**ORDINANCE NUMBER #M200421**

**AN ORDINANCE TO AMEND Chapter 112, THE VILLAGE OF PORT BYRON REGARDING ANIMAL CONTROL**

**WHEREAS,** pursuant to authority deriving from the Illinois Animal Control Act and the Municipal Code,

**NOW**, beit ordained by the President and Board of Trustees of the Village of Port Byron (the “Village”), Rock Island, County, Illinois as follows:

Section 1: Articles I, II, and III of Chapter 112 (Animals), of the Code of the Village of Port Byron are hereby repealed and replaced with the following

**ARTICLE I: ANIMAL CONTROL**

***Section 1. DEFINITIONS.***

**PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.**

**CAT: Cat shall mean felis catus.**

**DOG: Dog shall mean all members of the family canidae.**

**DANGEROUS DOG: a. Dangerous dog means any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to any person or companion animal, or, b. A dog that, without justification, bites a person and does not cause serious physical injury.**

**VICIOUS DOG: a. A Vicious dog is any individual dog that has been found to be a “dangerous dog” upon 3 separate occasions, or, b. Any dog that, in an unprovoked and vicious manner, attacks any person resulting in serious injury or death to that person.**

**SERIOUS INJURY: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.**

**LAW ENFORCEMENT OFFICER: An officer or deputy of the Rock Island County Sheriff’s Office, of the Rock Island County Animal Care and Control, or otherwise contracted by the Village for law enforcement or animal control services.**

***Section 2. EXCLUSIONS.* The provisions of this chapter do not apply to: Veterinary Hospitals, Properly Licensed Boarding Kennels, Pet Shops, Animal Shelters, Properly Maintained and Licensed Zoological Park, Circus, Scientific Educational Institute or research laboratory. Nor shall it apply to police dogs which means an animal owned or used by a law enforcement department or agency in the course of the department or agency’s work.**

***Section 3. FARM ANIMALS.* No person shall keep any domestic fowl, farm animals, or livestock such as cattle, sheep, horses, swine, goats or poultry at any place or upon any premises within the Village.**

***Section 4. DANGEROUS ANIMALS.***

**A. No person shall, at any place or upon any premises within the Village, keep any dangerous animals such as lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, hyenas, wolves, coyotes, monkeys, apes, foxes, raccoons, constricting or poisonous snakes or any other animal, which is inherently dangerous because of the nature of the animal in relation to persons or domestic animals.**

**B. In addition to any other remedies, and except as expressly authorized in the Village by the Village Board of Trustees, dangerous animals are hereby declared to be nuisances.**

**C. If any dangerous animals cannot be safely taken up and impounded, the animal may be slain by a law enforcement officer.**

***Section 5. BEEKEEPING*. It shall be unlawful for any person to keep or maintain bees, beehives, or apiaries within the Village, unless the property occupied by said person within the Village shall be a minimum of 10 acres.**

***Section 6. DOGS AND CATS AT LARGE.***

**A. It shall be unlawful for any dog or cat to run at large in the Village at any time. Dogs or cats which are on any street, alley, sidewalk, or other public place without being held securely on a leash shall be deemed to be running at large.**

**B. It shall be unlawful for any dog or cat to run at large on the lawn of any person but the owner thereof without the permission of the owner of the aforementioned lawn.**

**C. Dogs and cats which are running at large shall be taken up and impounded by the law enforcement officer.**

***Section 7. IMPOUNDING.***

**A. Animals which are impounded in the Village, until redeemed or otherwise disposed of in accordance with Illinois law, shall be kept at the Rock Island County Animal Shelter or such other place as the Village may provide for the purpose of holding said animals.**

**B. It shall be the duty of the law enforcement officer, and all inhabitants of the Village are hereby authorized, to drive or take away all such animals found running at large within said limits to the Rock Island County Animal Shelter.**

***Section 8. REDEMPTION.* No such animal so impounded shall be released until the owner or claimant thereof shall have paid all fees and costs associated with the impounding, receiving, and discharging of said animal under state, county, village and/or other local ordinances and laws.**

***Section 9. WRONGFUL IMPOUNDING.* No person shall willfully drive or entice any animal from beyond the corporate limits of the Village into the same, or let any animal out of an enclosure in which it may be lawfully confined, or aid and abet the same in order to take up or impound the same, or cause the same to be done.**

***Section 10. NUMBER OF CATS AND DOGS.***

**A. It shall be unlawful to harbor or keep any more than four dogs or four cats, or any combination thereof, without a license issued by the Rock Island County Health Inspector.**

**B. Before a license is issued, the Health Inspector shall determine that all animals to be kept shall have all required inoculations, and the name of the veterinarian of the animals shall be furnished by the owner of the said animals. The Health Inspector shall further determine that the animals shall be kept clean and healthy in a pen, yard or other place free from feces and odor and shall be able to inspect said pen or yard periodically at any reasonable time to ensure continued compliance if said license is issued.**

***Section 11. FAILURE TO REMOVE ANIMAL WASTE.* It shall be unlawful for any person having control of any dog or other animal which deposits any solid excrement or feces upon any public way, sidewalk, street or right-of-way; or, upon the property of another without the consent of the property owner, to leave said excrement or feces without causing its immediate and complete removal.**

***Section 12. BARKING OR HOWLING DOGS.* No person shall keep any dog, or any other animal, which by barking, howling, or other noises, shall disturb the peace and quiet of the neighborhood.**

***Section 13. DOG BITES.***

**A. It shall be unlawful for any person knowing that an individual has been bitten by a dog to refuse to notify, within 24 hours, the Rock Island County Animal Care & Control Office, Sheriff’s Department, or a law enforcement officer as well as the Village Clerk for the Village of Port Byron.**

**B. A bite report shall be completed and forwarded to the Rock Island County Animal Care & Control Office within 24 hours. Bite Reports shall be furnished by the Rock Island County Animal Care & Control Office identifying required information.**

**C. The owner of any dog, cat or other animal, which shall have been bitten by a dog shall immediately inform the Rock Island County Animal Care & Control Office, giving name, address, owner, registration number, description and location of such animal if known.**

**D. Whenever such Animal Control receives information that a dog has bitten a human being or other animal, said Animal Control shall order that such dog be impounded for a period of 10 days under the observation of a veterinarian. When evidence is presented that the dog is vaccinated within the time prescribed by law, it may be confined in the house of its owner for a period of 10 days, if Animal Control declares such confinement satisfactory. At the end of the impoundment/confinement period, such dog shall be examined by a licensed veterinarian for release.**

**E. Further enforcement relating to biting animals and confinement may be carried out as established under the Illinois Animal Control Act (510 ILCS 5/13).**

***Section 14. LIABILITY OF OWNER.* If a dog or other animal, without provocation, attacks, bites or injures any person or domestic animal who is peacefully conducting themselves in any place where they may lawfully be, the owner of such dog or other animal is liable for the full amount of injury and damages sustained. This liability shall include death or injury to wildlife animals and birds kept under state or federal license permit.**

***Section 15. DANGEROUS DOGS.* The owner or keeper of a dog declared to be a “Dangerous Dog” must comply with the following or the dog shall be subject to impoundment:**

**A. Outdoor confinement: The dog shall be subject to enclosure. “Enclosure” means a fence or structure no larger than ten (10) feet wide and no longer than twenty (20) feet in depth, measured perpendicular from the width. The height of the fencing will be six (6) feet in height, and the material shall be limited to chain link fencing material suitable to prevent the entry of young children, and suitable to confine a dangerous dog. Such structure should have a secure bottom or floor made from concrete that is attached to the sides of the enclosure. All confinement structures shall comply with all building codes for the Village. All enclosures must be kept in a clean and sanitary manner and signs stating “Beware of Dog” shall be posted on all sides of the enclosure.**

**B. Indoor Confinement: No dangerous dog may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the dog to exit such residence or building on its own volition. In addition, no such animal may be kept in a residence or building when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure. A sign shall be posted on or near the front door of the residence or building stating “Beware of Dog”.**

**C. Muzzle/Leash: No person shall permit a dog that has been deemed “dangerous” to go outside its enclosure unless, such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals, and is securely leashed with a leash no longer than four feet in length. No person shall permit a “dangerous” dog to be kept on a chain, rope, or other type of leash outside its enclosure or any building unless an adult person is in physical control of the leash. Such dogs may not be leashed to any inanimate object such as trees, posts, or buildings.**

**D. Photographs: Once a dog has been deemed “dangerous” a photograph will be taken within five (5) days and kept on file at the Village Hall.**

**E. Spay/Neuter/Microchip: Once a dog has been deemed “dangerous”, the owner of the dog will have fourteen days to have the dog spayed or neutered and microchipped.**

**F. Evaluation. Within 180 days of a dog having been deemed dangerous, the owner shall have a dog behavior analysis completed by an animal veterinary behaviorist or with a veterinarian with experience in canine behavior, and the owner shall have the dog complete all training or treatment deemed appropriate by the evaluator. Proof of the completion of such analysis evaluation and any training or treatment shall be provided to the Village Clerk.**

***Section 16. VICIOUS DOGS.* The owner or keeper of a dog declared to be a “Vicious Dog” must comply with the following:**

**A. Enclosure. The dog must be kept in an enclosure at all times. The only times that the 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 dog, (2) in the case of an emergency or natural disaster where the dog’s life is threatened, (3) to comply with a court order, provided that the dog is securely muzzled and restrained with a leash not exceeding four feet in length and that the dog shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence. Before the dog may be released to the owner from impoundment, the enclosure must be approved by an employee or agent of Rock Island Animal Control or a law enforcement officer.**

**B. Impoundment. In the event the dog is not in an approved enclosure as set forth in “A,” the dog shall be impounded at an Animal Control Facility. A vicious dog impounded for more than 15 working days may be euthanized.**

**C. Photographs: Once a dog has been deemed “vicious” a photograph will be taken within five (5) days and kept on file at the Village Hall.**

**E. Spay/Neuter/Microchip: Once a dog has been deemed “vicious”, the owner of the dog will have fourteen days to have the dog spayed or neutered and microchipped.**

**F. Evaluation. Within 180 days of a dog having been deemed “vicious,” the owner shall have a dog behavior analysis completed by an animal veterinary behaviorist or with a veterinarian with experience in canine behavior, and the owner shall have the dog complete all training or treatment deemed appropriate by the evaluator. Proof of the completion of such analysis evaluation and any training or treatment shall be provided to the Village Clerk.**

***Section 17. DANGEROUS AND VICIOUS DOG – HEARING AND DETERMINATION.***

**A. If a law enforcement officer determines that probable cause exists to believe that a dog is a dangerous dog, the law enforcement officer shall order the dog’s owner or keeper to confine the dog pending an administrative hearing. Failure by the owner or keeper to obey said order constitutes a violation of this section at which time the Village may have the dog impounded at an Animal Control Facility approved for that purpose, at the owner’s expense pending an administrative hearing.**

**B. Whenever a law enforcement officer has reason to believe a dog is vicious under this Article, that law enforcement officer will immediately impound said dog at the owners expense, in an Animal Control Facility approved for that purpose by the County Animal Control Director pending an administrative hearing. A dog impounded under this section will not be returned to the owner or keeper or any other person unless, following an administrative hearing, the dog is found not to be vicious, or it is found that the dog may be returned to the owner or keeper in compliance with Section 16, only. Dogs found to be vicious may be euthanized by the County Animal Control. Any owner or keeper shall further be responsible for all costs incurred by the Village in euthanizing the vicious dog.**

**C. Administrative Hearing to be conducted. An administrative hearing shall be conducted to determine whether or not the dog is dangerous or vicious.**

**D. Notice and time for hearing. The owner or keeper of the dog shall be served with a notice of administrative hearing, either personally or by first class mail to the owner or keeper’s last known address. The administrative hearing shall be held promptly not less than five (5) working days nor more than fifteen (15) working days following service of the notice upon the owner or keeper of the dog.**

**E. Conduct of hearing. The administrative hearing shall be open to the public and shall be recorded by a tape recorder, stenographer, or other reliable means. The Village President shall serve as the hearing officer. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and live testimony. The hearing officer shall determine, based upon a preponderance of the evidence, whether or not the dog is dangerous. The burden of proof as to whether the dog is vicious shall be by clear and convincing evidence.**

**F. Notice of determination. The dog’s owner or keeper shall be notified in writing of the hearing officer’s determination either personally or by first class mail to the owner or keeper’s last known address. (1) If the hearing officer determines that the dog is neither dangerous nor vicious, owner or keeper may redeem the dog, if impounded, as otherwise provided in this chapter. The owner or keeper shall not be required to pay those daily impoundment fees that are attributable solely to the administrative hearing but shall be required to pay all other fees. (2) If the dog has been determined to be a dangerous dog, the owner or keeper shall comply with all restrictions for a dangerous dog in section 15 of this ordinance. (3) If the hearing officer determines that the dog is vicious, the hearing officer may determine that the dog shall be euthanized within five (5) work days of the date of the notice unless the owner or keeper requests a stay of ten (10) working days during which to file a complaint for a court review of the hearing officer’s determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto. In the alternative, the hearing officer may determine that a vicious dog may be redeemed from impoundment by its owner or keeper in compliance with the restrictions for a vicious dog in section 16 of this ordinance; a vicious dog not redeemed after more than 15 working days may be euthanized.**

**G. Failure to appear. If the dog’s owner or keeper cannot be found or fails to appear in person or by legal counsel for the administrative hearing, the hearing officer shall make a determination by default, without the need of any testimony or other evidence, that the dog is vicious or dangerous, as well as abandoned, and the dog shall be euthanized without further notice to the owner or keeper.**

**H. Time for euthanasia – stay. Upon the hearing officer’s determination that the dog is vicious and should be euthanized, it shall be euthanized after five (5) working days from the date of the notice of determination to the owner or keeper, unless the owner or keeper within that time period delivers to the Village President a request to stay the euthanasia for a period of ten (10) working days for the purpose of filing a complaint for court review of the hearing officer’s determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto. If, at the end of that period, the Village has not received notice that a complaint has been filed, the dog shall be euthanized without further notice to the owner or keeper.**

**I. Appeal. Any person aggrieved by the hearing officer’s decision may appeal to the Circuit Court pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. seq. and otherwise allowed under Illinois law.**

***Section 18. VACCINATION AND REGISTRATION.* Every person owning, keeping, or harboring any dog or cat four (4) months of age or more, within the Village of Port Byron, shall cause such dog or cat to be registered with the Rock Island County Animal Control Office and vaccinated against rabies by a licensed veterinarian, keeping such vaccinations current as long as the dog or cat is within the Village limits.**

***Section 19. PENALTY.* Any person violating any provision of this Article shall be subject to a penalty, as set forth in Chapter 1, General Provisions, Article II of the Village Code, not less than $50.00 nor more than $750.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.**

Section 2: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 3: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

Section 4: This Ordinance shall take effect immediately and be in force from and after its passage and approval due to the urgent nature of this matter.

PASSED this \_\_\_\_day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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 Mayor/Village President

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Village Clerk