

CHAPTER 21
ANIMALS

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CHAPTER 21 -- ANIMALS

ARTICLE 1 -- GENERAL PROVISIONS

Section 21-101. DEFINITIONS. For the purpose of this Article, except as otherwise indicated, the following definitions will apply:

- (A) BITING ANIMAL means a dog or any other animal which has bitten, scratched, or otherwise injured any person or animal so as to cause abrasion of the skin of such person or animal.
- (B) LEASH means a cord or chain securely fastened to the collar of a dog or cat at a length which enables the handler to maintain control of the animal at all times in the public domain.
- (C) OWNER means any person who has a right of property in a dog or cat; who keeps or harbors a dog or cat, or has one in his care or acts as its custodian; or who knowingly permits a dog or cat to remain on or about his premises.

Section 21-102. ANIMAL CONTROL OFFICER: POWERS AND DUTIES. The Police Chief shall appoint an Animal Control Officer or other persons to enforce the terms of this Chapter and may designate other employees to assist the Animal Control Officer in this task. Such persons shall have the authority to enter all public and private property, and to do all other things reasonable and necessary to enforce the provisions of this Chapter. Nothing contained herein shall prohibit the Animal Control Officer or other designated employee from destroying an animal when in his judgment such act is necessary and proper to protect life or property.

Section 21-103. CERTAIN ANIMALS PROHIBITED; EXCEPTIONS. No goat pen, chicken coop, runway, yard or other place for the keeping of any goat, chicken, pigeon, goose, turkey, mule, donkey, sheep, bovine, swine or other such animal or fowl, of any kind, shall be maintained within the Village, except that fowl and rabbits for the purpose of slaughtering or sale in the ordinary course of business may be kept therein in such areas as are permitted under the Zoning Code and other applicable ordinances. No horse, mule, donkey, bovine, goat, sheep or swine shall be raised or kept in the Village. No predatory mammal or bird of any species may be kept or raised within the Village. No dog trained or used for dog fighting may be kept or raised within the Village.

Wildlife Prohibited - No person shall possess, harbor or keep any bird or fur-bearing animals which are deemed protected species by the Illinois Department of Conservation. The provisions of this Article may be waived if a person possesses a Salvage License or a Falconry License issued by the Illinois Department of Conservation.

The penalty for violation of this Section 21-103 shall be Two Hundred Fifty Dollars (\$250.00), and each day that such violation shall occur or continue shall constitute a separate offense.

Section 21-104. NUMBER OF ANIMALS LIMITED. No person shall own or harbor in any residential unit more than three (3) dogs and three (3) cats, provided, however, that such limitations shall not apply for a period of One Hundred Twenty (120) days from the date of birth of offspring of dogs and/or cats in such dwelling unit. The penalty for violation of this Section 21-104 shall be Seventy Five Dollars (\$75.00), and each day that such violation shall occur or continue shall constitute a separate offense. (Ordinance No. 89-107, 10.24.89)

Section 21-105. REGISTRATION OF GUARD DOGS AND VICIOUS DOGS.

(Replaced in its entirety by Ordinance 07-045, 04.24.07)

Any person who keeps a professionally trained dog for law enforcement or guard duties or a dog that has been found to be vicious shall register such dog with the Village and procure a tag indicating that such animal is registered with the Village. The application for such registration shall contain a statement of the name, breed, color and sex of such dog, the name of the owner of such dog, the address at which such dog is kept, and a certification by a licensed veterinarian that such dog has been vaccinated for rabies within the past twelve (12) months. In addition:

(A) Guard Dogs. The person registering a guard dog shall provide proof of training and shall post a sign, visible to the public, of the presence of such an animal if such animal is housed, kept, or sheltered outside or roams within the confines of its residence.

(B) Vicious Dogs. Any owner of a dog that has been found to be vicious shall procure from the Village a special tag identifying the animal as vicious. In addition, the owner of such a dog shall comply with the provisions of Section 21-110 hereof.

(C) Lists. The Animal Control Department shall maintain a list of registered guard dogs and a list of registered vicious dogs.

(D) Penalty. The penalty for violation of this Section 20-105 shall be Fifty Dollars (\$50.00), and each day that such violation shall occur or continue shall constitute a separate offense.

Section 21-106. VACCINATION REQUIRED. It shall be unlawful for any person to own, possess or harbor a dog or cat over the age of four (4) months in the Village without first having such dog or cat vaccinated against rabies. The penalty for violation of this Section 21-106 shall be Seventy Five Dollars (\$75.00), and each day that such violation shall occur or continue shall constitute a separate offense. (Ordinance No. 00-076, 04.25.00)

Section 21-107. IMPOUNDING AND REDEEMING ANIMALS.

(Replaced in its entirety by Ordinance 07-045, 04.24.07)

(A) Impounding. The Animal Control Officer shall take up and impound any dog or cat found running at large in the Village contrary to the provisions of this Article.

If a tranquilizer gun is used to apprehend a stray or vicious dog or cat which cannot be captured by normal means, the Village and its agents shall not be responsible if the animal shall succumb or sustain any injury as a result of the use of the tranquilizer gun.

(B) Notice. When it is possible to identify the owner of any impounded dog or cat (e.g., by rabies tag or identification tag), notice of said impoundment shall be given by the Animal Control Officer to the owner of such dog or cat, informing such owner that if such dog or cat is not redeemed within three (3) days of the date of such notice, such dog or cat may be redeemed by any person paying the required fees.

(C) Fees for Redeeming. For every dog or cat taken up and impounded as provided in this Article, there shall be paid to the Director of Finance by any person desiring to redeem such dog or cat, a twenty dollar (\$20.00) redeeming fee, plus the cost of keeping such dog or cat while impounded at the rate of five dollars (\$5.00) per day or fraction thereof from the date of impoundment.

(D) Unredeemed Animals. If a dog or cat is not redeemed within three (3) days, such dog or cat shall be disposed of by order of the Animal Control Officer, or the Animal Control Officer may deliver any unredeemed dog or cat, after the period of redemption, to:

- (1) the Animal Welfare League, any licensed Humane Society or Breed Rescue Agency, without the payment of an impounding fee; or
- (2) any responsible citizen, upon adoption and payment of any fees accrued up to the time at which the said dog or cat became an "unredeemed animal".

Fees for redeeming may be waived if the new owner of the animal pays for a vaccination for rabies and neutering and proper licensing of such animal. When any impounded dog or cat requires emergency medical treatment, the cost of such treatment shall be added to the impoundment fee and shall be reimbursed by the owner.

(E) Fees. When any dog or cat shall be disposed of, the fee to be charged to the owner for the disposal thereof shall be twenty five dollars (\$25.00).

Section 21-108. REPORT OF RABIES. It shall be the duty of every veterinarian or other person who discovers any dog or other animal to be suffering with rabies to report such fact immediately to the Animal

Control Officer. Such report shall give the name, if known, and the place of residence of the owner of such dog, cat or other animal and the place where such animal can be found. Such animal shall be immediately taken up and impounded, in the manner provided in this Article, and securely kept until the Animal Control Officer causes an examination to be made. If it is determined that said animal is suffering with rabies, said animal shall be destroyed with authorization from the County Animal Control Agency in which any bite by said animal occurred.

Section 21-109. FARM ANIMALS. Those residents who are presently operating a farm shall be allowed to keep and/or house animals which are commonly used, housed or kept in connection with the operation and maintenance of said farm; provided that said farm shall constitute an area in excess of two (2) acres on which plants and crops are growing.

Section 21-110. VICIOUS OR DANGEROUS DOGS.
(Amended in its entirety by Ordinance 05-121, 11.08.05)

(A) Definitions. For the purposes of this Section, except as otherwise indicated, the following definitions will apply:

- (1) "VICIOUS DOG" means:
 - (a) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;
 - (b) Any individual dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - (c) Any individual dog which attacks a human being or domestic animal without provocation; or
 - (d) Any individual dog which has been found to be a "dangerous dog" upon two (2) separate occasions;
 - (e) Any individual dog that has a trait or characteristic and a generally known reputation of viciousness, dangerousness or unprovoked attacks upon humans or other animals, unless handled in a particular manner or with special equipment;
 - (f) No dog shall be deemed "vicious" if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties and is registered pursuant to Section 21-105 herein. (Ordinance 07-045, 04.24.07)

(2) "DANGEROUS DOG" means any animal:

- (a) the behavior of which constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself or herself peacefully or lawfully;
- (b) which chases or approaches a person upon a street, sidewalk or any public grounds in a menacing fashion or apparent attitude of attack; or
- (c) which, on three (3) separate occasions within a six (6) month period, has been observed by Bolingbrook Animal Control to be unrestrained or uncontrolled off its owner's premises or has been impounded by Bolingbrook Animal Control for being unrestrained or uncontrolled off its owner's premises.

(3) ENCLOSURE means a fence or structure of at least six (6) feet in height, and no more than fifteen (15) feet by eight (8) feet in area, forming or creating an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping from the enclosure. If said fence or structure does not have a bottom which is secured to the sides, the sides shall be embedded in the ground. Such enclosure shall be within an area fenced by a stockade fence six (6) feet in height, and all gates within said fence shall remain locked at all times.

(4) IMPOUNDED means taken into the custody of the Village Animal Control Facility.

(B) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. In addition, it shall be unlawful for any person to keep or harbor a vicious animal on a porch or patio or in any part of a house or building that would allow the animal to exit such structure on its own volition. The only times that a vicious dog may be allowed out of the enclosure are:

- (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or
- (2) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

(C) In addition, the owner of a vicious dog must comply with the following conditions:

- (1) The owner shall register such dog with the Village and procure a tag in accordance with the provisions of Section 21-105 hereof and shall post signage at the front and rear property lines, which signage reads as follows: "BEWARE OF VICIOUS ANIMAL".
(Ordinance 07-045, 04.24.07)
- (2) The owner shall notify the Animal Control Division within 24 hours if the animal is loose, unconfined, has attacked another animal, or has attacked a human being, or has been removed from the Village, or has died.
- (3) The owner must provide proof that the animal has been neutered.
- (4) The owner of a vicious animal shall present to the Village proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), covering the twelve (12) month period during which licensing is sought. The insurance policy shall contain a provision that the Village will be notified by the insurance company of any cancellation, termination or expiration of the policy.
- (5) The owner, at his/her own expense, shall attend classes in dog obedience and care offered through any approved institution, park district or licensed trainer.
- (6) The owner shall allow inspection by the Animal Control Officer, without prior notification, on a regular basis, but not more than three (3) times a year, of the premises in which the vicious animal is kept. The Animal Control Officer shall determine whether or not the enclosure is secure, that facilities exist to adequately feed, house and maintain the animal, that the location of the enclosure is not likely to endanger the peace, quiet health, safety or comfort of persons in the vicinity of the location, and that maintenance of the animal in the location has not resulted in or is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse.

(D) Any dog which has been found to be a vicious dog and which is not confined to an enclosure 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 injection.

(E) No owner or keeper of a vicious dog shall sell or give away any vicious dog.

(F) It is unlawful for any owner or keeper of a dangerous dog to permit the dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

(G) Guard or law enforcement dogs are exempt from this Section; provided, an attack or injury to a person may occur only while the dog is performing duties as expected. To qualify for exemption under this Section, each professionally trained dog for law enforcement or guard duties shall be specially licensed pursuant to Section 21-105 hereof. It shall be the duty of the owner of such exempted dog to notify the Village of changes of address. In the case of a guard dog, the owner shall keep the Fire and Police Departments advised of the location where such dog will be stationed. (Ordinance 07-045, 04.24.07)

(H) If the owner of a vicious animal is unwilling or unable to comply with the foregoing regulations, then the owner shall have the animal humanely euthanized by an animal shelter, animal control agency, or licensed veterinarian.

(I) The penalty for violation of this Section 21-110 shall be Five Hundred Dollars (\$500.00), and each day that such violation shall occur or continue shall constitute a separate offense, except that, if an owner of an animal that has been found to be vicious does not comply with the provisions hereinabove set forth, the penalty for violation shall be Seven Hundred Fifty Dollars (\$750.00), and each day that such violation shall occur or continue shall constitute a separate offense. If a subsequent offense occurs, such owner will be subject to a fine of One Thousand Dollars (\$1,000.00), and if a third offense occurs thereafter, in addition to a fine of One Thousand Dollars, the animal shall be subject to confiscation by the Animal Control Department.

Section 21-111. DISPOSITION OF VICIOUS ANIMALS.

(A) Any animal which shall have been bitten by another animal having or suspected of having rabies, or any biting animal as herein defined, shall be immediately impounded by the Animal Control Officer. It shall be unlawful for the owner of any biting animal to give or sell such animal or to allow such animal to be taken beyond the corporate limits of the Village prior to impoundment. It shall be the duty of such owner, upon receiving notice of the aforesaid, to immediately notify the Animal Control Officer in order that such animal can be impounded according to the provisions of this Article.

(B) In the event a biting animal is impounded pursuant to this Chapter, the owner shall be given written notice that he/she may request a hearing with respect to the impoundment. The request for hearing shall

be made by the owner within five (5) days of the date of the notice. The hearing shall be held before the Village Manager, or his designee, which hearing shall be held expeditiously upon request of the owner. The decision of the Village Manager or his designee shall be final.

(C) In addition to any penalty otherwise provided, if the court determines that any animal is a vicious animal or biting animal, as these terms are defined in this Chapter, and constitutes a nuisance, or if the court determines that the owner of the animal has habitually permitted such animal to run at large, or has violated this Chapter on one or more occasions so as to constitute a nuisance, the court may, in order to protect the health, welfare, safety and property of the Village's inhabitants, order that such animal be removed from the Village or destroyed.

Section 21-112. FINANCIAL RESPONSIBILITY FOR VICIOUS DOG ATTACKS.

(Added in its entirety by Ordinance 05-134, 12.13.05)

(A) The owner of a vicious dog who knowingly fails to take appropriate precautions, as required by Section 21-110, to confine and restrain such dog, shall be liable for actual damages to any person or property caused by the dog when not properly confined or restrained.

(B) Any municipal corporation, county, township, village or any other political subdivision or department of the State of Illinois, or the United States or any of its instrumentalities, or any person, partnership, corporation, association or any incorporated or unincorporated religious, educational or charitable organization is entitled to enforce the liability imposed by this Section.

(C) No recovery under this Section may exceed \$100,000 actual damages for each person, or legal entity as provided in subsection (B), in addition to taxable court costs and attorney's fees. In determining the damages to be allowed in an action under this Section for personal injury, only medical, dental and hospital expenses and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto may be considered.

(D) This Section shall not affect the recovery of damages in any other cause of action where the liability of the owner of the vicious dog is predicated on a common law basis.

Section 21-113. IMPRISONMENT PENALTY FOR VICIOUS DOG ATTACKS.

(Added in its entirety by Ordinance 05-134, 12.13.05)

In addition to the fines provided for in Section 21-110 and any other penalties provided by law, if the owner of a dog, determined to be a vicious dog as defined in this Article, (1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog; and (2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and (3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be, the owner shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to not less than two (2) nor more than thirty (30) days imprisonment for each such offense.

ARTICLE 2 -- CRUELTY TO ANIMALS/ABANDONMENT

Section 21-201. CRUELTY TO ANIMALS PROHIBITED. It shall be unlawful to cruelly treat or abandon any animal within the Village.

(A) It shall be unlawful to beat, torment, mutilate or cruelly kill any animal, or to cause or knowingly allow the same to be done.

(B) It shall be unlawful to fail to provide any animal with proper food and water adequate to promote good physical health.

(C) It shall be unlawful to fail to provide proper shelter adequate to provide a protected dry place in cold weather and a dry shaded place with ventilation in warmer weather.

(D) It shall be unlawful to fail to maintain a clean healthy coat on an animal so as not to impair vision, hearing, mobility, or the use of bodily functions.

(E) It shall be unlawful to fail to provide veterinarian care for a sick or injured dog, cat or other animal so as to prevent undue suffering.

(F) It shall be unlawful to feed or place any liquid or food product so as to constitute a direct or obvious hazard to an animal.

(G) It shall be unlawful to leave any animal in a parked vehicle without sufficient ventilation.

(H) It shall be unlawful to abandon any animal where it may become a public charge or may suffer injury, hunger, or exposure, or become the responsibility of the Village.

Section 21-202. ANIMAL FIGHTING. No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, or game of a similar nature, nor any simulated version of same that involves baiting or inciting an animal to fight another animal.

Section 21-203. HUNTING AND TRAPPING PROHIBITED. No person shall hunt, shoot, pursue, lure, trap, kill, destroy, capture, gig or spear, ensnare, or harass any bird or mammal.

Trapping of nuisance wild life, except pigeons and English Starlings, is prohibited unless done by an agency possessing a Field Agreement from the Illinois Department of Conservation.

Section 21-204. PENALTY. The penalty for aggravated abuse of an animal shall be Five Hundred Dollars (\$500.00). The penalty for violation of any other provision of this Article 2 shall be Two Hundred and Fifty Dollars (\$250.00). Each day that such violation shall occur or continue shall constitute a separate offense.

ARTICLE 3 -- NUISANCES

Section 21-301. BARKING OR HOWLING. It shall be unlawful to harbor or keep any animal which disturbs the peace by barking or howling at any time of the day or night.

Section 21-302. RUNNING AT LARGE. It shall be unlawful to fail to prevent any dog or cat from running at large in the Village at any time. Dogs or cats which are on any street, alley or sidewalk, or any other public place, without being held securely on a leash shall be deemed to be running at large. It shall be unlawful to permit any dog or cat to run at large on the property of any but the owner thereof without the permission of the owner of the aforementioned property. Dogs or cats which are running at large shall be taken up and impounded. It shall be unlawful for an owner to permit or fail to prevent any dog or cat to attack or bite a domestic animal, including, but not limited to dogs and cats, except when said biting dog or cat is on the property of its owner.

Section 21-303. DEFECAATION ON PUBLIC OR PRIVATE PROPERTY. No person who owns, possesses or controls a dog, cat or other animal shall permit such dog, cat or other animal to defecate in any public place or on private property other than the property of the owner. No person shall allow dog or cat feces to accumulate in any yard, pen, or premises in or upon which a dog, cat or other animal shall be confined or kept so that such premises becomes offensive to residents in the vicinity or a health hazard.

Section 21-304. DISPOSAL OF FECAL MATTER. No person shall leave or deposit fecal matter, whether or not it is in an enclosed container in any sewer or drain.

Section 21-305. ANIMALS PROHIBITED IN PUBLIC PLACES. No dog or cat or other animal shall be permitted, even though on a leash, to enter any public hall, restaurant, coffeehouse, ice cream parlor, office, store (except pet store), market, confectionery shop or food establishment anywhere within the Village during the time that said place is open for public business, nor shall any dog, cat or other animal be permitted, even though on a leash, at any public playground, swimming pool, festival or special event in the Village unless the presence of such animal has been expressly allowed by the Village. (Ordinance No. 02-105, 08.27.02)

Section 21-306. EXCEPTION. The provisions of Sections 21-303, 21-304 and 21-305 shall not be applicable to dogs under the ownership, possession or control of persons who are physically handicapped, blind or hearing impaired.

Section 21-307. PENALTY. The penalty for violation of any provision of this Article 3 shall be Seventy Five Dollars (\$75.00), if paid within ten (10) days of the date of violation, and each day that such violation shall occur or continue shall constitute a separate offense. (Ordinance No. 00-076, 04.25.00)

Section 21-308. NOTICE AND METHOD OF PAYMENT.

(A) The first notice of violation shall be that given to the violator. The prescribed fine shall be paid within ten (10) days from the date first notice is issued.

(B) If such prescribed fine is not paid and received within ten (10) days, a second notice shall be given to the violator.

(C) If such prescribed fine is not paid within ten (10) days from the date the second notice is issued, a Notice to Appear in Court shall be issued thereon, and in the event the violator fails to appear in Court, a warrant may be issued for the arrest of the violator and the prescribed fine may be increased to a maximum of Five Hundred Dollars (\$500.00).