

Chapter 4 - ANIMALS<sup>11</sup>

Footnotes:

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**State Law reference**— General authority relative to animals, 65 ILCS 5/11-20-9.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Keeping pigeons in city.

- (a) No person shall keep, maintain or harbor any pigeons within the city except upon the conditions prescribed in this section and which said conditions are hereby declared to be in addition to such restrictions as may be contained in all other ordinances.
- (b) Pigeons when permitted to be maintained, shall be kept in a suitable house or coop which shall be not more than 800 cubic feet in size and not more than 100 pigeons shall be kept at any time. Pigeon houses or coops may also have an attached enclosed runway, but all structures for the keeping of pigeons shall be constructed so as to keep the same properly confined and prevent their flying about except as hereinafter provided.
- (c) No pigeon house, coop or runway shall be constructed except within the rear yard of any premises and everywhere shall be distant at least 50 feet from any dwelling or building inhabited by human beings; provided that the same need not be more than 25 feet from the dwelling or building inhabited by the owner or keeper of such pigeons.
- (d) Pigeons shall not be permitted to fly about and shall be kept within the house, coop or enclosed runway, at all times, except that carrier or homing pigeons, when a proper permit has been obtained from the health department, may be permitted to be exercised and flown outside of the enclosure before 10:00 a.m. and after 5:00 p.m. Homing or carrier pigeons under two months of age may be permitted to be outside their enclosure during their training period. Pigeons returning from training flights may do so at any time provided they immediately enter their loft. The flying of carrier or homing pigeons, at any time, may be prohibited in any specific case where it is satisfactorily established that such pigeons soil clothes or other property not belonging to the keeper of such pigeons. Such proof shall be established in an action in court on complaint of any person affected by the violation of this provision.
- (e) All pigeon houses, coops or runways shall be maintained in such proper sanitary condition as to avoid offensive odors and no pigeons shall be kept which create any loud and excessive noises and sounds. Any odors emitting from pigeon houses, coops or runways which are perceptible at least 75 feet from such pigeon house, coop or runway, and any noises emitting from pigeons which are audible at least 150 feet from such pigeon house, coop or runway shall be prima facie evidence of a violation of this provision.

(Code 1955, § 6-6.1; Code 1970, § 5-1; Ord. of 6-6-1955)

**State Law reference**— Racing, Hobby, and Show Pigeon Act of 1993, 510 ILCS 45/1 et seq.

Sec. 4-2. - Killing of domestic animals and poultry prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Domestic animals* means any cattle, calves, buffalo, catalo, cattalo, sheep, swine, and goats.

*Poultry* means domesticated chickens, turkeys, ducks, geese, guineas, or rabbits capable of being used for human consumption.

(b) *Violations.*

- (1) No domestic animal or poultry shall be killed for human consumption or to be sold for human consumption within the city except as provided in subsection (c) of this section.
- (2) Any person violating these provisions shall be guilty of a petty offense punishable by a fine of not less than \$50.00 nor more than \$500.00.

(c) *Exceptions.* The provisions of subsection (b) of this section, violations, shall not apply to facilities and individuals licensed and approved by the state department of agriculture or the United States Department of Agriculture, as provided in the Humane Slaughter of Livestock Act (510 ILCS 75/0.01 et seq.), or to those facilities or individuals who are otherwise exempt from the provisions of that act.

(Code 1970, § 5-25; Ord. No. 1988-448-O, 11-14-1988)

Sec. 4-3. - Prohibited; exceptions.

It shall be unlawful to engage in the trapping of any bird or mammal by setting or placing a leg hold trap, body-gripping trap, or other similar device designed or used to capture, hold or kill within the city; provided, that this section shall not prohibit:

- (1) The trapping, by any means other than setting or placing a leg hold trap, or any bird or mammal by an authorized officer, employee or agent of the state or any local unit of government when such trapping is conducted in conformance with state law and the rules and regulations of the state department of conservation; provided, however, that live trapping shall be used before other trapping methods if practical. The employee or officer of the city authorized to engage in trapping shall be the director of public works or his designee; or
- (2) The trapping of rats, mice or other vermin within any building.

(Code 1970, § 5-50; Ord. No. 1990-179-O, 6-25-1990)

Sec. 4-4. - Feeding of wild animals.

(a) *Definitions.* The following words, terms and phrases, when used in section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Wild* means not domesticated, living unconfined, in a state of nature.

(b) *Nuisance feeding prohibited.* The feeding of any wild mammal by any means, including hand feeding or the placing or setting out of food to be left attended or unattended, which creates a hazard to public health or safety is hereby declared to be a public nuisance and to be unlawful.

(c) *Presumption.* If any person places or sets out food that is, in fact, consumed by a wild mammal, that person shall be presumed to have fed a wild mammal. This provision shall not apply to persons setting out refuse or garbage for collection in conformance with the City Code, or to persons growing crops or gardens in conformance with the city zoning ordinance, or to the baiting of traps.

(Code 1970, §§ 5-30—5-32; Ord. No. 1989-287-O, 10-30-1989)

Secs. 4-5—4-26. - Reserved.

ARTICLE II. - DOGS AND CATS<sup>21</sup>

Footnotes:

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**State Law reference**— Power of city to tax dogs, 65 ILCS 5/11-20-9.

#### DIVISION 1. - GENERALLY

Sec. 4-27. - Court appearances.

As an alternative to any other manner of charging a violation of this article, the animal services department of the county or any law enforcement officer may issue a ticket charging a violation of a provision of this article. The ticket would allow the person charged to satisfy the violation without a court appearance by a written plea of guilty and payment of the minimum fine prescribed in this article, along with the applicable costs. If the person wishes to contest the violation charged, he may enter a plea of not guilty on or before the court appearance date found on the ticket. Where a violation of section 4-60 is charged, the person charged must, in addition to payment of the fine, present evidence that the animal has been inoculated against rabies.

(Code 1970, § 5-19; Ord. No. 1989-117-O, 6-5-1989)

Sec. 4-28. - Sale of animals at swap meets, flea markets and public property prohibited—Exceptions—Penalty.

- (a) No animal shall be offered for sale, gift or other transfer of ownership, and no animals shall be sold, given away or otherwise transferred, on or from any public street, roadway, right-of-way, flea market or swap meet. An "animal" is defined for the purposes of this section as a dog or a cat. A "swap meet" is defined for the purpose of this section as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter or exchange of new or used merchandise.
- (b) *Exceptions.* Subsection (a) of this section shall not prohibit the sale, gift, or other transfer of ownership of animals at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county agencies, or to activities conducted by a tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.
- (c) *Penalties.* A violation of any provision of this section is punishable by a fine of not less than \$250.00 per person and not more than \$750.00 per person. A "person" is defined for purposes of this section as the owner, operator or manager of any swap meet, as well as the owner, breeder, or peddler of the animals. Each day such violation continues shall constitute a separate offense.

(Ord. No. 2012-084-O, 5-29-2012)

Secs. 4-29—4-57. - Reserved.

#### DIVISION 2. - DOGS

Sec. 4-58. - Running at large.

- (a) *Purpose.* To address problems concerning protection of public safety, overpopulation and unwanted animals, and reinforcement of responsible guardianship of dogs with regard to ownership of both

male and female dogs. Dogs that are left to run at large (unleashed) are a hazard to the community and its citizens with the potential to harm unwary citizens through acts of aggression, threatening behavior and damage to property. It is the interests of the community to regulate the latitude given to dogs and their caretakers to roam without proper supervision in public areas.

- (b) *Confinement of dogs.* Any person owning, harboring, or controlling a male or female dog whether vaccinated or unvaccinated, licensed or unlicensed, sterilized or unsterilized, shall always keep such animal from running at large by either:
  - (1) Securely confining such animal within an adequate fence or enclosure, or within a house, garage, or other building or
  - (2) Accompanying the animal on a leash.
  - (3) For the purposes of this section, "running at large" means any dog that is not controlled by a leash or in a fenced yard or enclosure, including a dog on property that is its owner or caretaker that has received permission to allow his or her dog(s) on the property. All dogs on public sidewalks, parkways, streets and other public property must be controlled by a leash, or the dog(s) shall be considered running at large.
  - (4) Dog parks are exempt from this section.
- (c) *Definitions.* For the purposes of this section, "secure confinement" means securing the dog in an area from which the dog cannot escape based on the size and breed of the dog, while providing for the humane care of the animal while in confinement.
  - (1) Any dogs confined within a fenced yard must have an adequate space for exercise based on size of dog. Dogs shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, fences or other stationary objects as a means of confinement to property except as otherwise provided in section 4-62.
  - (2) Persons who utilize "invisible fencing" to contain any domestic animal must display prominently on their property immediately adjacent to the public right-of-way a sign which indicates that any domestic animal located thereon is contained by way of "invisible fencing." Invisible fencing installed after the effective date of this chapter, must be at all times able to confine the domestic animal within the boundaries of the owner's property.
- (d) Whenever a police officer, animal control officer or other person duly authorized by the City to enforce this section witnesses or has knowledge, based on reasonable grounds, of a violation by any person of this section, such person shall be issued a citation. A violation of this section may result in a fine of not less than \$100.00 for a first offense. Subsequent violations shall result in a minimum fine of \$250.00. The fine shall not exceed the maximum allowed by law.

(Rev. Ord. 1936, § 176; Code 1955, § 6-23; Code 1970, § 5-13; Ord. of 5-10-1943; Ord. of 3-19-1956; Ord. No. 1970-69-O, 3-16-1970; Ord. No. 2003-117-O, 7-7-2003; Ord. No. 2017-207-O, Att., 11-20-2017)

#### Sec. 4-59. - Barking dogs.

- (a) It shall be unlawful for any person to own, keep, have in his possession, or harbor any dog which, by frequent or habitual howling, yelping, barking or otherwise, shall cause annoyance or disturbance to a reasonable person.
- (b) A person shall not be found to be in violation of this ordinance unless sufficient evidence is presented, which evidence shall include at least one of the following:
  - (1) A complaint made by one person, which is accompanied by audio or video recordings depicting ten or more minutes of continuous howling, yelping, barking or otherwise. "Continuous" means that the noise continues with no interruptions or only unreasonably brief interruptions;

- (2) Complaints made by two or more persons, residing in different households, regarding the same dog(s) and owner(s), keeper(s) or harbinger(s); or
- (3) A complaint made by one neighbor, but which is corroborated by a responding animal control officer or law enforcement officer who observes howling, yelping, barking or otherwise that would annoy or disturb a reasonable person.

(Rev. Ord. 1936, § 1012; Code 1955, § 27-26; Code 1970, § 5-14; Ord. No. 2014-117-O, 8-4-2014)

Sec. 4-60. - Collar required for dogs.

Every dog kept within the city shall be provided by its owner or keeper with a collar made of substantial material to which shall be attached a numbered rabies inoculation tag or personal property tax tag.

(Code 1970, § 5-15; Ord. No. 1970-153-O, 8-3-1970)

Sec. 4-61. - Animal defecation prohibited.

- (a) No person, being the owner of or having charge of any animal shall permit it to defecate upon any public property, or upon any private property without permission of the property owner.
- (b) Any person, being the owner of or having charge of any animal not confined to that person's property shall immediately remove any animal feces deposited on public or private property in violation of subsection (a) of this section.

(Code 1970, § 5-16; Ord. No. 1989-116-O, 6-5-1989)

Sec. 4-62. - Dog tethering.

For purposes of this section, *tether* shall mean attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable or similar restraint. "Tether" does not include the use of a leash to walk a dog.

*Owner* means any person owning, keeping, caring for, or harboring a dog.

Dogs shall not be tethered except under the following conditions:

- (1) Only one dog may be tethered to each cable run; and
- (2) The dog must be tethered to a properly fitting collar or harness, with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run. Only commercially produced products whose primary purpose is the restraint of domestic animals may be used to tether, leash or otherwise restrain an animal; and
- (3) There must be a swivel on each end of the lead to minimize tangling of the lead; and
- (4) Tethering shall be located so as not to allow such animal to access public property, including sidewalks and parkways, or private property belonging to others, nor in such a manner as to cause harm or danger to persons or other animals; and
- (5) The size and weight of the lead must not be excessive, as determined by the enforcement officer, considering the age, size and health of the dog. The use of a lead that exceeds one-eighth of the body weight of the dog is prohibited; and
- (6) Tethering with a lead must measure at least ten feet in length.

- (7) A person must not tether a dog under circumstances that endanger its health and safety, including:
- a. Tethering a dog for more than 20 minutes between the hours of 10:00 p.m. and 7:00 a.m.;
  - b. Tethering that does not permit a dog's access to sufficient quantity of good quality water;
  - c. Tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down;
  - d. Tethering under conditions where the dog or tether can become entangled on the lead or some other object or animal;
  - e. Tethering that causes injury to, strangles, or chokes the dog;
  - f. Tethering that does not permit the dog to escape harm;
  - g. Tethering in an area which would pose a threat to public safety and health;
  - h. Tethering a dog during severe weather; and
  - i. Tethering a dog outdoors while its owner is not on the premises.
- (8) In addition to any penalties provided for in the Illinois Humane Care for Animals Act, 510 ILCS 70/1 et seq., any person found guilty of violating this section shall be fined not less than \$300.00 for a first offense nor more than permitted by law. Each offense and every day on which a violation occurs or continues shall be considered a separate offense.

(Ord. No. 2017-206-O, Att., 11-20-2017)

Secs. 4-63—4-80. - Reserved.

### DIVISION 3. - CATS

Sec. 4-81. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the administrator of the county division of animal services.

*Cat* includes all members of the feline family.

*County board* means the county board of the county.

*Owner* means any person having a right of property in a cat or other animal, or who keeps or harbors a cat or other animal, or who has it in his care, or acts as its custodian, or who knowingly permits it to remain on or about any premises occupied by him.

(Code 1970, § 5-20; Ord. No. 1991-323-O, 12-16-1991)

Sec. 4-82. - Registration and inoculation of cats.

- (a) Every owner of a cat four months or more of age shall cause such cat to be inoculated against rabies. Evidence of such rabies inoculation shall be entered on a certificate, the form of which has been approved by the state department of agriculture and the certificate shall be signed by the veterinarian administering the vaccine.
- (b) Within 30 days of the day of inoculation, any owner of a cat shall register such cat by presenting to the administrator or his authorized agent, the certificate of inoculation together with the appropriate fee. The owner shall be supplied with a registration tag for each cat registered, and said tag shall be

worn by each cat whenever said cat is off the property of its owner and not within a motor vehicle. The tag shall be in a form and color approved by the state department of agriculture. The method of distribution of the tags and collection of the registration fees shall be determined by the county board.

- (c) Failure to register a cat within 30 days of the inoculation or failure to comply with subsection (a) of this section shall result in the registration fee being doubled.

(Code 1970, § 5-21; Ord. No. 1991-323-O, 12-16-1991)

Sec. 4-83. - Cat registration fee.

There shall be a registration fee in an amount established by the city. Acceptable evidence of alteration may consist of certification by the veterinarian performing the alteration procedure or a notarized statement made by the seller of the animal indicating that it has been spayed or neutered while in his possession. There shall be a hobby breeder and exhibitor permit fee in an amount established by the city.

(Code 1970, § 5-22; Ord. No. 1991-323-O, 12-16-1991)