secured by one or more of the following: <ul style="list-style-type: none">A. A leash or lead no more than six feet (6') in length.B. An electrical or mechanical device designed to keep an animal confined to the owner's property.C. A fence, cage, crate or enclosure.D. A vehicle.
DISEASED ANIMAL:	Any animal affected with a disease contagious or infectious to both humans and animals.
DOG:	All members of the canine family.
ENCLOSURE:	Any fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children and to confine a dog or other animal, designed with secure sides, top and bottom adequate to prevent escape.
IMPOUNDMENT:	The removal and taking into custody of animals pursuant to this Chapter.
KENNEL:	Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals over four (4) months of age are kept.
LEASH:	Any restraint, cord, thong or chain not more than six feet (6') in length, designed for the purpose of keeping the animal under control. The leash must securely fasten to the collar or harness of the animal must be of sufficient strength to contain the animal.
POUND:	Any facility licensed by the Illinois Department of Agriculture and approved by the Chief of Police for the purpose of enforcing this Chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

- SHELTER:** Any establishment where dogs, cats or other animals are received housed and distributed, with or without charge.
- STRAY ANIMALS:** Any animal running at large in the public way or on private property other than that of the owner or keeper of such animal.
- VICIOUS ANIMAL:**
- A. Any individual animal that, when unprovoked, inflicts bites and attacks a human being or other animal either on public or private property.
 - B. Any individual animal with a propensity, tendency, or disposition to attack without provocation to cause injury or to otherwise do any act that might endanger the safety of human beings, domestic animals or any other property of another, including, but not limited to, a disposition to mischief or fierceness which might lead to attack of the foregoing.
 - C. Any individual animal which attacks a human being or domestic animal without provocation, whether in play, anger or outbreak of untrained nature.
 - D. No animal 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 animal for law enforcement or guard duties.
- VILLAGE:** The Village of Elizabeth, Jo Daviess County, Illinois. (2002 Code)

6-2-2: **TREATMENT OF ANIMALS:** It shall be unlawful:

- A. To inhumanly beat, underfeed, overload or abandon any animal.
- B. Fail to provide any animal with proper shelter, protection from weather or veterinary care when needed to prevent suffering.

- C. Own, keep, harbor or maintain within the Village any breed of fowl that are or will be used in the pursuit of and/or staging of cockfighting on any premises.
- D. Promote, stage, hold, manage, conduct or carry on any animal fight of a similar nature, nor any simulated version of same that involved baiting or inciting an animal toward intent to fight
- E. Hold a greased pig contest.
- F. Keep animals in violation of the “Illinois Humane Care for Animals Act¹” or the Illinois Animal Welfare Act².”
- G. Intentionally strike Canadian geese or other wildlife with a motor vehicle. Geese and other wildlife shall have the right of way when crossing streets within the Village. Any person who, as the operator of a motor vehicle, strikes an animal, shall stop at once and render such assistance as may be possible, or shall immediately report such injury to the animal owner, if known; or to the appropriate law enforcement agency; or to the local humane society.
- H. Torment, shoot at with slingshots, BB or pellet type guns or other firearms, pelt with rocks or otherwise disturb any animals.
- I. Give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other compensation, or an inducement to enter a place of amusement, or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
- J. Bring or cause to have brought into the Village, sell, offer for sale, barter, display living baby chicks, ducklings, or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this Subsection shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
- K. Poison or cause to be poisoned any domesticated animal. The only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Any drugs used for euthanasia shall be by or under the direction of a licensed veterinarian.

¹ 510 ILCS 70/1 et seq.

² 225 ILCS 605/1 et seq.

- L. Take the nest or eggs or young of any bird that is protected by Federal or State law.
- M. Keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.
- N. Leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature exceeds eighty-six degrees Fahrenheit (86°) (30°C) or contain any animal in such manner that said animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.
- O. Own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.
(2002 Code)

6-2-3: **CONTROL OF ANIMALS:**

- A. It is unlawful:
 1. Consent Required: For the owner or any person who has in his custody or control, any dog, cat or other animal to allow such animal to enter upon the premises of another within the Village without the consent of the owners.
 2. Public Body of Water: To permit any animal, whether licensed or not, to enter any public body of water, pond, fountain or stream.
 3. Food Establishment: To permit any animal to enter any place where food is stored, prepared, served or sold to the public, or any public building or hall; provided however, that this section shall not apply to any visually impaired or hearing impaired person using a trained guide dog, to veterinary offices or hospitals, or to animal shows or exhibitions.
 4. Trespass: To permit any animal to run uncontrolled or trespass on private or public property.
 5. Damage: To permit any animal to damage or destroy any property.
 6. Vehicles: To permit any dog to chase, run after or jump at vehicles using the public thoroughfares.

7. Threatening Animal: To permit any dog to habitually snap, growl, snarl, jump upon or otherwise threaten person lawfully using any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk.
8. Vicious or Dangerous Animals: To own, keep, harbor or maintain any vicious or dangerous animal or animal with vicious propensities in a manner which may or does endanger the safety of persons or property off his premises or lawfully on his premises. Any dog, cat or other animal that has previously demonstrated vicious propensities shall not be permitted upon a public street or highway, or upon any premises other than those of the person owning such dog, cat or other animal unless the dog, cat or other animal wears a muzzle securely fastened about its mouth in such a manner that it cannot bite, and is on a leash securely fastened to a collar or harness. The leash shall have an overall length, including the handle, of not to exceed three feet (3'), shall have a tensile strength of three hundred (300) pounds, and shall be held by its owner or other person able to control such dog, cat or other animal and, while lawfully on the premises of the owner, shall not be allowed to come in contact with any person who is not a member of the immediate household.
9. Disturbance of the Peace: To permit any dog or other animal to howl, yelp, whine, or bark or make noise in such a manner as to disturb any person or neighborhood at any time of the day or night.
10. Unsanitary Conditions: To allow any places where any animal is or may be kept to become unclean or unsanitary or become offensive to those residing in the vicinity.
11. Livestock: To harbor or keep any live horse, cattle, swine, sheep or goat or to raise any chickens, or fowl anywhere in the Village. Except for twenty (20) acre lots contiguous with a parallel zoning agricultural and a limit of one (1) animal unit per acre: Allow the Village Board authority to grant variances to applicants upon good cause shown. (Amd. 2014)

“Animal Unit” shall be defined in this Ordinance as it is defined by the USDA.
12. Number of Dogs or Cats: To keep on the premises more than four (4) dogs or cats or any combination thereof over four (4) months or age, or more than two (2) such animals boarded for compensation or kept for sale with the exception of regularly established and zoned veterinary hospitals, pet shops, pounds or shelters.

13. Excrement Removal:

- a. For any person to cause or permit a dog to be on any property, public or private, not owned or possessed by such person, unless such person has in his immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
- b. Removal Required: For any person in control of, causing or permitting any dog to be on property, public or private, not owned or possessed by such person to fail to remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person.

14. Bites: To fail to report an animal bite.

15. Animals other than Domestic Pets: To keep, harbor or maintain any animal which may endanger the safety of persons or property. This includes animals other than commonly recognized domestic pets which may harm or injure humans or other animals by injection of toxins, by constriction or suffocation, or by vicious biting, scratching or mauling. It is no defense to a violation of this subsection that the keeper of such animal prohibited herein has attempted to domesticate such animal. Exceptions to this subsection are animals displayed or harbored in a zoo, carnival or circus.

16. Public Street or Highway: To permit any dog, cat or other animal upon a public street or highway, or upon any premises other than that of the person owning such dog, cat or other animal unless such dog, cat or other animal is on a leash securely fastened to a collar or harness. The overall length of the leash including the handle shall not exceed six feet (6') and be held by its owner or other person able to control such dog, cat or other animal and, while lawfully on the premises of the owner, shall not be allowed to come in contact with any person who is not a member of the immediate household.

17. Vicious Animal Requirements:

- a. It shall be unlawful for any person to keep or maintain an animal which has been found to be a vicious animal unless such animal is at all times kept in an enclosure. The only times that a vicious animal may be allowed out of the enclosure are if it is necessary for the owner or keeper to obtain veterinary care for the vicious animal or to comply with the order of a Court of competent jurisdiction; provided, that said

vicious animal is securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not to exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner or keep of the vicious animal.

- b. Any animal which has been found to be a vicious animal and which is not confined to an enclosure shall be shall be impounded by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injunction.
- c. No owner or keeper of a vicious animal shall sell or give away any vicious animal.

18. Public Nuisance: For any person to maintain a public nuisance by permitting any dangerous animal to leave the premises of its owner when not under control by leash or other recognized control methods.

- B. Exemptions: Guide dogs for visually impaired or hearing impaired persons, support dogs for persons with physical disabilities 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 subsection, each such dog shall be currently inoculated against rabies in accordance with Section 6-2-7 of this Chapter. It shall be the duty of the owner of such exempted dog to notify the Police Department of changes of address. In the case of a sentry or guard dog, the owner shall keep the Police Department advised of the location where such dog will be stationed.
- C. Complaint: The Village Attorney may file a complaint to enjoin all persons for 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. (2002 Code)

6-2-4: ANIMAL BITES:

- A. It shall be unlawful for any person, knowing that an individual has been bitten by an animal, to refuse to notify, within twenty-four (24) hours, the authorized person. When the authorized person receives information that any person has been bitten by an animal, the authorized person shall have the owner confine the biting animal under observation of a licensed veterinarian for a period of ten (10) days beginning within twenty-four (24) hours of the biting incident. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person or animal if a licensed veterinarian adjudges such confinement satisfactory.
- B. When the biting animal is currently inoculated with rabies vaccine, the animal's health shall be reported by the veterinarian to the authorized person of the Village and the Jo Daviess County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.
- C. When the biting animal is not currently inoculated with rabies vaccine, the animal's health shall be reported by the veterinarian to the authorized person of the Village and the Jo Daviess County Department of Animal and Rabies Control on the first, fifth and tenth days of the observation period for rabies.
- D. It shall be the responsibility of the Police Department to complete the Jo Daviess County animal dog bite card as soon as a bite is reported and mail it to the Jo Daviess County Department of Animal Control with twenty-four (24) hours.
- E. Owners of caged rabbits, guinea pigs, hamsters, gerbils, rats and mice that have been owned over thirty (30) days shall not be required to obtain a veterinary examination when their caged animal has bitten a person, but shall report the health of the biting animal by telephone or in person to the authorized person of the Village and the Jo Daviess County Department of Animal and Rabies Control on the first and tenth days following the bite.
- F. Cattle, sheep, swine and horses that have bitten a person shall be confined to the owner's property and examined by a veterinarian on the first and tenth days after a bite.
- G. It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or having inoculated against rabies, the animal known to have bitten a person until it has been released from confinement for observation for rabies.

- H. If the dog or other animal bites again during confinement period, it will be impounded for the full ten (10) day period commencing from the date of the second bite. Owners allowing their dog or other animal to bite during the confinement period will be subject to Court citation. Owners not returning their animals for follow-up examination on the appropriate dates will be in violation and subject to Court citation.
- I. The owner of said dog or other animal shall be responsible for all fees and charges incurred to meet the requirement of this Section. (2002 Code)

6-2-5: **IMPOUNDMENT AND REDEMPTION OF ANIMALS:**

- A. Nuisance Animals; Impoundment Authorized: Any dog or other animal doing any of the acts prohibited in Section 6-2-4 of this Chapter is hereby declared to be a public nuisance, and such animal may be seized and impounded as provided herein.
- B. Notice to Owner; Impoundment Period; Deposition of Animals: After such animal impounded, the Police Department, Animal Warden or authorized representative shall ascertain whether the animal is licensed and, if so, shall, within a reasonable time, notify the person to whom the license was issued that said animal has been impounded and may be redeemed. All animals impounded pursuant to this Section shall be held for minimum of seven (7) days after notification of the owner. In case any animal is not released, it shall be humanely destroyed or otherwise disposed of; provided, that none of said animals shall be used for experimental purposes.
- C. Redemption of Impounded Animal: Any dog or other animal impounded pursuant to the provisions of this Section may be redeemed upon payment of the required redemption fee, fines, and license and vaccination fees as provided herein.

The animal shall be returned to the owner, provided he shall:

1. Show satisfactory proof ownership.
2. Pay any fines or penalties imposed for violation of this Chapter.
3. Pay the cost of keeping the animal while impounded by the Village at its pound.
4. Secure any animal license or rabies vaccination, if applicable and due.

- D. Liability for Fines and Costs: If ownership of the animal is established and the owner refuses to redeem the same, he shall remain obligated to pay all fines and impoundment expenses. (2002 Code)

6-2-6: **DOG FENCING REQUIREMENTS:**

- A. Electronic Fences: All electric fences are outlawed except for invisible fences. A special use permit for different or new types of fences can be obtained through the Village Board.

6-2-7: **RABIES INOCULATIONS:**

- A. Inoculations Required: Every owner, except animal shelters, animal impounding facilities and laboratory animal facilities, of a dog or cat four (4) months or more of age shall cause such dog or cat to be inoculated with rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture.
- B. Prerequisite to Dog License: No license for a dog shall be issued unless the application for said license is accompanied by a certificate signed by a veterinarian that said dog has received inoculations by rabies prevention within the preceding year as required by this Section.
- C. Rabies Tag: Any dog which is kept or maintained in the Village shall display the Jo Daviess County rabies tag on the dog. (2002 Code)

- 6-2-8: **ESTRUS (HEAT)**: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such dog or cat cannot come into contact with another animal except for planned breeding.
(2002 Code)

6-2-9: **DISEASED ANIMALS:**

- A. Running at Large, Removal from Premises Prohibited: No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or be exposed to any public place whereby the health of man or other animals may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner, except under the supervision of an authorized person.

- B. Preventive Measures: It should be made the duty of such person so authorized to secure such disposition of any diseased animal and secure treatment of affected premises as to prevent the communication and spread of contagion and infection, except as otherwise provided by law. (2002 Code)

6-2-10: **DISPOSITION OF DEAD ANIMALS:**

- A. Time Limit for Disposition; Burial Places: It shall be unlawful for any person to allow any dead animals which he owns to remain within the Village for more than twenty-four (24) hours. No such animal shall be buried within the Village limits; except, that dead animals may be buried on property owned, operated and maintained for agricultural purposes in the manner hereinafter provided.
- B. Permit to Bury: No dead animal shall be buried on any property owned, operated or maintained for agricultural purposes unless a permit there for has been obtained from the police or public health department.
- C. Burial Requirements: No dead animal weighting seventy-five pounds or less shall be buried in any grave that is less than three feet (3') deep. No dead animal weighing more than seventy-five pounds shall be buried in any grave that is less than six feet (6') deep. No dead animal shall be buried within a grave that is within seventy-five feet (75') of any stream, watercourse, or well.
- D. Exemptions from Provisions: The provisions of this Section shall not apply to burial of birds. (2002 Code)

- 6-2-11: **VIOLATIONS; PENALTY**: Any person violating any provision of this Chapter shall be punishable as provided in Section 1-4-1 of this Code. (2002 Code)