

Chapter 112

ANIMALS

[HISTORY: Derived from Title 4, Ch. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]

GENERAL REFERENCES

Penalties; citations — See Ch. 1, Arts. II and V.

Nuisances — See Ch. 208.

Streets and sidewalks — See Ch. 265.

ARTICLE I

Animals

§ 112-1. Livestock and domestic fowl. [Amended 11-13-1978 by Ord. No. 11-13-78]

- A. Livestock and domestic fowl shall not be permitted to run at large in the Village.¹
- B. No person shall keep any agricultural animals (as defined by the United State Department of Agriculture) on any acreage of less than five acres within the Village limits. Such animals shall be limited to not more than one such animal per acre.
- C. Any person who shall keep such animals as herein defined shall provide adequate shelter and sanitation for such animals.
- D. The animals and fowl prohibited from being kept in the Village or running at large in the Village by Subsection A above are hereby declared to be a nuisance.
- E. Any person(s) in violation of any of the provisions of this section shall be fined not less than \$35 nor more than \$100.

§ 112-2. Pound and keeper.

There shall be provided and maintained at some suitable place a location for the temporary impounding of all animals found running at large within the corporate limits of the Village contrary to the provisions of this or any other chapter of the Village Code.

§ 112-3. Authority to impound.

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 pound, and the keeper of such pound shall receive and safely keep therein such animal or animals until redeemed or disposed of as hereinafter provided.

§ 112-4. Redemption.

¹. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

No such animal so impounded shall be released until the owner or claimant thereof shall have paid to the keeper of the pound all fees and charges occasioned by and accruing for the impounding, receiving and discharging said animal, and in case suit shall have been commenced, as hereinafter provided, before such animal is released or redeemed, all costs that have been made in said suit and proceedings connected therewith.

§ 112-5. Keeper to make complaint.

If any animal so impounded shall not be redeemed within 48 hours thereafter, the keeper or person in charge of such pound shall at once file with some proper officer in the Village a complaint in writing, stating that such animal has been impounded for running or being at large contrary to the provisions of this Code, which statement shall contain a description of such animal; the time when impounded; the amount of charges, costs and expenses then accrued and the name of the owner or person previously having such animal in possession, if the same is known, and if not, then that the owner or person is unknown, which statement shall be subscribed and sworn to by said keeper or person in charge of said pound.

§ 112-6. Manner of suit.

Upon the filing of such statement, if the name of such owner or person be given therein, said proper officer shall immediately issue a summons against the person named in such statement, the same as in other suits for the violation of provisions of this Code, and shall proceed with such suit in the same manner as in the case of other suits, and upon proof that such animal was found at large contrary to any provisions of this Code, shall render a judgment against such owner or person for the amount of all charges, costs and expenses accrued in impounding and keeping such animals, with all costs of suit. And if it shall appear that such owner or person suffered, permitted or allowed said animal to run or go at large contrary to any Code provisions, then such judgment shall include a fine therefor, as provided in this Village Code.

§ 112-7. Suit against unknown owner.

- A. When such statement shows that the owner or person having had previous possession of such animals is unknown, the proper officer shall docket the suit in the name of the Village against the unknown owner of such animal, describing such animal, and shall at once cause notice of the pendency and time and trial of the suit to be given by the posting of notice thereof in three of the most public places in the Village, which notice shall contain the title of the suit as docketed, and state that such animal has been impounded for being at large contrary to the provisions of this Code; the amount of charges and expenses due for impounding and keeping of such animal, and the time and place of the trial of such suit, and also that, unless the defendant shall show cause to the contrary, judgment will be entered by default for such amount and costs and such animal sold to satisfy the same.
- B. Said notices shall be delivered to the Clerk of the Village, who shall post said copies as aforesaid at least five days before the day set for trial. And on or before the time set for trial, said Village Clerk shall make return upon said notice, showing

the times and places where he posted the same. If at the time for trial it shall appear that notice thereof has not been given as required and the defendant does not appear, the suit shall be continued for notice until proper notice is given, and when on the day set for trial or at any time to which the suit shall have been continued for notice, it shall appear that the notice required has been given, or when the defendant appears, the proper officer shall proceed to hear and determine the case the same as though the defendant had been personally served with summons therein and render judgment in favor of the Village for said charges, expenses and costs or in favor of the defendant, according to the evidence in the case. In any case docketed as aforesaid, if any person claiming to own or to be entitled to the possession of such animal shall appear and desire to defend the suit, the name of such person shall be entered upon the docket as defendant, and the suit shall then proceed as though he had been personally and duly served with summons therein, and in such case, if the court finds that such person suffered, permitted or allowed such animal to run or go at large contrary to any provisions of this Code, in addition to the judgment for charges and expenses, the court shall enter judgment for a fine therefor as provided in this Code.²

§ 112-8. Sale of animal. ³

In case the proper officer shall render a judgment against the owner of such animal, either in case of service, appearance or upon judgment, that such animals be sold to satisfy the same and all charges and expenses of keeping such animal subsequent to the rendition thereof and the costs of sale, and shall immediately issue an execution under which the Village Clerk shall levy upon such animal and sell same according to law.

§ 112-9. Redeem from purchaser.

Animals sold under the provisions of this chapter may be redeemed by the owner thereof from the purchaser at any time within three months from the time of such sale, upon the payment to such purchaser of the amount paid by him, with interest thereon at the rate of 5% per annum and the expense of keeping such animal; and of the right of the owner to redeem, the officer making such sale shall at the time of such sale give notice and, in his return on said execution, shall specify the amount each animal sold for.

§ 112-10. Disposal of proceeds.

The Village Clerk shall keep an account of all money so received by him on account of such sales and retain the same distinct from other funds for the period of three years, and if within three years the owner of such animal shall appear before the Board of Trustees and satisfy it that he was the owner of such animal so sold and is entitled to the excess of such sale so deposited, the Board of Trustees shall direct the same to be paid to him, but if no such owner appears within such three years, then such money shall become a part of the general fund of the Village.

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

§ 112-11. Violations and penalties.

A penalty of \$25 shall be assessed for violation of this chapter.

§ 112-12. Wrongfully impounding.

Any person who shall willfully drive or entice any animal from beyond the corporate limits of the Village into the same, or who shall 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, shall be fined as in this Code provided.

ARTICLE II
Dogs and Cats

§ 112-13. License required.

It shall be the duty of every person owning, keeping or harboring any dog in the Village to register the same with the Rock Island County Animal Control Office.

§ 112-14. Running 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 or 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.

§ 112-15. Impounding.

Animals which are impounded in the Village shall be kept in the enclosure established as the Village pound until redeemed or until otherwise disposed of or at such other place as the Village may provide for this purpose, in keeping with Illinois law.

§ 112-16. Care of impounded animals.

Animals which are kept in the Village pound or such places as so used shall be humanely treated and fed; such a pound shall be under the charge of the Animal Control Officer, who shall be responsible for the care and custody of the same. Unredeemed animals shall be disposed of as provided by state statute.

§ 112-17. Dog or cat bite.

Whenever any dog or cat bites a person, the owner of said dog or cat shall immediately notify the Animal Control Officer, who shall order the dog or cat to be held on the owner's premises or shall have it impounded for a period of 10 days. The dog or cat shall be examined immediately after it has bitten anyone and again at the end of the ten-day

period, at the owner's expense. If at the end of this ten-day period a veterinarian is convinced that the dog or cat is free of rabies, he shall order the dog or cat to be released from quarantine or the pound, as the case may be.

§ 112-18. Violations and penalties. [Amended 8-8-1982]

Any owner of an animal found running at large in violation of § 112-14 of this article shall be deemed to be in violation of this article and shall be subject to service of citation. Said owner shall pay a fine of \$20 for the first offense and \$40 for a second offense to the law enforcement officer. If said owner fails to pay the designated fine, he shall be subject to a warrant for arrest or notice to appear. All those committing a third offense shall be subject to a warrant for arrest and a fine of not less than \$100 and not more than \$500.

§ 112-19. Limitation on number of animals. [Amended 8-28-1978 by Ord. No. 78-8-28A]

- 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 being 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.⁴

ARTICLE III
Dangerous Animals

§ 112-20. Definitions.

As used in this article, the following terms shall have, unless the context indicates otherwise, the meaning ascribed to them:

ANIMAL — Any animals, poultry, bird, reptile or any other dumb creature but shall not include any human being.

DANGEROUS ANIMALS — Any animal, as defined above, of any species considered to be ferocious, mischievous or intractable at common law, including lions, tigers or other jungle, desert or mountain cats, bears, elephants, wolves, foxes, raccoons, monkeys, apes, poisonous or constrictor snakes or lizards, and shall also mean any animal of any other species known to its owner to be dangerous or any animal which has given its owner or possessor reasons to know that it is dangerous.

§ 112-21. Beekeeping within Village prohibited.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

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

§ 112-22. Dangerous animals generally declared to be nuisances.

- A. No person shall permit any dangerous animals to run at large, nor shall any person lead such an animal with a chain or rope or other appliance, whether the animal is muzzled or unmuzzled, in any street, avenue, lane or highway or public place or building, or private house, building or vacant lot, within the Village, except for a public exhibition authorized by the law enforcement officer.⁵
- 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.

§ 112-23. Dangerous animals unsafe to be impounded may be slain; disposition.

If any dangerous, fierce or vicious animals cannot be safely taken up and impounded, the animal may be slain by any law enforcement officer of the Village; however, in all cases where any animal so slain has bitten any person or caused an abrasion of the skin of a person, it shall be the duty of the law enforcement officer slaying the animal to immediately deliver the carcass and the head of the animal to the Health Officer. Law enforcement officers shall not shoot a rabies suspect in the head.

§ 112-24. Emergency abatement of certain nuisances.

When a nuisance as defined by this article exists and the nuisance causes or threatens imminent danger or great peril to persons or property, the nuisance may be immediately abated by the Village by using the following procedure:

- A. The President of the Board of Trustees of the Village shall find that the nuisance exists, and that the nuisance causes or threatens imminent danger or great peril to persons or property, and that an emergency exists.
- B. A copy of the findings of the President of the Board of Trustees made under Subsection A shall be placed on file in the office of the Village Clerk.
- C. The Village Clerk shall immediately issue a notice directed to the owner or occupant of the premises on which the nuisance exists, directing the owner or occupant to immediately abate the nuisance.
- D. The notice issued pursuant to Subsection C shall be served upon the owner or occupant of the premises upon which the nuisance exists. The notice may be served by any officer or employee of the Village. In the event that the owner or occupant of the premises is not to be found, the notice may be posted on the premises on which the nuisance exists.

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- E. Upon being served with a notice to abate a nuisance as provided in Subsection D, the owner or occupant of the premises on which the nuisance is located shall immediately abate the nuisance. The failure of the owner or occupant to immediately abate the nuisance upon service or posting of the notice shall be a violation of this article and shall be punished as provided in § 112-25 of this article.
- F. In the event that the owner or occupant of a premises on which a nuisance is ordered to be abated under this section does not immediately abate the nuisance, the appropriate Village department shall immediately abate the nuisance. The cost of the abatement by the Village shall be assessed against the property on which the nuisance existed and shall be collected as other special assessments.

§ 112-25. Violations and penalties. [Amended 3-10-1986 by Ord. No. 86-3-10⁶]

Any person, firm or corporation 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. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE IV
Quiet Enjoyment of Neighborhood

§ 112-26. Undue, unreasonable and continuous disturbance.

It shall be unlawful for any cat or dog which may in any manner unduly and unreasonably and continuously disturb the quiet enjoyment of any person or neighborhood within the Village. The dog or cat may be taken up and impounded in the manner provided in this chapter. Notwithstanding the above, any dog or cat violating this provision of the chapter shall by its owner or possessor be entitled to at least one citation or written warning prior to impoundment. The citation or warning shall be issued by the Animal Control Officer and either delivered in person or mailed by certified mail to the owner and/or possessor of the animal.

§ 112-27. Violations and penalties. [Amended 6-12-1995 by Ord. No. 06-12-95]

Any owner or possessor of an animal found in violation of this article shall be subject to service of citation. Said owner shall pay a fine of \$20 for the first offense and \$40 for a second offense to the law enforcement officer. If said owner fails to pay the designated fine, he or she shall be subject to a warrant for arrest or notice to appear. All those committing a third offense shall be subject to a warrant for arrest and a fine of not less than \$100 and not more than \$500.

ARTICLE V
Animal Traps
[Added 2-14-2005 by Ord. No. 051402A]

§ 112-28. Prohibited traps.

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

It shall be unlawful for any person to place, rig, set or maintain a leg-hold or body-gripping trap within the Village limits. Snare or box-type traps or any other animal traps set within the Village are also prohibited.⁷

§ 112-29. Violations and penalties.

Violation of this article shall result in removal and destruction of the traps and a fine of up to \$100 per violation.

⁷. Editor's Note: Former Section 2 of the ordinance, Permitted traps, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).