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CHAPTER 90: ANIMALS

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DOGS, CATS, AND OTHER ANIMALS

Sec. 90.001 Rules and definitions.

(A) The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular of any word includes the plural thereof and the plural of any word includes the singular thereof.

(2) The word "shall" is mandatory; the word "may" is permissive.

(3) The masculine gender includes the feminine and neuter.

(B) Wherever the following words or phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 90.001, except when the context otherwise indicates. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

“Abandon” means to leave an animal without demonstrated or apparent intent to recover or resume custody of the animal, to leave an animal for more than 12 hours without providing adequate food, water, and shelter for the duration of the absence, or to turn out or release an animal for the purpose of causing it to be impounded, provided, however, that this definition shall not apply to Feral Cats. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

“Altered” means an animal that has been permanently spayed or neutered. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Animal" means any nonhuman mammal, bird, reptile, or amphibian. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Animal Control Officer" means the Animal Control Officer of the City or other individual designated by the City Manager that is charged with the enforcement of this Chapter. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

“Animal Shelter” means any public or private organization, including the organization’s officers, agents and representatives when acting in the name or on behalf of the organization, that controls, rescues, shelters, or cares for, animals as all or part of the purpose of the organization. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Bite" means any cutting, wounding, or tearing with the teeth, including any abrasion of the skin.

"Cat" means any animal which is classified as Felis catus. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Dangerous Dog" means any dog designated as a Dangerous Dog pursuant to Section 90.045. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Dog" means any animal which is classified as Canis lupus familiaris. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Domestic Animal" means a dog, cat, or other animal, the keeping of which is not otherwise prohibited under the terms of this Chapter, that has been raised or maintained in confinement or otherwise domesticated so as to live in a tame condition. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Emotional Service Dog" means a certified therapy dog that is trained to be used as a therapeutic aid and to gain insight into thought and emotional and behavioral patterns. (Ord. 55-07, J. 33, p. 408-409, passed 6/25/07)

"Enclosure" means a structure erected in conformance with Chapter 173 of this Code that:

(1) is designed to confine and prevent the escape of a Dangerous Dog or Vicious Dog and prevent the entry of children or other animals;

(2) lock securely, and includes a secure top, sides, and bottom;

(3) has sides that embed into the ground at a depth of at least one foot and attach to the bottom of the Enclosure so that the animal confined within cannot escape by digging under the sides of the Enclosure.

(4) is adequately lighted, kept in a clean and sanitary condition, and

(5) is labeled with a predominantly displayed warning sign at each entrance that indicates that a dangerous or vicious animal is confined within. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Feral Cat" means a cat that (i) is born in the wild or is the offspring of a Domestic Animal or a feral cat and is not socialized, (ii) is a Domestic Animal that has been Abandoned and is no longer socialized, or (iii) lives on a farm. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Feral Cat Caretaker" means a person participating in a program to trap, spay/neuter, return or release Feral Cats in order to help control cat overpopulation. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Hearing Officer" means the individual(s) appointed as a Hearing Officer in the City's Administrative Hearing System pursuant to Chapter 38 of the City Code. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Impounded" means taken into custody by the Animal Control Officer. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Leash" means a cord, rope, strap, or chain that is securely fastened to the collar or harness of a dog and is sufficient to physically restrain and control the dog. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"License Year" shall mean the period between the first day of October in any calendar year and the last day of the next following month September.

"Microchip" means an identifying device consisting of a microchip or similar device that is humanely and permanently installed in or injected under the skin of an animal by a licensed veterinarian and is designed so that it provides, when scanned by an electronic reader, readable information as determined by the Chief of Police to allow, at a minimum, for the identification of the animal and the name, address, and telephone number of the Owner. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Non-Retractable Leash" means a Leash that cannot be increased in length via any mechanical device or any other means. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Owner" means any person owning, keeping, harboring, or having the care or custody of an animal, except for a Feral Cat Caretaker temporarily harboring Feral Cats. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Person" means any person, firm, partnership, trustee, association, or corporation.

"Police Dog" means any dog owned or used by the Police Department in the course of its work. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Run Line" means a securely anchored system of tying and keeping an animal in place with either a rope or chain sufficient to physically restrain and control the animal. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Running at Large" means that a dog is off the premises of its Owner and not under the control of the Owner (or a person acting for the Owner) by means of a Leash that is capable of physically restraining the movement of such dog. (Ord. 14-86, J. 16, p. 440-441, passed 4/14/86; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

"Service Dog" means any guide dog, signal dog, or other dog trained to do work or perform tasks for the benefit of an individual with a disability, including, without limitation, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, and pulling a wheelchair or fetching dropped items for individuals with mobility impairments. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

“Severe Physical Injury” means any physical injury that results in any of the following injuries: (a) broken bones; (b) muscle, ligament, or tendon tears; (c) skin lacerations, puncture wounds, or other injuries that require sutures or surgery, or (d) the transmission of an infectious or contagious disease. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

"Vicious Dog" means a dog designated as a Vicious Dog pursuant to Section 90.047. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.002 Unlawful treatment of animals.

(A) It shall be unlawful for any person to commit any act of cruelty to any animal, or to knowingly cause or allow to be caused any act of cruelty to any animal, including without limitation:

(1) to willfully or maliciously shoot, poison, kill, injure, abuse, overwork, torment, or ill-treat any animal; (Ord. 34-07, J. 33, p. 217-218, passed 4/23/07)

(2) to fail, refuse or neglect to provide any animal in his or her charge or custody as Owner or otherwise with proper food, drink, shade, care, or shelter;

(3) to Abandon any animal within the City limits;

(4) to confine an animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold;

(5) to transport any living animal in the trunk of a vehicle;

(6) to transport any living animal in the open bed of a truck unless the animal is restrained in a kennel or on a Leash that will prevent the animal from jumping or falling off the vehicle;

(7) to cause, instigate, stage, or train any animal to fight or permit any fight between any animal and another animal or human;

(8) to crop animal ears or dock animal tails, unless performed by a licensed veterinarian;

(9) to give away any live Domestic Animal as a prize for, or as an inducement to enter a place of amusement, or as an inducement to purchase any product or enter into any business relationship or agreement; or

(10) to tether an animal, except in compliance with Section 95.095 of this Chapter. (Ord. 34-07, J. 33, p. 217-218, passed 4/23/07)

(B) Any person who kills or injures a Domestic Animal while driving a vehicle shall stop at the scene of the accident, and render such assistance as practicable, and

immediately report the incident to the Police Department. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88; Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; Ord. 34-07, J. 33, p. 217-218, passed 4/23/07)

(C) Any animal control officer, police officer, or licensed veterinarian may take into custody any animal, upon either private or public property, that such officer reasonably determines has been the victim of cruelty, provided that entry upon private property shall only be accomplished with the assistance of a police officer and pursuant to a warrant. The officer or veterinarian may inspect, care for, or treat such animal or place the animal in the care of a licensed humane society or licensed veterinarian for treatment, boarding or other care or, if a licensed veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane destruction.

(D) The Owner of an animal destroyed pursuant to Section 90.002(C) will not be entitled to recover damages for the destruction of the animal unless the Owner proves that the destruction was unreasonable and unwarranted.

(E) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to this Section 90.002 pending prosecution of the Owner of the animal shall be assessed to the Owner as a cost of the case if the Owner is adjudicated liable.

(F) If a person is adjudicated liable for a violation of this Section and the Hearing Officer or the court determines that such animal would be subject to any cruelty in the future, such animal will not be returned to or remain in the custody of such person, and the Hearing Officer or the court shall order the animal turned over to an animal shelter or licensed veterinarian for adoption.

(Section 90.002 added by Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

Sec. 90.003 Procedures non-exclusive.

The provisions of this Chapter shall not preclude the City from concurrently or separately using other methods or proceedings to (a) enforce and adjudicate this Chapter or other ordinances of the City, or (b) enforce and adjudicate any County, State or Federal laws or regulations pertaining to the regulation of animals and their Owners, including, without limitation, the institution of an action in the Lake County Circuit Court, the United States District Court, or an administrative proceeding before the Lake County Board of Health or any other administrative body. **(Section 90.003 added by Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

Sec. 90.005 Duty to register and license [Effective – October 1, 2010].

(A) Every dog that is housed within the corporate limits of the City and that is more than six months of age must be registered with, and licensed by, the City pursuant to this Chapter not later than the first day of each License Year. Any dog purchased or otherwise acquired after the first day of any License Year must be registered with, and

licensed by, the City pursuant to this Chapter not later than 15 days after the dog is purchased or otherwise acquired. Any dog housed within the City that becomes six months of age after the first day of the License Year must be registered with, and licensed by, the City pursuant to this Chapter not later than 15 days after the dog becomes six months of age. (amended in toto Ord. 38D-85, J. 16, P. 264-266, passed 10/22/85, Ord. 3-88, J. 17, p. 499-506, passed 1/11/88; Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(B) Cats are not required to be licensed. (added by Ord. 14-86, J. 16, p. 440-441, passed 4/14/86)

Sec. 90.010 Registration and license. [Effective – October 1, 2010]

(A) The application for registration and license for all dogs shall be made to the City Finance Director, which application shall include, without limitation, the following information:

(1) the name, address, and telephone number of the applicant and of the Owner, if different from the applicant;

(2) the breed, color, sex, name, and date of rabies inoculation of the dog to be registered;

(3) whether the dog has been Altered;

(4) whether the dog has been implanted with a Microchip with current information concerning the accurate name, address, and telephone number of the Owner;

(5) whether the dog has previously been designated as a Dangerous Dog or a Vicious Dog by the Hearing Officer or a court of competent jurisdiction;

(6) whether the dog has been determined by any other jurisdiction to have behaved in a dangerous or vicious manner or any similar manner, or has been designated as a Dangerous Dog or Vicious Dog or with any similar designation, by any court, administrator, or other official for any public body other than the City; and

(7) a written affidavit by the applicant, and by the Owner, if different from the applicant, stating that the applicant and the Owner (a) have read the educational materials provided by the City concerning dog ownership, including without limitation a summary of the provisions of this Chapter, and (b) will comply with all the provisions of this Chapter.

(B) It shall be the obligation of the applicant or the Owner, if different from the applicant, to notify the City Finance Director of any change to the information required pursuant to this Subsection at least 48 hours before the change occurs. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

(C) The City Finance Director shall register the dog in the dog register book and issue a license certificate and metal license tag to the applicant or the Owner, if different from the applicant, upon the occurrence of all of the following:

- (1) payment of the license fee required by this Chapter;
- (2) presentation of a certificate of a licensed veterinarian that the dog to be registered and licensed has been inoculated against rabies in accordance with the provisions of this Chapter;
- (3) submission of a complete application pursuant to Section 90.010(A) of this Chapter, and
- (4) if necessary, payment of the additional fee and submission of the certificate required for a Dangerous Dog or Vicious Dog pursuant to Section 90.010(F) of this Chapter. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

(D) The shape of the tag shall be changed every License Year and each tag shall have stamped thereon the License Year for which it was issued and a number corresponding with the number of the license certificate. The City may issue tags of a different shape or color for licenses for Dangerous Dogs and Vicious Dogs. The replacement fee for lost or destroyed license tags shall be at the rate set forth in the Annual Fee Resolution. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(E) Licenses issued pursuant to this Section 90.010 shall not be transferable, except that, if an Owner to whom a license has been issued ceases to be the Owner of the dog for which the license was issued, then the Owner may transfer the license to another dog that he or she keeps, harbors, or otherwise maintains upon submission of an updated application to the City Finance Director as set forth in Section 90.010(A) of this Chapter, representation of a veterinarian's certificate as set forth in Section 90.010(C) of this Chapter, and payment to the City in the amount set forth in the Annual Fee Resolution. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 31-63, J. 5, p. 729, passed 7/22/63; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 35-03, J. 29, p. 134, passed 5/27/03; Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(F) No license shall be issued for a dog determined to be a Dangerous Dog or a Vicious Dog except upon payment of an additional fee in the amount set forth in the Annual Fee Resolution and the filing of a certificate with the City Finance Director affirming that:

- (1) The Dangerous Dog or Vicious Dog is and will be confined in compliance with Section 90.045(B) or 90.047(B) of this Chapter, as applicable, and is in compliance with any and all other conditions that may have been imposed with respect to the Dangerous Dog or Vicious Dog by the Hearing Officer or the court; and (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(2) The Owner possesses and will continue to maintain the insurance coverage required pursuant to Section 90.045(B) or 90.047(B) of this Chapter, as applicable. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(G) No license shall be issued pursuant to this Section 90.010 to any applicant or Owner who has been declared to be a problem pet owner pursuant to Section 90.096 of this Code. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

Sec. 90.015 Annual license fee.

For each License Year or portion of a License Year the license fee for all Altered dogs, un-Altered dogs, Dangerous Dogs, and Vicious Dogs shall be in the amounts set forth in the Annual Fee Resolution; provided, however, that for dogs that are not designated as a Dangerous Dog or a Vicious Dog and are purchased, otherwise acquired, or reaches six months of age after the last day of March, the applicable license fee shall be reduced by 50% for the License Year. (Amended in toto Ord. 38D-85, J. 16, p. 264-266, passed 10/22/85; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 35-03, J. 29, p. 134, passed 5/27/03; Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.020 Inoculation against rabies.

(A) Every dog that is more than six months of age must be currently inoculated against rabies by a licensed veterinarian. The type and brand of the antirabic vaccine used and the method of inoculation must be recognized and approved by the Department of Agriculture of the State of Illinois and the United States Department of Agriculture. The vaccine may be administered annually, or, if the dog is over twelve months of age at the time of inoculation, the interval between inoculations may be extended for three years. If a licensed veterinarian determines in writing that a rabies inoculation would compromise a dog's health, then the dog shall be exempt from the inoculation requirement of this Section 90.020. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(B) A police officer or the Animal Control Officer may, for an initial violation of Section 90.020(A) of this Chapter, issue a warning to the Owner rather than a citation. No more than one such warning will be provided. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(C) Any dog that is subsequently found not to be currently inoculated against rabies after either (i) the Owner has received a warning pursuant to Section 90.020(B) of this Chapter or, (ii) the dog has been found in violation of Section 90.020(A) of this Chapter by the Hearing Officer or the court, is declared hereby to be a public nuisance and may be apprehended and impounded by any police officer or the Animal Control Officer. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

Sec. 90.025 Collar and tag.

The Owner of each dog of more than six months of age and that is housed within the corporate limits of the City must provide such dog with a sturdy collar to which the license tag issued by the City shall be securely fastened. It shall be the Owner's duty to make certain that the collar and tag are worn by the dog at all times when off of the Owner's

premises. (Ord. 863, J.4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

Sec. 90.030 Unauthorized removal of tags.

It shall be unlawful for any person other than a police officer or the Animal Control Officer to remove a license tag from any dog without the permission of the Owner of the dog or the Owner's agent. (Ord. 863, J. 4, p. 863, passed 4/30/5; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.040 Prohibited conduct.

(A) Running at large.

(1) It shall be unlawful for any Owner or any person in control of any dog to permit, or cause to be permitted, his or her dog to run at large in the City at any time, or to fail to use reasonable care in restraining any dog that he or she keeps, harbors or otherwise maintains, or that is under his or her control, from running at large. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(2) A police officer or the Animal Control Officer may, for an initial violation of Section 90.040(A) (1) of this Chapter, issue a warning to the Owner rather than a citation. No more than one such warning will be provided. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(3) Any dog that subsequently runs at large after either (i) the Owner has received a warning pursuant to Section 90.040(A) (2) of this Chapter or, (ii) the dog has been found in violation of Section 90.040(A) (1) of this Chapter by the Hearing Officer or the court, is declared hereby to be a public nuisance and may be apprehended and impounded by any police officer of the Animal Control Officer. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 31-63, J. 5, p. 729, passed 7/22/63; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(4) A dog found by the Hearing Officer or the court to be in violation of Section 90.040(A) (1) of this Chapter must be Microchipped at the Owner's expense, if not already Microchipped, within 30 days after being reclaimed. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(5) Nothing in this Section 90.040(A) shall prevent the Animal Control Officer from apprehending and impounding any dog running at large whose Owner cannot be immediately identified until such time as the Owner can be identified and located. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(B) Biting and attacking.

(1) It shall be unlawful for an Owner or any other person in control of any Domestic Animal to allow the Domestic Animal to bite or attack any other Domestic Animal or person in the City. If a person is bitten by a Domestic Animal, the incident shall be

reported to the Police Department immediately. All reports of bites or attacks shall be investigated by the Police Department in accordance with this Chapter. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(2) A police officer or the Animal Control Officer may, for an initial violation of Section 90.040(B) (1) of this Chapter, issue a warning to the Owner rather than a citation. No more than one such warning will be provided. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(3) Any Domestic Animal that subsequently bites or attacks any other Domestic Animal or person in the City after either (i) the Owner has received a warning pursuant to Section 90.040(B)(2) of this Chapter or, (ii) the Domestic Animal has been found in violation of Section 90.040(B)(1) of this Chapter by the Hearing Officer or the court, is declared hereby to be a public nuisance and may be apprehended and impounded at any time by a police officer or the Animal Control Officer. The impoundment may, at the discretion of the Chief of Police, continue through any subsequent investigation of the Police Department and until any subsequent determination of the Hearing Officer or the court. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(4) Notwithstanding the provisions of Section 90.040(B) (1) of this Chapter, Service Dogs and Police Dogs shall not be declared public nuisances pursuant to Section 90.040(B) (3) of this Chapter if the behavior that would provide the basis for a declaration of public nuisance occurred while the dog was performing its duties as expected. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 31-63, J. 5, p. 729, passed 7/22/63; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(C) Disturbing peace or quiet.

(1) It shall be unlawful for any person to own, keep, possess, or harbor any animal that, by habitual and continuous barking, howling, yelping, bawling, or other loud noise, annoys, disturbs, injures, or endangers the comfort, health, peace, repose, and/or safety of reasonable persons of ordinary sensibilities within the corporate limits of the City. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(2) A police officer or the Animal Control Officer may, for an initial violation of Section 90.040(C) (1) of this Chapter, issue a warning to the Owner rather than a citation. No more than one such warning will be provided. **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(3) Any dog that subsequently disturbs the peace or quiet after either (i) the Owner has received a warning pursuant to Section 90.040(C) (2) of this Chapter or, (ii) the dog has been found in violation of Section 90.040(C) (1) of this Chapter by the Hearing Officer or the court, is declared hereby to be a public nuisance and may be apprehended and impounded at any time by a police officer or the Animal Control Officer. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p.499-506, passed 1/11/88; Ord. 109-

99, J. 25, p. passed 12/13/99, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(4) Upon finding a violation of Section 90.040(C)(1) of this Chapter, the Hearing Officer or court may, in addition to the payment of the penalties provided under Section 90.999 of this Chapter, order the person to take sufficient action to immediately abate the nuisance. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(D) Dangerous behavior. It shall be unlawful for an Owner to allow a dog to behave in a dangerous manner. For purposes of this Chapter, a dog behaves in a dangerous manner when the dog:

(1) unprovoked, bites or injures a Person or a Domestic Animal on public or private property;

(2) unprovoked, chases or approaches a Person or a Domestic Animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack, or

(3) otherwise behaves in a manner that a reasonable person would believe poses a serious, unjustified, and imminent threat of physical injury or death to a Person or a Domestic Animal. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

However, a dog shall not be considered to behave in a dangerous manner when the behavior occurred because:

(a) the threatened or injured person was committing or attempting to commit a violent crime against the Owner or custodian of the dog or member of its household;

(b) the threatened or injured person was committing or attempting to commit a crime against the property of the Owner or custodian of the dog, including without limitation burglary, arson, or criminal trespass;

(c) the threatened or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(d) the threatened or injured Domestic Animal was attacking or threatening to attack the dog or its offspring;

(e) the dog was responding to inflicted pain or injury;

(f) the dog was protecting itself or its offspring;

(g) the dog is a Service Dog or a Police Dog and was performing its duties as expected; or

(h) the threatened or injured Domestic Animal was Running at Large. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(E) Vicious behavior. It shall be unlawful for an Owner to allow a dog to behave in a vicious manner. For purposes of this Chapter, a dog behaves in a vicious manner when it, without provocation, attacks a person or Domestic Animal and causes severe physical injury or death. However, a dog shall not be considered to behave in a vicious manner if the behavior occurred because:

(1) the attacked or injured person was committing or attempting to commit a violent crime against the Owner or custodian of the dog or member of its household;

(2) the attacked or injured person was committing or attempting to commit a crime against the property of the Owner or custodian of the dog, including without limitation burglary, arson, or criminal trespass;

(3) the attacked or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(4) the attacked or injured Domestic Animal was attacking or threatening to attack the dog or its offspring;

(5) the dog was responding to inflicted pain or injury;

(6) the dog was protecting itself or its offspring;

(7) the dog is a Service Dog or a Police Dog and was performing its duties as expected, or

(8) the attacked or injured Domestic Animal was Running at Large. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(F) Failure to Remove Excrement.

(1) It shall be unlawful for any person to fail to have in his immediate possession some means for the removal of animal excrement when causing a dog or other animal to be on the public right-of-way, on any property under the ownership or control of the City, or on any private property without the express consent of the Owner or lawful occupant of the property. (Ord. 24-77, J. 13, p. 1834, passed 6/20/77; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(2) It shall be unlawful for any person to fail to remove any excrement of a dog or other animal under that person's control from the public right-of-way, from any property under the ownership or control of the City, or from any private property without the express consent of the Owner or lawful occupant of the property. (Ord. 24-77, J. 13, p. 1834, passed 6/20/77; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.045 Dangerous Dogs.

(A) Designation of Dangerous Dogs. A dog shall be designated as a Dangerous Dog when the Hearing Officer or a court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to the temperament of the dog, and has entered an order determining that the dog has behaved in the manner described in Section 90.040(D) and designating the dog as a Dangerous Dog. The Hearing Officer or the court may consider the testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, and other experts in evaluating the dog's behavior and making this determination. The Hearing Officer or the court, upon designating a dog as a Dangerous Dog, shall enter a written order requiring that, in addition to the payment of the penalties provided under Section 90.999 of this Chapter, the Owner shall comply with each and all of the restrictions set forth in Section 90.045(B) of this Chapter. The Hearing Officer or court may further order that the Dangerous Dog be Altered within 14 days at the Owner's expense. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(B) Restrictions on Dangerous Dogs. It shall be unlawful to harbor or keep a Dangerous Dog within the City except upon compliance with each and all of the following restrictions at the expense of the Owner:

(1) Confinement. The Dangerous Dog must be confined as follows:

(a) A Dangerous Dog on private premises must be kept indoors or outdoors either within an Enclosure or within a fully-fenced yard enclosed on all sides by fencing that:

- (i) is at least six feet in height;
- (ii) locks securely;
- (iii) has secure sides that prevent the dog from extending any portion of its body through any part of the fence; and
- (iv) is anchored to the ground so that the dog cannot escape by digging under the fence.

(b) A Dangerous Dog on public premises must be directly controlled and supervised by an adult at least 18 years of age. Such control and supervision shall require, at a minimum that the dog be:

- (i) restrained on a non-retractable Leash no longer than six feet; and
- (ii) securely muzzled in a manner that will prevent it from biting any person or animal, but that will not injure the dog or interfere with its vision or respiration. **(Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(2) Required signage. The Owner of any dog found to be a Dangerous Dog must display in a prominent place on the premises where the Dangerous Dog is kept, and at each entrance to any outdoor Enclosure where the dog is kept, clearly visible signage stating that a Dangerous Dog is kept on the premises, in the form and with such content as is approved by the Chief of Police. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(3) Evaluation and training. The Owner of a Dangerous Dog must cause to be completed, no later than 180 days after the designation of the dog as a Dangerous Dog, both: (a) an evaluation of the Dangerous Dog by a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert in the field of dog behavior, and (b) obedience training or other training or treatment of the Dangerous Dog as deemed appropriate by the behaviorist or expert. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(4) Microchipping. A Dangerous Dog must be Microchipped at the Owner's expense, if not already Microchipped, within 14 days after the designation of the dog as a Dangerous Dog. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(5) Insurance coverage. Within 14 days after the designation of a dog as a Dangerous Dog, the Owner of the Dangerous Dog must obtain and maintain, and provide the City with satisfactory evidence of, liability insurance coverage, in the amount of at least \$100,000, which coverage includes without limitation coverage for animal bites. In lieu of liability insurance, the Owner of a Dangerous Dog may obtain a surety bond in the value of at least \$100,000. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(6) Notice of designation. No Owner shall sell, transfer, or otherwise place a Dangerous Dog in the permanent possession of any other person, including without limitation any animal shelter, without first notifying that person that the dog has been designated a Dangerous Dog pursuant to this Chapter and notifying the jurisdiction to which the dog will be transferred of the dog's designation as a Dangerous Dog pursuant to this Chapter. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(C) Failure to comply. It shall be unlawful for any person to keep or maintain a Dangerous Dog within the corporate limits of the City unless the dog is kept and maintained in compliance with this Chapter and with the order entered by the Hearing Officer or the court. Upon finding that a Dangerous Dog has not been so kept or maintained, the Hearing Officer or court may, in addition to requiring the payment of the penalties provided in Section 90.999 of this Chapter, order that the Dangerous Dog be altered within 14 days at the Owner's expense, or order that the Dangerous Dog be permanently removed from the corporate limits of the City within 14 days, with the Owner of the Dangerous Dog being responsible for all fees and costs incurred by the City in caring for the Dangerous Dog prior to its removal from the corporate limits. **(Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(D) Public nuisance. Any Dangerous Dog that is not kept and maintained in accordance with this Chapter and with the order entered by the Hearing Officer

or the court is declared hereby to be a public nuisance and may be apprehended and impounded upon the order of the Animal Control Officer or Chief of Police. The impoundment may, at the discretion of the Chief of Police, continue through any subsequent investigation of the Police Department and any subsequent determination of the Hearing Officer or the court. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(E) Dogs designated as dangerous in other jurisdictions. Any person desiring to bring a dog to live in the City that has been previously declared within another jurisdiction to have behaved in a dangerous manner or a similar manner, or has been designated within another jurisdiction as a Dangerous Dog or any similar designation, must notify the Police Department prior to moving the dog into the City of such declaration or designation. Upon moving the dog into the City, the dog will be considered as a Dangerous Dog pursuant to this Chapter, and the Owner must comply at all times with each and every requirement and restriction established in this Chapter pertaining to Dangerous Dogs, including without limitation the restrictions set forth in Section 90.045(B) of this Chapter. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.047 Vicious Dogs.

(A) Designation of Vicious Dogs. A dog shall be designated as a Vicious Dog when the Hearing Officer or the court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to the temperament of the dog, and has entered an order determining that the dog has behaved in the manner described in Section 90.040(E) and designating the dog as a Vicious Dog. A dog previously designated as a Dangerous Dog pursuant to Section 90.045(A) that is found by the Hearing Officer or the court to have behaved in a dangerous manner for a second time may be designated as a Vicious Dog by the Hearing Officer or the court without evidence that the dog has behaved in a vicious manner. In determining whether to designate a dog as a Vicious Dog, the Hearing Officer or the court may consider the testimony of a certified applied behaviorist, a board-certified veterinary behaviorist, and other experts in evaluating the dog's behavior and making this determination. The Hearing Officer or the court, upon designating a dog as a Vicious Dog, shall enter a written order requiring that, in addition to the payment of the penalties provided under Section 90.999, that the Owner shall comply with each and all of the restrictions set forth in Section 90.047(B) of this Chapter. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(B) Restriction of Vicious Dogs. It shall be unlawful to harbor or keep a Vicious Dog within the City except upon compliance with each and all of the following restrictions at the expense of the Owner:

(1) Confinement. The Vicious Dog must be confined as follows:

(a) A Vicious Dog on private premises must be kept indoors or within an Enclosure at all times.

(b) A Vicious Dog shall only be allowed outdoors and outside of an Enclosure if:

(i) The dog is securely muzzled in a manner that will prevent it from biting any person or animal, but that will not injure the dog or interfere with its vision or respiration;

(ii) is restrained on a non-retractable Leash no longer than six feet;

(iii) is under the direct control and supervision of the Owner or other adult at least 18 years of age at all times; and

(iv) the release is:

(a) necessary for veterinary care for the dog;

(b) pursuant to a sale or other change of Ownership that results in the removal of the Vicious Dog from the corporate limits of the City;

(c) pursuant to the immediate transfer of the Vicious Dog to another Enclosure; or

(d) necessary for compliance with an order of the Hearing Officer or the court. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(2) Required signage. The Owner of any dog found to be a Vicious Dog must display in a prominent place on the premises where the Vicious Dog is confined, and at each entrance to any outdoor Enclosure where the dog is kept, clearly visible signage stating that a Vicious Dog is kept on the premises, in the form and with such content as is approved by the Chief of Police. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(3) Evaluation and training. The Owner of a Vicious Dog must cause to be completed, no later than 180 days after the designation of the dog as a Vicious Dog, both: (a) an evaluation of the Vicious Dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field, and (b) obedience training or other training or treatment of the Vicious Dog as deemed appropriate by the behaviorist or expert. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(4) Altering and Microchipping. A Vicious Dog must be Altered and Microchipped at the Owner's expense, if not already Altered and Microchipped, within 14 days after the designation of the dog as a Vicious Dog. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(5) Insurance coverage. Within 14 days after the designation of a dog as a Vicious Dog, the Owner of the Vicious Dog must obtain and maintain, and provide

the City with satisfactory evidence of, liability insurance coverage, in the amount of at least \$150,000, which coverage includes without limitation coverage for animal bites. In lieu of liability insurance, the Owner of a Vicious Dog may obtain a surety bond in the value of at least \$150,000. (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(6) Notice of designation. No Owner shall sell, transfer, or otherwise place a Vicious Dog in the permanent possession of any other person, including without limitation any animal shelter, without first notifying that person that the dog has been designated a Vicious Dog pursuant to this Chapter and notifying the jurisdiction to which the dog will be transferred of the dog's designation as a Vicious Dog pursuant to this Chapter. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(C) Failure to comply. It shall be unlawful for any person to keep or maintain a Vicious Dog within the corporate limits of the City unless the dog is kept and maintained in compliance with this Chapter and with the order entered by the Hearing Officer or the court. Upon finding that a Vicious Dog has not been so kept or maintained, the Hearing Officer or court may, in addition to requiring the payment of the penalties provided in Section 90.999 of this Chapter, order:

(1) that the Vicious Dog be permanently removed from the corporate limits of the City within 14 days, with the Owner of the Vicious Dog being responsible for all fees and costs incurred by the City in caring for the Vicious Dog prior to its removal from the corporate limits; or (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(2) that the Vicious Dog be humanely destroyed, except that the Hearing Officer or the court shall not order the humane destruction of the Vicious Dog if the Owner of the Vicious Dog provides the Hearing Officer or the court with written proof that:

(a) the Vicious Dog will be placed in an animal shelter outside of the City that has been notified of the dog's designation as a Vicious Dog under this Chapter and has consented to the shelter and care of the Vicious Dog;

(b) the animal shelter will accept the Vicious Dog and the Owner is willing to pay all expenses for transporting the Vicious Dog to the animal shelter; and

(c) the Owner has informed the animal control authority in the jurisdiction to which the animal is being relocated of the dog's designation as a Vicious Dog under this Chapter and the animal control authority, if required by law, has consented to the relocation. (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

If the Hearing Officer or the court orders the permanent removal of the Vicious Dog pursuant to Section 90.047(C)(1), the Owner must, within 14 days of the order to remove the dog from the corporate limits of the City, provide written evidence to the City that the Owner has informed the person(s) to whom the dog has been relocated

of the dog's designation as a Vicious Dog under this Chapter and that those person(s) have consented to the shelter and care of the dog, and has informed the animal control authority in the jurisdiction to which the animal is being relocated of the dog's designation as a Vicious Dog under this Chapter and the animal control authority has consented to the relocation. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(D) Public Nuisance. Any Vicious Dog that is not confined in accordance with this Section 90.047 is declared hereby to be a public nuisance and shall be impounded by any law enforcement authority having jurisdiction and permanently removed from the corporate limits of the City. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(E) Dogs designated as vicious in other jurisdictions. Any person desiring to bring a dog to live in the City that has been previously declared within another jurisdiction to have behaved in a vicious manner or a similar manner, or has been designated within another jurisdiction as a Vicious Dog or any similar designation, must notify the Police Department prior to moving the dog into the City of such declaration or designation. Upon moving the dog into the City, the dog will be considered as a Vicious Dog pursuant to this Chapter, and the Owner must comply at all times with each and every requirement and restriction established in this Chapter pertaining to Vicious Dogs, including without limitation the restrictions set forth in Section 90.047(B) of this Chapter. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

Sec. 90.055 Quarantine of biting animals.

(A) In the event the Owner of any animal has notice that his or her animal has bitten any person, it shall be unlawful for the Owner to kill such animal, sell or give the animal away, or permit or allow the animal to be taken beyond the corporate limits of the City except to a licensed veterinary hospital. It shall be the duty of the Owner to immediately report the incident to the Police Department and to immediately place the animal in a licensed veterinary hospital where the animal shall be quarantined for a period of at least 10 days; or, upon the request of any police officer or the Animal Control Officer, to deliver the animal to him or her for such placement. The Owner shall immediately furnish to the Police Department the name and location of the hospital and a certificate of a licensed veterinarian stating whether or not the animal shows signs of rabies. At the expiration of the quarantine period and prior to the release of the animal, the Owner shall furnish the Police Department with a certificate of a licensed veterinarian stating that the animal does not have rabies. All costs of maintaining any such animal in a veterinary hospital shall be the obligation and responsibility of its Owner and shall be paid by said Owner. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

(B) In the event any animal which has bitten any person is slain or dies within 10 days from the time of the bite, it shall be the duty of the person slaying the animal, or having knowledge of its death, and of the Owner of the animal to notify the Police Department and immediately deliver or cause the delivery of the intact animal to the Police Department. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

(C) Notwithstanding the provisions of Sections 90.055(A) and 90.055(B) of this Chapter, the Owner of any animal which has bitten any person may, in lieu of the delivery and the quarantine of the animal as provided in Section 90.055(A): **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(1) Present evidence to the Animal Control Officer or the Chief of Police that the animal has been inoculated against rabies more than 30 days but less than one year prior to the biting, if a one year immunity vaccine has been used, or more than 30 days but less than three years prior to the biting if a three-year vaccine has been used; and **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(2) Have the animal examined by a rabies inspector or a licensed veterinarian who shall make an examination of the animal to determine if the animal exhibits any sign of rabies, and who shall thereafter:

(a) Take the animal into custody for a period of 10 days if such examination discloses any sign or symptoms of rabies and notify the Police Department thereof;

(b) In the event such examination discloses that no sign or symptoms of rabies are present, order the animal confined in the home of the Owner, or upon the Owner's premises, for a period of 10 days in an Enclosure adequate to ensure, in the opinion of the Animal Control Officer, that the animal will not be in contact with other animals or persons; or

(c) Have such animal examined for rabies by a licensed veterinarian on the first, fifth, and tenth days of such confinement, which veterinarian shall, within 24 hours of each such examination, report the results of the examination to the Animal Control Officer or the Chief of Police. It shall be the duty of the Owner to ensure that the reports required by this Paragraph are made. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(3) No animal displaying any signs or symptoms of rabies, as determined by the rabies inspector or licensed veterinarian who examines the animal pursuant to Section 90.055(C)(2), shall be released from any confinement without the prior approval of the Animal Control Officer or the Chief of Police. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(4) In the event an examination of any animal discloses signs or symptoms of rabies, the animal shall be delivered to a licensed veterinarian for continued observation and/or testing.

(5) The Animal Control Officer shall impound, for the remaining period of observation, any animal whose Owner fails to comply with the requirements of this Subsection. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(D) It is the responsibility of the Owner to provide, upon request by the examining veterinarian, Animal Control Officer, or a police officer, a dated certificate or certificates of vaccination, signed by a licensed veterinarian. The certificates shall include a description of the animal sufficient for purposes of identification. (Ord. 863, J. 4, p. 863, passed 4/30/56, Ord. 1-72, J. 8, p. 437, passed 2/14/72; Ord. 45-72, J. 9, p. 567, passed 9/11/72; Ord. 59-75, J. 12, p. 1294, passed 7/14/75; Ord. 45-79, J. 14, p. 0894, passed 10/8/79; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.065 Female dogs in heat.

Any female dog in heat must be confined either (1) if outdoors, in an Enclosure or on a leash no more than six feet in length that is under the direct control and supervision of the Owner; or (2) if indoors, in a kennel, veterinary hospital, or in an enclosed building on the Owner's property. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.070 Rabid dogs.

(A) It shall be the duty of the Owner of any dog suffering from rabies to place it immediately in a veterinary hospital, or, upon demand, to surrender the dog to a police officer or the Animal Control Officer. Any dog suffering from rabies is declared hereby to be a public nuisance and, if the dog cannot be safely apprehended and impounded, the dog may be slain by a police officer or the Animal Control Officer. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(B) It shall be the duty of any person who discovers that any dog is suffering from rabies, or that any dog or other animal has been bitten by a dog or other animal suffering with rabies, to report such fact immediately to the Animal Control Officer or the Chief of Police. The report shall include the name, if known, and the place of residence of the Owner of the dog or other animal, the place where the animal can be found, and the license number of any such dog, if known. Any such dog or other animal shall be immediately confined in a veterinary hospital or impounded and securely kept until it can be determined whether the dog or other animal is suffering from rabies. (Ord. 863, J.4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p./ 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04)

(C) Whenever the Mayor, by proclamation, shall declare that danger from rabies is great, it shall be unlawful to permit or allow any dog upon the public streets, alleys, or other public place unless the dog is securely muzzled. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.080 Redemption of Impounded dogs.

(A) The Animal Control Officer, upon receiving or impounding any dog, shall make a complete registry, entering therein the breed, color and sex of such dog, whether the dog is Altered, and whether the dog is licensed. In the event the dog is licensed, the person in charge shall enter the name, address, and telephone number of the Owner and the number of the license tag in the registry. Licensed dogs shall be separated from unlicensed dogs. Not later than 24 hours after the impounding of any dog, the Owner thereof shall be

notified by mail sent to the address listed on the dog register book; or if the Owner of the dog is unknown, notice shall be posted at the Police Department and at the City Hall describing the dog and the time and place of taking. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(B) Except as provided in Sections 90.040, 90.045, and 90.047 of this Chapter, the Owner of any licensed dog or the person claiming to be the Owner of any unlicensed dog may redeem the dog upon payment of the license fee, if unpaid, an impounding fee, and a maintenance charge in the amounts set forth in the Annual Fee Resolution for each day or fraction thereof that such dog is impounded. All fees and charges shall be paid to the City Finance Director. Upon presentation of a proper receipt from the City Finance Director, the Police Department shall release the dog in accordance with the provisions of this Chapter. (Ord. 863, J.4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 35-03, J. 29, p. 134, passed 5/27/03, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.085 Disposition of unclaimed dogs.

It shall be the duty of the Animal Control Officer to keep all dogs impounded in accordance with the provisions of this Chapter. If any impounded dog is not redeemed at the expiration of the sixth day after the day on which notice was mailed or posted as provided herein, the dog may be permanently removed from the corporate limits of the City without further notice to a humane no-kill Animal Shelter acceptable to and as determined by the Chief of Police; provided, however, that if any dog, with the exception of a Dangerous Dog or Vicious Dog, has not been removed from the corporate limits of the City, any person may redeem the dog in accordance with the provisions of this Chapter after the time for redemption by the Owner has passed. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.090 Animal fighting prohibited.

No person shall own, keep, possess, harbor, or maintain care or custody of any dog or other animal or be in any way connected with the management or ownership of any place kept or used for the purpose of causing, instigating, or staging the fighting or baiting of any dogs or other animals, or for the purpose of training dogs or other animals for such fighting or baiting, or to permit such a place to be kept or used on premises owned or controlled by such person. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.095 Tethering.

Notwithstanding any provision of this Chapter to the contrary, it shall be unlawful for any person to tether any animal to a fixed object, except upon the satisfaction of each of the following conditions: (Ord. 34-07, J. 33, p. 217-218, passed 4/23/07)

(1) The chain, rope, Leash, run line, or other device used to tether the animal shall be placed or attached so as to prevent the animal from becoming entangled with a structure, tree, plant, shrubbery, another animal or any other object: (Ord. 34-07, J. 33, p. 217-218, passed 4/23/07; **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**)

(2) The chain, rope, Leash, run line, or other device used to tether the animal shall be of sufficient length, in proportion to the size of the animal, to allow the animal to obtain proper exercise, convenient access to food and water, and protection from direct sunlight or extreme weather conditions; and (Ord. 34-07, J. 33, p. 217-218, passed 4/23/07)

(3) The chain, rope, Leash, run line, or other device used to tether the animal does not weigh more than one-eighth the amount of the animal's weight and is not made from a logging chain or tow chain; (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(4) The animal is not attached to the chain, rope, Leash, run line, or other device by any collar or means of restraint that may injure the animal or interfere with its vision or respiration, including without limitation any type of "choke" collar that constricts around the animal's neck when pulled. (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(5) The animal to be tethered has not been designated as a Dangerous Dog or a Vicious Dog; (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(6) The animal is not tethered in a manner that either:

(a) permits the animal to trespass upon public property, or upon private property without the consent of the property Owner, or

(b) threatens the health, safety or welfare of any person or animal; (Ord. 34-07, J. 33, p. 217-218, passed 4/23/07)

(7) The animal is not tethered and unsupervised for more than one hour during any 24 hour period; (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(8) The animal is not tethered and unsupervised between the hours of 9:00 p.m. and 7:00 a.m.; (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(9) The animal is not tethered and unsupervised within 500 feet of any school at any time; (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(10) The animal is not tethered and unsupervised on public property at any time. (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(11) The animal is not tethered on private property without the prior consent of the property Owner; and (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

(12) The animal is not tethered and unsupervised during extreme temperatures, including without limitation during heat advisories or when the temperature is below 32 degrees Fahrenheit. (Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)

Sec. 90.096 Problem pet owners.

(A) Problem pet ownership. For purposes of this Chapter, a problem pet owner is a person who has been determined by the Hearing Officer or the court to have committed (i) three or more separate and unrelated violations of Sections 90.002, 90.045(B), 90.047(B), 90.090, or 90.095 of this Chapter in one 36 month period or (ii) two or more separate and unrelated violations of Sections 90.002, 90.045(B), 90.047(B), 90.090, or 90.095 of this Chapter at any time after having a dog owned by him or her designated as a Dangerous Dog or a Vicious Dog. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(B) Designation of problem pet owner. A person shall be designated as a problem pet owner when the Hearing Officer or the court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to past violations of this Chapter by the person, and entered an order determining that the person has committed the violations described in Section 90.096(A) and designating the person as a Problem Pet Owner. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(C) Notice of hearing. A person whom the Police Department requests be designated as a Problem Pet Owner shall be provided with written notice of a hearing before the Hearing Officer or the court, served by certified and regular mail to the person's last known address, containing the following information:

(1) the name and address of the person who is the subject of the hearing;

(2) the names, descriptions, and license numbers of any animals owned by or licensed to the person;

(3) brief descriptions of the violations that form the basis of the request;

(4) notification of the date, time, and location of the hearing before the Hearing Officer or the court; and

(5) a summary of the impact of designation as a problem pet owner, as set forth in this Section. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(D) Pre-Hearing confinement of animals. Upon service of notice pursuant to Section 90.096(C) of this Section, all of the animals owned by a person whom the Police Department seeks to be declared to be a problem pet owner may be impounded if the Chief of Police or his designee determines that impoundment is in the interests of public safety or the health and welfare of the animals. Upon such a determination by the Chief of Police or his designee, an Animal Control Officer or police officer may require that all of the animals be held in an animal shelter or a secure veterinary hospital until a hearing is held. If all of the animals are not impounded prior to the hearing, the Owner shall comply with any and all requirements imposed by the Chief of Police, the Animal Control Officer, or their

designee for the confinement and care of the animals pending the hearing. Any failure to comply with any such requirement is a violation of this Section 90.096(D), and each day of non-compliance will constitute a separate violation. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(E) Bar on licensing or owning animals. If, after conducting a hearing, the Hearing Officer or the court determines that a person should be declared a problem pet owner, all animal licenses held by that person will be immediately revoked, and it shall be unlawful for that person to license or own any animal in the City for a period of 24 months from the date of the entry of that determination. Further, upon the determination by the Hearing Officer or the court that a person is a problem pet owner, the problem pet owner must immediately surrender all animals in his or her possession to the Chief of Police, the Animal Control Officer, or their designee. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

Sec. 90.100 Hindering enforcement.

It shall be unlawful to hinder or molest any police officer or the Animal Control Officer engaged in the enforcement of this Chapter. Further, it shall be unlawful for any person to violate any provision of this Chapter. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.105 Animals prohibited in certain places.

Animals shall not be permitted or allowed inside of any of the following locations when food or drink is being commercially dispensed at the location: the premises of any church or other place of worship, public halls or buildings, school premises, restaurants, stores, markets, nursing homes, and any private places. The provisions of this Section shall not apply to (a) animal hospitals, clinics, pounds, or training schools, (b) Police Dogs, Service Dogs, or animals exhibited at animal shows; or (c) Emotional Service Dogs; provided however, that Emotional Service Dogs shall not be permitted or allowed inside the actual room or rooms in which the food or drink is being commercially dispensed. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04, Ord. 67-04, J. 30, p. 279-280, passed 11/22/04; Ord. 55-07, J. 33, p. 408-409, passed 6/25/07; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.110 Exceptions to dog provisions.

The provisions of Sections 90.005, 90.010, 90.015 and 90.025 of this Chapter shall not apply to dogs receiving treatment or temporary care in veterinary hospitals, boarding kennels, or pet shops that are not otherwise housed within the corporate limits of the City. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.115 Enforcement of dog provisions.

The Animal Control Officer, Chief of Police, and such other persons as may be designated by the Animal Control Officer, Chief of Police, or the City Manager are authorized and directed hereby to enforce the provisions of this Chapter. (Ord. 3-88, J. 17, p. 499-506, passed 1/11/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

Sec. 90.120 Keeping animals.

(A) It shall be unlawful for any Owner to keep or maintain any pen, stable, or place in which animals are housed or kept in a condition that is unreasonably offensive to persons residing in the vicinity of the same, due to associated debris or odors, or to persons passing along any street or alley near the same, or that constitutes a hazard to the health of persons residing nearby. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(B) A police officer or the Animal Control Officer may, for an initial violation of Section 90.120(A) of this Chapter, issue a warning to the Owner rather than a citation. No more than one such warning will be provided. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

(C) Any pen, stable, or place in which animals are housed or kept that subsequently becomes unreasonably offensive pursuant to Section 90.120(A) of this Chapter after either (i) the Owner has received a warning pursuant to Section 90.120(B) of this Chapter or, (ii) the Owner has been found in violation of Section 90.120(A) of this Chapter by the Hearing Officer or the court, is declared hereby to be a public nuisance. **(Ord. 61-09, J. 35, p. 193-219, passed 10/26/09)**

HORSES

Sec. 90.200 Horses to be ridden at reasonable speed on streets.

(A) No person shall ride or drive any horse or horses or any other animal in any street, avenue, alley, lane or other place within the limits of this City at greater speed than at the rate of eight miles per hour, and it is hereby made the duty of every officer to stop any person who may be riding or driving contrary to this Section.

(B) No person, upon turning the corner of any street or crossing the intersection of any street in the City shall ride or drive any horse or horses, or other animal, at a greater speed than at the rate of four miles an hour.

(C) No person shall ride or drive any horse or horses, or other animal, into or out of any alley in the City at a greater rate of speed than a walk. (1919 Code, Secs. 946, 947, and 948)

Sec. 90.205 Racing in public streets prohibited.

(A) No person shall run or race any horse in any public street or avenue in the City, nor shall consent to or suffer such racing.

(B) This Section shall be construed to prevent and punish the running, racing or trotting of any horse or horses for any trial of speed, or for the purpose of passing any other horse or horses, whether the same be founded upon any stake, bet or otherwise. (1919 Code, Secs. 949 and 950)

Sec. 90.210 Sleighbells; standing horse without hitching.

(A) No person shall drive any horse before a sleigh or sled through any of the public streets or avenues of this City unless there shall be a sufficient number of bells attached to the harness of such horse and sleigh or sled to warn persons of his approach.

(B) No person shall leave any horse or other animal attached to any carriage, wagon, cart, sleigh, sled or other vehicle in any part of the streets, avenues, alleys or lanes of this City, without securely fastening such horse or other animal. (1919 Code, Sec. 951 and 952)

Sec. 90.215 Keeping horses in residence district restricted.

No person, firm or corporation shall keep any horse in any residence district except upon an adequately fenced tract of not less than 3 acres; provided, however, that the foregoing shall not be construed as permitting the sale, exhibition for sale, or the keeping or boarding of horses owned by persons other than the person so keeping or boarding any horse. (Ord. 11-61, J. 5, p. 384, passed 3/27/61)

Sec. 90.220 Horses running at large.

(A) It shall be unlawful for any person to permit any horse kept, harbored or otherwise maintained by him to run at large in the City at any time, or to fail to use reasonable care in restraining any horse kept, harbored or otherwise maintained by him or under his control, from so running at large. Any horse which runs at large is hereby declared to be a public nuisance and such horse may be apprehended and impounded if found running at large by any Police Officer, Animal Warden, or other person charged with the enforcement of this Chapter.

(B) Definitions, as used in Section 90.220, unless the context otherwise indicates:

(1) "Person" shall include any owner, person, firm, partnership, trustee, association, or corporation.

(2) "Owner" shall include any person, firm, partnership, trustee, association or corporation owning, keeping, harboring or otherwise maintaining a horse.

(3) "Running at large" shall refer to any horse off the premises of its owner and not under the immediate eye and control of the owner or person acting for the owner. (Ord. 6-7, J. 11, p. 950, passed 1/28/74)

Cross reference:

Public nuisances, see Sec. 95.001 (W)

OTHER ANIMALS AND FOWL

Sec. 90.250 Keeping cattle or swine.

(Note: See Sec. 95.001, Public nuisances enumerated.)

Sec. 90.255 Keeping of homing pigeons in City prohibited.

No person, firm or corporation shall keep, maintain or harbor any homing pigeons within the City of Highland Park. (Ord. 56-76, J. 12, p. 1713, passed 9/27/76; Ord. 35-03, J. 29, p. 134, passed 5/27/03; Ord. 35-07, J. 33, p. 219-221, passed 5/14/07)

PENALTY

Sec. 90.999 Penalty.

(A) Violation notices for violations of this Chapter shall be issued, served, and resolved in accordance with the Administrative Hearing System established pursuant to Chapter 38 of this Code or, if brought before a court of competent jurisdiction, pursuant to the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and such other rules that may apply to such court. (Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(B) Whoever violates Sections 90.040, 90.055, 90.070, 90.090, and/or 90.095 of this Chapter shall be considered to have committed a misdemeanor and shall be fined not less than \$50 nor more than \$500 for each and every offense, and/or shall be imprisoned for not more than six months for each such offense, except that whoever violates Section 90.040(A) or Section 90.040(C) of this Chapter shall be considered to have committed a misdemeanor and shall be fined \$25 for the first offense, \$50 for a second offense, and not less than \$100 or more than \$500 for a third offense and any subsequent offense, and/or shall be imprisoned for not more than six months for each such offense (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 31-63, J. 5, p. 729, passed 7/22/63; Ord. 11-88, J. 17, p. 517, passed 1/25/88, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(C) Whoever violates Section 90.045 of this Chapter shall be considered to have committed a misdemeanor and shall be fined not less than \$500 nor more than \$1,000 for each and every offense, and/or shall be imprisoned for not more than six months for each such offense. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(D) Whoever violates Section 90.002, 90.047, 90.090 or 90.096 of this Chapter shall be considered to have committed a misdemeanor and shall be fined not less than \$1,000 nor more than \$1,500 for each and every offense, and/or shall be imprisoned for not more than six months for each such offense. (**Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)

(E) Any person who violates any provision of Chapter 90 for which no other penalty is prescribed pursuant to this Section 90.999, upon conviction, shall be fined in an amount set forth in the Annual Fee Resolution. (Ord. 863, J. 4, p. 863, passed 4/30/56; Ord. 11-88, J.17, p. 517, passed 1/25/88; Ord. 26-90, J. 18, p. 255-257, passed 6/11/90, effective September 1, 1990, Ord. 47-04, J. 30, p. 181-198, passed 6/28/04; Ord. 40-07, J. 33, p. 241-242, passed 5/14/07; **Ord. 61-09, J. 35, p. 193-219, passed 10/26/09**)