CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

3-1-1 **SHORT TITLE.** This Chapter shall be known and may be cited as the Animal Control Code. **(See 510 ILCS 5/1)**

3-1-2 **DEFINITIONS.** For the purposes of this Chapter, the following definitions are adopted and shall be used:

"ANIMAL" shall mean any animal, other than man, which may be affected by rabies. **(See 510 ILCS 5/2.02)**

"ANIMAL CONTROL WARDEN" means any person appointed by the Mayor and approved by the Village Board to perform duties enforcing this Code or any animal control official appointed and acting under authority of the County Board. **(See 510 ILCS 5/2.03)**

"AT LARGE". Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

"CAT" shall mean any feline, regardless of age or sex.

"CONFINED" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. **(See 510 ILCS 5/2.05)**

"DANGEROUS DOG". "Dangerous dog" means any individual dog which when either unmuzzled, unleashed,a 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. **(See 510 ILCS 5/15(2))**

"DEPARTMENT OF AGRICULTURE" means the Department of Agriculture of the State of Illinois. **(See 510 ILCS 5/2.06)**

"DOG". "Dog" means all members of the family Canidae. **(See 510 ILCS 5/2.11)**

"HAS BEEN BITTEN" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(See 510 ILCS 5/2.12)**

"INOCULATION AGAINST RABIES" means the injection of an anti-rabies vaccine approved by the Department. **(See 510 ILCS 5/2.13)**

"LEASH" means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. **(See 510 ILCS 5/2.14)**

"LICENSED VETERINARIAN". "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(See 510 ILCS 5/2.15)**

"OWNER". For the purpose of this Code, the word "owner" means a person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him. **(See 510 ILCS 5/2.16)**

"POUND". "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(See 510 ILCS 5/2.18)**

"REGISTRATION CERTIFICATE". "Registration Certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. **(See 510 ILCS 5/2.19)**

"RESTRAINT". A dog is under "restraint" within the meaning of this Code if he is controlled by a leash; at "heel" beside a responsible person; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

"SHADE" shall mean protection from the direct rays of the sun during the months of June through September.

"SHELTER", as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least **two inches (2")** from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

"UNOWNED STRAY DOG". "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and

address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(See 510 ILCS 5/2)**

"VICIOUS ANIMAL" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

"WILD ANIMAL" shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. **(See 510 ILCS Sec. 5/24)**

3-1-3 INJURY TO PROPERTY.

(A) **Unlawful.** It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) **Waste Products Accumulations.** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

3-1-4 MANNER OF KEEPING.

(A) **Pens, Yards, or Runs.** All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) **Fences.** Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

3-1-5 KEEPING BARKING DOGS AND CRYING CATS.

(A) **Harboring.** It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) **Petitions of Complaint.** Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

3-1-6 CRUELTY TO ANIMALS PROHIBITED.

(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with **Section 3-1-2. (See 65 ILCS Sec. 5/11-5-6)**

3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

3-1-8 **HEALTH HAZARD.** The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

3-1-9 **LIMITATION ON NUMBER OF DOGS AND CATS KEPT.**

(A) **Nuisance.** The keeping of an unlimited number of dogs and cats in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in **Section 3-1-2.**

(B) **Limitation; Exception.**

(1) It shall be unlawful for any person or persons to keep more than **five (5) dogs** and/or **five (5) cats** within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) **Kennels.** In the areas where kennels are permitted, no kennel shall be located closer than **two hundred feet (200')** to the boundary of the nearest adjacent residential lot.

3-1-10 **ANIMALS, ETC. IN VILLAGE.**

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter no person shall keep within the Village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.

(B) **Exceptions.** This Section shall not apply in areas of the Village that are zoned agricultural in nature nor shall this Section apply to livestock brought in to the Village for the purpose of being shipped out of the Village.

(C) **Powers of Police Chief.** The police chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.

(See 65 ILCS Secs. 5/11-1-1; 5/11-5-6 and 5/11-20-9)

ARTICLE II - DOGS

3-2-1 **DEFINITIONS.** The terms used in this Article shall comply with **Section 3-1-2** of this Chapter unless otherwise provided in this Article.

3-2-2 **DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS AND TO BE REGISTERED WITH THE VILLAGE.**

(A) Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog **four (4) months** or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

(B) Every owner or keeper of a dog, regardless of age, shall cause the dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog.

(C) Every resident of the Village, who is an owner or keeper of a dog in the Village, regardless of age, shall cause the dog to be registered with the Village Clerk by providing the Village Clerk with the dog's name and the owner's or keeper's name, address and telephone number, and to further demonstrate that such dog has been inoculated against rabies as provided in paragraph (A) heretofore. Upon such registration, the owner or keeper shall be provided with a tag listing the dog's name, and the name, address and telephone number of the owner or keeper of the dog. Each dog owner or keeper hereunder required to register his or her dog shall pay a fee of **Five Dollars ($5.00)** to the Village Clerk for the cost of processing such registration and producing the tag for the owner's or keeper's dog. **(Ord. No. 94-10)**

3-2-3 **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.** The inoculation of dogs required by **Section 3-2-2(A)** shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

3-2-4 **DURATION OF INOCULATION.** The inoculation performed under the provisions of **Section 3-2-3** shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

3-1-11 UNRESTRAINED ANIMALS.

(A) **Nuisance**. It is hereby declared to be a nuisance and a threat to the public safety of the citizens of Dawson, Illinois, for animals, including dogs, cats, goats, swine, cattle, horses, and any other animal or wild animal as defined in Section 3-1-2 of this Article I of Chapter 3 to be unrestrained anywhere in the Village when not in the residence of its owner or keeper, or in a fenced pen, yard, run or enclosed structure.

(B) The owner or keeper of any animal, as defined in paragraph (A) above, which is found in the Village by the Mayor, Village employee or Mayor's designate, to be unrestrained by leash in an area outside the residence of its owner or keeper, or outside an enclosed structure, fenced pen, yard or run maintained to limit the range of travel for the animal, shall be in violation of this Ordinance and shall be warned or fined by the Village as follows:

(1) For the first offense, a written warning shall be issued to the owner.

(2) For the second offense, the owner or keeper of an animal as described in this Section which is found to be unrestrained by the Mayor, Village employee, or Mayor's designate, shall be fined **Fifty and No/100th Dollars ($50.00)** if such animal is not registered with the County of Sangamon, in the State of Illinois, and the Village, as otherwise required under this Chapter 3, or **Twenty-Five and No/100th Dollars ($25.00)** if such animal is properly registered.

(3) For the third offense within any five (5) year period, where an animal is found to be unrestrained, the owner or keeper thereof shall be fined **Seventy-Five and No/100th Dollars ($75.00)** if the animal is not registered with the County of Sangamon, in the State of Illinois, and the Village, as otherwise required under this Chapter 3, or **Fifty and No/100th Dollars ($50.00)** if the animal is properly registered.

(4) For the fourth or later offense within any five (5) year period, where an animal is found to be unrestrained, the owner or keeper thereof shall be fined **One Hundred and No/100th Dollars ($100.00)** if the animal is not registered with the County of Sangamon, in the State of Illinois, and the Village, as otherwise required under this Chapter 3, or **Seventy-Five and No/100th Dollars ($75.00)** if the animal is properly registered.

(C) All fines imposed hereunder are in addition to any penalties as otherwise may be imposed for violations of the Village Ordinances in regard to animals pursuant to this Chapter 3.

(Revised 04/08/15)

3-2-5 **SPECIFICATIONS FOR TAG.** The tag issued under the provisions of **Section 3-2-3** shall be in such form as shall be determined by the Department of Agriculture.

3-2-6 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or Village employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of **Section 3-2-3,** showing the inoculation against rabies of any dog owned or controlled by him.

3-2-7 **RESTRAINT OF DOGS.** The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in **Section 3-1-2. (See 65 ILCS Sec. 5/11-20-9)**

3-2-8 **IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.**

(A) It shall be the duty of such employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the Village, contrary to any of the provisions of this Chapter or other regulations of the Village.

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated employee(s), such dogs may be impounded at the discretion of such employee(s), but the employee(s) may cite the owner of such dog to answer charges of violation of this Chapter.

(C) Any dog permitted to run at large within the Village is hereby declared to be a nuisance.

(D) Any impounded dog which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper.
(See 510 ILCS Sec. 5/10)

3-2-9 **PAYMENT FOR IMPOUNDMENT OF DOGS.** The Village shall pay any authorized employee or contractor designated by the Village to enforce **Article I** of **Chapter 3** of the Revised Code of Ordinances **fifty percent (50%)** of any fine collected for dogs detained by such employee until impoundment by the Village, County, State, Governmental or other regulatory authority pursuant to authority under this Chapter or any State law or other applicable laws or regulations. In the event no fine is collected from the owner of the dog so impounded within **fourteen (14) days** after impoundment, the authorized employee or contractor of the Village who successfully detained the dog prior to impoundment shall be paid ~~**Twenty-Five Dollars ($25.00)**~~ per dog so impounded.

See pg 68 3-2-14

3-2-10 **NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.** In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

3-2-11 **OBSTRUCTING POUNDMASTER.** Any person(s) who shall bring any dog into the Village for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the Village, upon conviction of any part of this Chapter shall be fined according to Chapter 1-Administration of this Code.

3-2-12 **IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.** Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **ten (10) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the **ten (10) days** no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled.

3-2-13 **IMPOUNDMENT.** Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

3-2-14 FINES AND REDEMPTION OF IMPOUNDED ANIMALS. The owner of any animal impounded under this Chapter shall pay a fine of **Fifty Dollars ($50.00)** for the first time the animal is impounded if the animal is not licensed by the Village, or **Twenty-Five Dollars ($25.00)** for the first time the animal is impounded if the animal is licensed as provided by this Chapter. The owner of any animal impounded under this Chapter for a second time shall pay a fine of **One Hundred Dollars ($100.00)** if the animal is not licensed with the Village, and **Fifty Dollars ($50.00)** if the animal is licensed. The owner of any animal impounded under this Chapter on more than **two (2) occurrences** shall pay a fine of **One Hundred Fifty Dollars ($150.00)** for each impoundment if the animal is not licensed by the Village, and **Seventy-Five Dollars ($75.00)** for each impoundment if licensed by the Village. The owner of any animal impounded under this Chapter may only redeem the animal by paying all the fines, costs and charges assessed, including not only those of the Village, but also those of any county or other authority impounding the animal, that have accrued to the time of making redemption, and upon payment of the same, it shall be the duty of the village authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal. **(01-05-09)**

3-2-15 VILLAGE POUND DESIGNATED. The Village Board shall designate a Village Pound.

3-2-16 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

3-2-17 DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this Village.

3-2-18 FEMALE DOG WITH OTHER DOGS. No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)

ARTICLE III - VICIOUS AND DANGEROUS DOGS

3-3-1 **DEFINITIONS.** As used in this Article, the following words shall have the following meanings and definitions:

(A) **"Vicious dog"** means:

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(4) Any individual dog which attacks a human being or domestic animal without provocation.

(5) 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 or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B) **"Dangerous dog"** means 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.

(C) **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, 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 animal from escaping from the enclosure.

(D) **"Impounded"** means taken into the custody of the public pound in the Village or town where the vicious dog is found.

(E) **"Found to Be Vicious Dog"** means:

(1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in

paragraph (1) of Subsection (A) and, based on that finding, the County Veterinarian, an Animal Control Warden has declared in writing that the dog is a vicious dog or

(2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

3-3-2 **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

3-3-3 **OWNER'S RESPONSIBILITY.** If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **seven (7) working days,** the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden approves the enclosure as defined in this Article.

No owner or keeper of a vicious dog shall sell or give away the dog.

3-3-4 **DOG PERMITTED TO LEAVE PREMISES.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

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, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

3-3-5 **INJUNCTION.** The Animal Control Warden, the Village Attorney, or any citizen of the Village in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(See 510 ILCS Sec. 5/17)**

3-3-6 **LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.** If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(See 510 ILCS Sec. 5/16)**

3-3-7 **RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(See 510 ILCS Sec. 5/17)**

3-3-8 **PENALTY.** Any violation of this **Article III** as determined and found by a court of competent jurisdiction, shall be a Class One (1) ordinance violation as defined under **Section 1-1-20**, of **Division IV** of **Chapter 1** of the Revised Coe of Ordinances of the Village of Dawson, Illinois, bearing a fine of **Seven Hundred Fifty Dollars ($750.00)** for each violation of this **Article III** of **Chapter 3** of the Revised Code of Ordinances of the Village of Dawson, Illinois. **(7-10-06)**

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)

(See also 510 ILCS Sec. 5/24)

ARTICLE IV

PIT BULL DOG CODE

3-4-1 LEGISLATIVE INTENT. This Article is adopted pursuant to the powers granted to municipalities in **Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-1-1; 5/11-5-6 and 5/11-20-9.**

3-4-2 DEFINITIONS. For the purpose of this Article the following terms and phrases shall have the meanings set forth in this Section.

"BITE" means to seize or cut with the teeth.

"CONFINEMENT STRUCTURE" means a securely locked pen, kennel or structure designed and constructed for the keeping of a Pit Bull Dog and shall be designed, constructed and maintained in accordance with the standards provided herein. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than **two (2) feet**. All structures erected to house pit bull dogs must comply with all Village Zoning and Building regulations. All such structures must be adequately lighted, ventilated and kept in a clean and sanitary conditions.

"FIGHT" means a prearranged conflict between **two (2)** or more animals, but does not include a conflict that is not organized or accidental.

"K-9 PATROL DOG OR POLICE DOG" means a professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

"LEASH" means a cord, chain, rope, strap or other such physical restraint having a tensile strength of not less than **three hundred (300) pounds**.

"MUZZLE" means a device constructed of strong, soft material or a metal muzzle. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

"NIP" means to pinch or squeeze with teeth with no breaking of skin or tissue.

"PIT BULL DOG" is defined to mean any of the following:

(A) Bull terrier breed of dog;

(B) Staffordshire bull terrier breed of dog;

(C) American pit bull terrier breed of dog;

(D) American Staffordshire terrier breed of dog; and

(E) Dogs of mixed breed or of breeds other than above listed which breed or mixed breed is known as pit bulls, Pit Bull Dogs or pit bull terriers.

"RUNNING AT LARGE" means the failure to confine a Pit Bull Dog in accordance with a "leash" as defined herein.

"VICIOUS PIT BULL DOG" means any animal that has, without provocation, attacked a human being or other animal, or a Pit Bull Dog that, by its behavior or physical condition, constitutes an immediate and serious physical or health threat to human beings or animals, or any Pit Bull Dog which has previously attacked or bitten any human being or other animal on **two (2)** or more reported occasions.

3-4-3 **KEEPING OF PIT BULL DOGS PROHIBITED.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village any Pit Bull Dog, provided that Pit Bull Dogs residing in the Village on the date of passage of this Code may be kept within the Village subject to the standards and requirements herein set forth.

3-4-4 **SALE OR TRANSFER OF OWNERSHIP PROHIBITED.** No person shall sell, barter or in any other way, dispose of a Pit Bull Dog registered within the Village to any person within the Village unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such Pit Bull Dog; provided that the registered owner of a Pit Bull Dog may sell or otherwise dispose of a Pit Bull Dog or the offspring of such Pit Bull Dog to persons who do not reside within the Village.

3-4-5 **ANIMALS BORN OF PIT BULL DOGS.** All offspring born of Pit Bull Dogs registered within the Village must be removed from the Village within **six (6) weeks** of the birth of such animal.

3-4-6 **IRREBUTTABLE PRESUMPTIONS.** There shall be an irrebuttable presumption that any dog registered with the Village as a Pit Bull Dog or any of those breeds prohibited by this Code is in fact a Pit Bull Dog subject to the requirements of this Article.

3-4-7 **LICENSING OF PIT BULL DOGS.**

(A) No person shall possess any Pit Bull Dog for a period of more than **forty-eight (48) hours** without having first obtained a license therefor from the Village.

(B) An application for a license to possess a Pit Bull Dog shall be filed with the Village Clerk on a form prescribed and provided by the Village Clerk and shall be accompanied by all of the following:

(1) Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.

(2) Proof of ownership of the Pit Bull Dog.

(3) A copy of the current immunization and health record of the Pit Bull Dog prepared by a veterinarian licensed to practice in the State of Illinois.

(4) A Certificate of Insurance evidencing coverage in an amount not less than **One Hundred Thousand Dollars ($100,000.00)** providing coverage for any injury, damage or loss caused by the Pit Bull Dog.

(5) **Two (2) photographs** of the Pit Bull Dog to be licensed taken not less than **one (1) month** before the date of the application. **One (1) photograph** shall provide a front view of the Pit Bull Dog and shall clearly show the face and ears of the Pit Bull Dog. **One (1) photograph** shall show a side view of the Pit Bull Dog.

(6) A license fee of **Ten Dollars ($10.00).**

(7) Such other information as may be required by the Village Clerk.

(C) Upon receipt of an application, the Village Clerk shall forward such application to the Police Department which shall cause an inspection of the premises on which the Pit Bull Dog shall be kept to determine that all provisions of this Code relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the Police Department shall notify the Village Clerk in writing of the results of its inspection.

(D) Upon receipt of the results of the Police Department inspection, the Village Clerk shall notify the applicant of the approval or denial of the license. In the event that the license is denied, the notification shall be provided in writing and the reasons for such denial shall be stated. Upon approval, the Village Clerk shall issue a license to the applicant.

3-4-8 **CONFINEMENT OF PIT BULL DOG.** No person shall possess any Pit Bull Dog unless the Pit Bull Dog is confined in accordance with this Article.

(A) **Confinement Indoors.** No Pit Bull Dog may be kept on a porch, patio or in any part of a house or structure that would allow the Pit Bull Dog to exit the structure on its own volition. No Pit Bull Dog shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the Pit Bull Dog from exiting the structure.

(B) **Confinement in an Exterior Yard.** No person shall confine a Pit Bull Dog in an exterior area unless such Pit Bull Dog is confined in a "confinement structure" constructed and maintained in accordance with this Code, except that a Pit Bull Dog may be confined outside of a "confinement structure" in a manner set forth as provided in paragraph (C) below.

(C) **Confinement on Leash.** No person shall permit a Pit Bull Dog to go outside a confinement structure, house, or other structure unless the Pit Bull Dog is securely restrained with a leash no longer than **four (4) feet** in length and fitted with a muzzle. No person shall permit a Pit Bull Dog to be kept on a leash unless a person is in physical control of the leash. No leash restraining any Pit Bull Dog shall be attached to any inanimate object including, but not limited to, trees, posts, stakes and buildings.

3-4-9 **REPORTING REQUIREMENTS OF LICENSEE.** Any person holding a license pursuant to this Article shall report the incidence of any of the following events:

(A) The sale, barter, exchange, gift or death of any Pit Bull Dog shall be reported within **forty-eight (48) hours**.

(B) The escape from confinement of any Pit Bull Dog shall be reported upon discovery of the escape.

(C) The biting or nipping of any person or animal by a Pit Bull Dog shall be reported upon occurrence.

(D) The birth of any offspring of a Pit Bull Dog shall be reported within **forty-eight (48) hours** of the birth of the offspring.

(E) The permanent removal of any Pit Bull Dog from the territorial limits of the Village shall be reported within **forty-eight (48) hours** of such removal by surrender of the license of the owner to the Village Clerk.

The report of any incident required to be reported under this Article shall be made to the Village Police Department.

3-4-10 **SIGN REQUIRED.** All persons possessing a Pit Bull Dog shall display in a prominent place on the premises where a Pit Bull Dog is to be kept a sign which is readable by the public from a distance of not less than **one hundred (100) feet** using the words **"BEWARE OF DOG – PIT BULL".** A similar sign shall be posted on any confinement structure.

3-4-11 **FIGHTING PROHIBITED.** No person shall fight or bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting, any Pit Bull Dog.

3-4-12 **IMPOUNDMENT OF VICIOUS PIT BULL DOG.** Any Pit Bull Dog which by its actions is a vicious Pit Bull Dog as defined herein shall be subject to immediate impoundment by the Police Department in a humane facility for the keeping of dogs. If the incident giving rise to the impoundment has resulted in an injury to a person, upon impoundment by the Police Department the Chief of Police or his designee shall notify the Rabies Control Administrator of the county pursuant to **Chapter 510, Illinois Compiled Statutes, Section 5/12**, and shall transfer control of the Pit Bull Dog to the Administrator in accordance with **Chapter 510, Illinois Compiled Statutes, Section 5/13**.

3-4-13 **IMPOUNDMENT OF PIT BULL DOG RUNNING AT LARGE.** Any Pit Bull Dog found to be running at large by any member of the Village Police Department shall be presumed to be in violation of this Code and shall be subject to impoundment by the Police Department in a humane facility for the keeping of dogs.

3-4-14 **REDEMPTION OF IMPOUNDED PIT BULL DOG.** An owner of a Pit Bull Dog holding a license pursuant to this Code may redeem an impounded Pit Bull Dog if:

(A) a Pit Bull Dog has been impounded pursuant to **Section 3-4-13** of this Code or

(B) a vicious Pit Bull Dog which has not caused an injury to a person, subject to the following conditions:

(1) Proof of a valid license issued by the Village under this Code.

(2) Payment of the cost of keeping the Pit Bull Dog during the period of impoundment.

(C) An owner of a Pit Bull Dog which has caused an injury to a person resulting in the impoundment of the Pit Bull Dog shall be entitled to redeem the Pit Bull Dog in accordance with **Chapter 510 Section 5/13 of the Illinois Compiled Statutes**.

3-4-15 **REVOCATION OF LICENSE.** A license granted pursuant to this Code shall be automatically revoked upon any violation by the licensee of any provision of this Code. In the event of a revocation of the license, the license fee shall be retained by the Village.

3-4-16 **EXCEPTIONS.** This Code shall not apply to any K-9 Patrol Dogs or Police Dogs as defined herein.

3-4-17 **PENALTIES.** Upon conviction of a violation of this Article, the Court shall assess a fine of not less than **One Hundred Fifty Dollars ($150.00)** nor more than **Seven Hundred Fifty Dollars ($750.00).**

Upon a finding by the Court that a licensee has violated this Article of this Code the Court shall enter an order revoking the license and ordering the former holder of the license to remove the Pit Bull Dog from the Village.

3-4-18 **FAILURE TO COMPLY.** It shall be unlawful for the owner, keeper, or harborer of a Pit Bull Dog registered with the Village to fail to comply with the requirements and conditions set forth in this Code. Any Pit Bull Dog found to be the subject of a violation of this Code shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Village.

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