

VILLAGE OF THIRD LAKE
ORDINANCE 02-11-02

AN ORDINANCE REGARDING ANIMAL CONTROL

Dated this 18TH Day of November, 2002



Patricia Beggan, Village Clerk

Published in pamphlet form by authority of the Board of Trustees of the Village of Third Lake,
Lake County, Illinois this 18th Day of November, 2002

ORDINANCE NO. 02-11-02

AN ORDINANCE REGARDING ANIMAL CONTROL

BE IT ORDAINED by the President and Board of Trustees of the Village of Third Lake, Lake County, Illinois, as follows:

Section 1. Definitions. The terms used in this Ordinance shall have the following meanings:

Cat: Any animal, male or female, of any kind, age and description, of the feline species which is more than two (2) months of age.

Dangerous dog: Any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

Dog: Any animal, male or female, of any kind, age and description, of the canine species which is more than two (2) months of age.

Enclosure: A fence, structure or cage forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the dog from escaping from the enclosure.

Found to be vicious: This terms means (i) that the State Administrator of the Animal Control Act (510 ILCS 5/1 *et seq.*) or Animal Control Warden of Lake County Animal Control has conducted an investigation and made a finding in writing that the dog is vicious, as defined herein, and based on that finding, the Administrator or Animal Control Warden of Lake County Animal Control or the Director of the Illinois Department of Agriculture has declared in writing that the dog is a vicious dog, or (ii) that the circuit court has found the animal to be a vicious dog, as defined herein, and has entered an order based on that finding.

Owner: Any person who keeps or harbors an 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.

Vicious dog: (i) any dog that when unprovoked inflicts bites or attacks a human being or animal either on public or private property, (ii) any 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, (iii) any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or animals, unless handled in a particular manner or with special equipment, (iv) any individual dog which attacks a human being or domestic animal without provocation, or (v) any individual dog which has been found to be a "dangerous dog" upon three (3) separate occasions. 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 duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

Section 2. Running at large. No owner of a dog or cat shall permit the animal to run at large in any part of the Village at any time. Any dog or cat off the premises of the owner and not under the control of the owner or a member of his immediate family over ten (10) years of age, by leash, shall be considered "at large". Leash means a cord, thong or chain not more than ten feet (10') in length, by which a dog or cat is controlled by the person accompanying it. A cat or dog upon the running board or within the car of its owner shall be deemed upon the owner's premises.

Any dog or cat found running at large in the Village contrary to the provisions of this Section may be apprehended and impounded. Any expense incurred in the handling of any such dog or cat shall be borne by the owner, including, but not limited to, impoundment fees.

Section 3. Number of dogs and cats. No person shall have in a single residence more than four (4) dogs and/or four (4) cats.

Section 4. Prohibited animals.

(A) Except as otherwise provided herein, no individual shall be permitted to take or drive into the Village, or to otherwise own, keep or harbor within the Village, the following:

- (1) Any poisonous or life-threatening reptile.
- (2) Any lion, tiger, jaguar, bobcat, mountain lion, lynx, ocelot, cheetah, margay, jaguarundi, leopard, or any hybrid thereof or any similar feline animal.
- (3) Any wolf, coyote, hyena or hybrid thereof.
- (4) Any bear or bison or hybrid thereof.
- (5) Any horse, colt, pony, ass, mule, bull, cow, steer, heifer, calf, sheep, swine, ox, rooster, chicken, or other livestock or fowl of any kind.
- (6) Any noncanine animal not native to the North American continent and which when fully grown normally attains a weight in excess of two hundred (200) pounds.

(B) The keeping of any animal listed in this Section shall be declared a nuisance and may be abated pursuant to the provisions of this Ordinance.

(C) This section shall not apply to properly zoned and constructed zoos, animal shelters, veterinary hospitals, pounds, kennels, federally licensed exhibits, agricultural facilities, animal refuges, scientific or educational institutions or research laboratories.

(D) Anything herein to the contrary notwithstanding, the President and Board of Trustees may, in its sole discretion, issue permits for any animal described in subsection (A)(5) hereof for pony rides or petting zoos upon the following terms and conditions:

- (1) Applications for a permit shall be made by the owner of the property where the proposed event will take place to the Village Administrator on a form provided by the Village Administrator, which shall contain such information as the Village may require. Such required information may include a detailed site plan, security plan

and parking and traffic management plan, all of which shall make adequate provision for the safe and efficient flow of traffic and parking, and shall adequately address all other public safety issues. The application shall be accompanied by evidence of insurance issued by an insurance company authorized to do business in the State of Illinois providing general liability insurance to the applicant in an aggregate amount of not less than \$1,000,000. The insurance policy may be provided by the applicant or by the operator of the event. The Village shall be named as an additional insured under such policy. The application shall be filed no later than seven (7) days prior to the Committee of the Whole Meeting which immediately precedes the Village Board meeting immediately preceding the event for which the application is filed.

- (2) The fee for obtaining such a permit shall be twenty five dollars (\$25).
- (3) All activities shall take place on private property of two (2) acres or more.
- (4) No portion of the event shall take place upon Village or other publicly owned property; provided, however, that the animals may be transported over the streets in a trailer or similar vehicle.
- (5) No applicant shall obtain more than one (1) permit per year.
- (6) The permit shall be for no longer than a two (2) hour period, plus a one (1) hour set up period and a one (1) hour tear down period.
- (7) The applicant shall provide proof of notification of the proposed event to the owners of all lots immediately adjacent to the premises where the event will take place.

Section 5. Rabies Inoculation and Tags. No person shall bring a dog or cat four (4) months of age or older into the Village unless such animal has been inoculated against rabies. All such animals must also have a durable collar with a current metallic tag signifying a rabies inoculation securely attached thereto.

Section 6. Protection from Rabies. Whenever a case of rabies has occurred in the Village, or when the corporate authorities are apprehensive of the spread of rabies, the President or the Board of Trustees, by proclamation or notice published on one or more newspapers circulated within the Village, may order all persons owning or keeping dogs or cats, whether inoculated or not, to keep them confined within an enclosure, or to keep them securely muzzled or restrained by a leash composed of chain or other indestructible material for such time as may be designated in the proclamation or notice.

Section 7. Miscellaneous Provisions.

(A) It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the Village when the keeping of such animal constitutes a public nuisance or menace to public health or safety. For purposes of this section, a public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health or persons or other animals, or substantially interferes with the rights of citizens other than their owners, to enjoyment of life or property. The term public nuisance animal shall include, but not be limited to:

- (1) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;
- (2) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable

annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (3) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (4) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (5) Any animal that chases motor vehicles in a public right-of-way;
- (6) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

(B) Violations of this section may be abated pursuant to the procedures set forth in this Ordinance.

Section 8. Vicious or Dangerous Dogs.

(A) It shall be unlawful for any person to keep or harbor any dog which has been found to be a vicious dog, unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (i) if it is necessary for the owner or keeper to obtain veterinary care for the dog, or (ii) to comply with the order of a court of competent jurisdiction; provided that the dog is securely muzzled and restrained or properly enclosed, and is under the direct control and supervision of the owner or keeper of the dog. Such restraint shall be with a chain having a tensile strength of 300 pounds and not exceeding three feet (3') in length.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by an authorized governmental official and turned over to Lake County Animal Control pursuant to the Illinois Animal Control Act (510 ILCS 5/1 *et seq.*). If such dog cannot be safely taken up, such dog shall be slain forthwith; provided however, that in all cases where any dog which has bitten any person is so slain within fifteen (15) days of biting any person, the official slaying such animal shall immediately deliver the carcass and the brain of the animal to a rabies control facility.

Upon the taking up of such dog, the official shall forthwith notify the owner or keeper of such dog personally or by mail of such event and the location where the dog is being held, unless such owner or keeper is unknown or cannot be found.

The owner or keeper of any dog that has bitten any person shall, immediately upon notice thereof, deliver such dog to the police, who shall forthwith convey such dog to Lake County Animal Control. It shall be unlawful for any such owner or keeper to refuse to deliver such dog upon demand of any police officer.

(B) It is hereby declared a public nuisance to permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.

(C) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section, provided any attack or injury to a person occurs while the dog is performing duties as expected. To

qualify for an exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with the Illinois Animal Control Act. It shall be the duty of the owner of such exempted dog to notify the Village Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Village Administrator advised of the location where such dog will be stationed.

(D) Violations of this Section may be abated pursuant to the procedures set forth in this Ordinance.

Section 9. Abatement.

(A) Any violation of Sections 4, 7 or 8 of this Ordinance are hereby deemed to be public nuisances. The Village Administrator may serve or cause to be served a notice, in writing, upon any person violating said provisions of this Ordinance requiring such person to abate the same within a specified reasonable time, in such manner as the notice shall direct.

(B) If the person so served and notified does not abate the nuisance within the specified reasonable time, the corporate authorities may proceed to abate the nuisance in any and all manners allowable by law, including, without limiting the generality thereof, the following:

- (1) Seeking to impose a monetary penalty as set forth below by instituting an ordinance enforcement action.
- (2) Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.

(C) Whenever, in the opinion of the Village Administrator, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to personal or real property and the continuation of the nuisance poses a substantial threat of injury to persons or property, the Village Administrator shall proceed to abate such nuisance; provided, further, that whenever the person responsible for such nuisance is unknown or cannot readily be found, the Village Administrator may proceed to abate such nuisance without notice. Where the abatement of a nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatement, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably practicable.

Section 10. Penalty. In addition to the abatement procedures set forth above, any person convicted of a violation of any provision of this Ordinance shall be fined a sum of not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty Dollars (\$750). A separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues. Notwithstanding the foregoing, whenever any Village official authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated a specific Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him with the violation. Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of Twenty-five Dollars

(\$25) within a period to be specified in the citation, which period shall not be more than ten (10) days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instruction contained in the citation at the Office of the Village Clerk. In the event that the person to whom the citation is issued fails to settle and pay the violation claim within ten (10) days of issuance of the citation, a final notice shall be issued. If payment of the prescribed amount plus Five Dollars (\$5) is not made within fifteen (15) days of issuance of the final notice, then the Village official is authorized to cause a notice to appear to be served upon the alleged violator and the Village official is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

Section 11. Repealer. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance No. 88-04-01 and Ordinance No. 88-04-02 are specifically repealed in their entirety.

Section 12. Effective Date. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

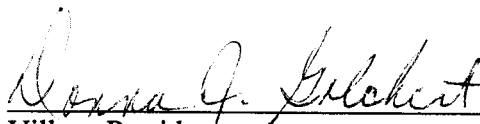
AYES: Hoppe, Kowalke, Rohrer, Rogers

NAYS: None

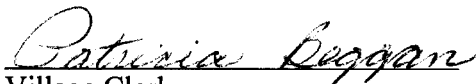
ABSENT/NOT VOTING: DeMay, Penny

PASSED: 11-18-02, 2002

APPROVED: 11-18-02, 2002


Village President

ATTEST:


Village Clerk

PUBLISHED: 11-18-02

STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

I, Patricia Beggan, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

ORDINANCE No. 02-11-02

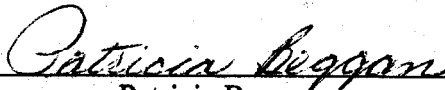
AN ORDINANCE REGARDING ANIMAL CONTROL

**BOARD OF TRUSTEES
VILLAGE OF THIRD LAKE, ILLINOIS
This 18TH Day of November, 2002**

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Third Lake, Lake County, Illinois.

Done at Third Lake, Illinois this 18th Day of November, 2002.

(SEAL)


Patricia Beggan
Village Clerk