

CHAPTER 3

ANIMALS

ARTICLE I – GENERAL REGULATIONS

3-1-1 **DEFINITIONS.**

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

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

"DEPARTMENT OF AGRICULTURE" means the Department of Agriculture of the State of Illinois.

"DOG". Whenever "dog" is used in this Code, it shall include any canine, female as well as a male dog, regardless of age.

"INOCULATION AGAINST RABIES" means the injection subcutaneously or otherwise as approved by the Department of Agriculture of the State of Illinois of canine anti-rabic vaccine, approved by the Department of Agriculture.

"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.

"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.

"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.

3-1-2 **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.

3-1-3

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.

(C)

Tethering.

(1) No person shall:

(a) Continuously tether an unattended dog for more than **one (1) hour** at a time;

(b) Tether an unattended dog for more than **three (3) total hours in one (1) day** (there must be a minimum of a **three (3) hour** interval between unattended tethering);

(c) Tether a dog with a leash, chain or other tethering device that is less than **ten (10) feet** in length.

(2) **General.** All tethering devices must be attached to a collar or harness in such a way as to avoid injury. A tether in device shall weigh no more than **one-eighth (1/8)** of the animal's body weight and cannot, due to weight, inhibit the free movement of the animal within the tethering area. A dog must not be tethered in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees or other man made or natural obstacles.

(3) **Fine/Penalty.** Persons found in violation of this Section shall be subject to a penalty of **Seventy-Five Dollars (\$75.00)** per day for any violation which occurs after an initial written warning. **(Ord. No. 1136; 05-01-07)**

3-1-4

DOGS AND CATS IN PUBLIC PLACES.

No dog or cat, unless on a leash, shall be permitted in any cemetery or shall be allowed in any parks, swimming areas or beaches open to the public in the City.

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 City, 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) **Unlawful Cruelty; Exceptions.** 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 3-1-1.**

3-1-7 KEEPING 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 City. 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. (**See Definitions in Section 3-1-1**)

3-1-8 ANIMALS IN CITY.

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

(B) **Exceptions.** This Chapter shall not apply to areas of the City that are zoned agricultural, nor shall this Chapter apply to livestock brought into the City for the purpose of being shipped out of the City.

(C) **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 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 City 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 3-1-1.**

(B) **Limitation; Exception.**

- (1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** and/or **three (3) cats** within the City, 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.

ARTICLE II - DOGS

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

3-2-2 **DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.**

(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) The rabies tag issued shall be in such form as shall be determined by the Department of Agriculture.

3-2-3 **INOCULATION TO BE PERFORMED BY A 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.

3-2-5 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or City 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.

3-2-6 **RESTRAINT OF DOGS.** The owner or keeper of a cat or dog shall keep the cat or dog under restraint at all times and shall not permit such cat or dog to be at large, off the premises of the property of the owner or keeper, unless the cat or dog is under complete control as defined in **Section 3-1-1**.

3-2-7 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 City, contrary to any of the provisions of this Chapter or other regulations of the City.

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated employees, such dogs may be impounded at the discretion of such employees, but the employees 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 City 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.

3-2-8 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.

3-2-9 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog into the City 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 City, upon conviction of any part of this Chapter shall be fined according to Chapter 1 - Administration of this Code.

3-2-10 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 **fourteen (14) 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 **fourteen (14) 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.

3-2-11 METHOD OF 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.

3-2-12 REDEMPTION OF IMPOUNDED DOGS. Any dog impounded under the provisions of this Chapter, except such as may have bitten any person as specified in **Section 3-2-10** of this Chapter shall, unless sooner redeemed, be held for the period of **five (5) days** in order to afford opportunity to the owner or keeper thereof to redeem the same. Any such owner or keeper thereof desiring to redeem his impounded dog shall pay an impounding fee of **Ten Dollars (\$10.00)** and also shall pay the cost of keeping such dog while impounded at the rate of **Five Dollars (\$5.00)** per day. The owner shall show proof of inoculation.

3-2-13 CITY POUND DESIGNATED. The City Council shall designate a City Pound.

3-2-14 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.

3-2-15 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 City.

3-2-16 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.

ARTICLE III – VICIOUS AND DANGEROUS DOGS

3-3-1 **LEGISLATIVE INTENT.** This Article is adopted pursuant to the powers granted to municipalities in **Paragraphs 5/11-20-9 of Chapter 65, Illinois Compiled Statutes, as amended.**

3-3-2 **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.

"COMPANION ANIMAL". An animal that is lawfully kept as a pet or domestic animal kept in the home or structure on the residence of the owner of the animal.

"CONFINEMENT STRUCTURE" means a securely locked pen, kennel or structure designed and constructed for the keeping of an animal 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 vicious or dangerous dogs must be locked with a key or combination lock when such dogs 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 vicious or dangerous dogs must comply with all City Zoning and Building regulations. All such structures must be adequately lighted, ventilated and kept in a clean and sanitary condition.

"FIGHT" means a prearranged conflict between **two (2)** or more vicious or dangerous dogs, 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.

"POTENTIALLY DANGEROUS DOG" means a dog that is unsupervised and found running at large; or a dog that has threatened harm to a person or companion animal; or has placed a person in apprehension of their personal safety or the safety of a companion animal.

"RUNNING AT LARGE" means the failure to confine a vicious or dangerous dog to the premises of owner or harbinger of that dog with a "leash" as defined herein.

"VICIOUS OR DANGEROUS DOG" means any dog that has, without provocation, attacked a human being or companion animal, or, by its behavior or physical condition, constitutes an immediate and serious physical or health threat to human beings or companion animals, or any dog which has previously, without provocation, attacked, threatened, or bitten any human being or companion animal on at least **one (1)** or more reported occasions; there shall be a presumption that an attack is unprovoked when it occurs off the premises of the residence of the owner or harbinger of the dog, or the attack is upon a child under the age of **twelve (12)**.

3-3-3 KEEPING OF VICIOUS OR DANGEROUS DOGS PROHIBITED. It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the City, any vicious or dangerous dog which has, without provocation, attacked a human being or companion animal, causing harm to that person or animal. If it is determined that a person is keeping or harboring a vicious or dangerous dog, as defined herein, which has, without provocation, attacked or threatened to attack a human being or companion animal, that dog shall be permanently removed from the City within **forty-eight (48) hours** of the notification by a member of the Police Department that the dog has been deemed a vicious and dangerous dog. If the dog has attacked or caused harm to a person, the dog will be subject to immediate seizure and confinement as provided in **Section 3-3-4** herein.

3-3-4 LICENSING OF VICIOUS OR DANGEROUS DOGS.

(A) A vicious or dangerous dog, as defined herein, which has not attacked or caused harm to a person or companion animal, must be licensed by the City within **forty-eight (48) hours** of being notified to do so by City Police.

(B) An application for a license to possess a vicious or dangerous dog, as defined herein, shall be filed with the City Clerk on a form prescribed and provided by the City Clerk and shall be accompanied by all of the following:

- (1) Verification of the identity of the owner and current address by providing a copy of the owner's driver's license;
- (2) proof of ownership of the animal;
- (3) a copy of the current immunization and health record of the animal prepared by a veterinarian licensed to practice in the State of Illinois;
- (4) a Certificate of Insurance evidencing coverage in the amount of not less than **Five Hundred Thousand Dollars (\$500,000.00)** providing coverage for any injury, damage or loss caused by the animal;
- (5) **two (2)** photographs of the animal 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 animal and shall clearly show the face and ears of the animal. **One (1)** photograph shall show the side view of the animal;
- (6) a license fee of **Fifty Dollars (\$50.00)**;
- (7) such other information as required by the City Clerk.

(C) Upon receipt of an application, the City Clerk shall forward such application to the Police Department which shall cause an inspection of the premises on which the vicious or dangerous dog, as defined herein, 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 City Clerk, in writing, of the results of the inspection.

(D) Upon receipt of the results of the Police Department inspection, the City 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 City Clerk shall issue a license to the applicant.

3-3-5 **CONFINEMENT OF VICIOUS AND DANGEROUS DOGS.** No person shall possess any vicious or dangerous dog as defined herein, unless the animal is confined in accordance with this Article.

(A) **Confinement Indoors.** No vicious or dangerous dog may be kept on a porch, patio, or in any part of a house or structure what would allow the animal to exit the structure on its own volition. No vicious or dangerous dog shall be kept in a house or structure when a window is open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

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

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

3-3-6 **REPORTING REQUIREMENT OF LICENSEE.** Any person holding a license pursuant to the Article shall report the incidence of any of the following events:

(A) The escape from confinement of any animal required to be licensed herein;

(B) The biting or nipping of any person or companion animal by an animal required to be licensed herein;

(C) The permanent removal of any animal required to be licensed herein shall be reported within **forty-eight (48) hours** of such removal and surrender of the license of the owner to the City Clerk.

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

3-3-7 **SIGN REQUIRED.** All persons possessing a vicious or dangerous dog, as defined herein, shall display in a prominent place on the premises where such animal 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**". A similar sign shall be posted on any confinement structure.

3-3-8 **IMPOUNDMENT OF A VICIOUS OR DANGEROUS DOG.** Any vicious or dangerous dog, which has, without provocation, attacked or harmed a human being or companion animal, 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 **Paragraph 5/12 of Chapter 510, Illinois Compiled Statutes, as amended**, and shall transfer control of the animal to the Administrator in accordance with **Paragraph 5/13 of Chapter 510, Illinois Compiled Statutes, as amended**.

3-3-9 IMPOUNDMENT OF VICIOUS OR DANGEROUS DOG RUNNING AT LARGE. Any dog deemed to be a vicious or dangerous dog, as defined herein, found to be running at large by any member of the City Police Department shall be subject to impoundment by the Police Department in a humane facility for the keeping of dogs.

3-3-10 REDEMPTION OF IMPOUNDED VICIOUS OR DANGEROUS DOG.
An owner of a vicious or dangerous dog, which has been impounded as provided herein, may redeem such animal if:

(A) a vicious or dangerous dog has not been impounded pursuant to **Section 3-3-9** of this Code; or

(B) the vicious or dangerous dog which has not caused an injury to a person, subject to the following conditions:

- (1) Proof of a valid license issued by the City under the Code;
- (2) Payment of the cost of keeping the vicious or dangerous dog during the period of impoundment;
- (3) Proof that the vicious or dangerous dog will be kept outside City limits, if the animal has been impounded more than **one (1)** other time under this Section.

(C) An owner of a vicious or dangerous dog which has caused an injury to a person resulting in the impoundment of the vicious or dangerous dog shall be entitled to redeem the vicious or dangerous dog in accordance with **Paragraph 5/13 of Chapter 510 of the Illinois Compiled Statutes, as amended.**

3-3-11 EXCEPTIONS. This Code shall not apply to any K-9 Patrol Dogs or Police Dogs as defined herein.

3-3-12 PENALTIES. Upon conviction of a violation of this Article the Court shall assess a fine of not less than **One Hundred Twenty-Five Dollars (\$125.00)** 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 vicious or dangerous dog from the City.

3-3-13 FAILURE TO COMPLY. It shall be unlawful for the owner, keeper, or harbinger of a vicious or dangerous dog, as defined herein, to fail to comply with the conditions set forth in this Code. Any vicious or dangerous 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 City.

(Ord. No. 1262; 09-18-12)

ARTICLE IV – KEEPING HOUSING OF CHICKENS

3-4-1 **GENERAL.** Except as otherwise provided herein, no person shall keep or house chickens within the jurisdictional limits of the City of Breese.

3-4-2 **RUNNING AT LARGE OF CHICKENS PROHIBITED.**
(A) No chickens shall be permitted to run at large within the City limits. Chickens shall be secured and maintained at all times in a designated chicken coop, or a fenced enclosure as provided herein.

(B) The owner of any chickens found to be running at large shall be liable for any and all costs incurred by the City as a result of any action taken by the animal control officer or peace officer to capture and contain such chickens in addition to other fines and penalties provided in this Code.

3-4-3 **CHICKENS AND CHICKEN COOPS.**
(A) **Number and Type of Chickens Permitted.** Subject to permit requirements, chickens, other than roosters or crowing hens, are limited to the maximum of **six (6)** chickens per household. Roosters and crowing hens are prohibited within the jurisdictional limits of the City.

(B) **Required Enclosures.**

- (1) Openings in windows and doors must be covered with wire mesh with **one-half (1/2) inch** or smaller openings to discourage predators. The materials used to make the coop must be uniform for each element of the structure (i.e., the walls must be made of the same material). Chicken coops must be constructed to avoid weathering. Chicken coops must be well-maintained at all times to avoid structural deterioration and escape of animals or entry of other animals.
- (2) Chickens must be kept in a coop or fenced enclosure at all times.
- (3) Coops and enclosures must be kept in a clean, dry, odor free and sanitary manner at all times.
 - (a) No person shall keep or allow to be kept a chicken coop or enclosure which emits a foul, offensive or noxious odor or is kept in a filthy condition.
 - (b) Odors from chickens, manure or related substances shall not be detectible from property lines.
 - (c) Anyone owning or keeping chickens must provide for the storage and disposal of chicken waste. Composting of the chicken waste is encouraged. No more than **three (3) cubic feet** of chicken waste may be stored. All other chicken waste not composted must be removed.
- (4) Chicken coops must provide adequate ventilation, shade, and be resistant to predators, wild birds and rodents.
- (5) Chicken coops must be located in the rear of the residential structure, and may be allowed in the backyard, but not the side or front yard of any structure.
- (6) Chicken coops and enclosures must be a minimum of **fifteen (15) feet** from the property line and the residential structure on the property and **twenty-five (25) feet** from any neighboring structure. A chicken coop or enclosure shall be no less than **fifteen (15) feet** from an alley adjoining a neighbor's property.
- (7) Chicken coops or enclosures shall have at least **four (4) square feet** of coop floor area per chicken and must be well maintained. In no case shall the floor area of a chicken coop or enclosure exceed **forty (40) square feet**. Chicken coops shall not exceed **ten (10) feet** in height.

- (8) Deceased chickens shall be properly disposed of.
- (9) Chicken feed must be stored in a fully enclosed container resistant to rodents and other animals.
- (10) If the owner or keeper of chickens are ticketed by the City of Breese Police for noncompliance with these provisions on two different occasions within **twenty-four (24) months**, any permit for the keeping of chickens shall be revoked and the owner must properly dispose of any chickens on the premises within **forty-eight (48) hours** of notice by the City to do so. In the event that the owner or the keeper of chickens fails to dispose of said chickens within **forty-eight (48) hours** of such notice, the City of Breese Police may enter upon the property and remove and dispose of any chickens on the premises.

3-4-4 CHICKEN COOP PERMIT.

(A) All persons who keep or house chickens within the jurisdictional limits of the City are required to obtain a permit prior to housing or keeping chickens on their property. Any persons who are housing or keeping chickens on their property as of the date of the enactment of this Article must have a permit on or before **January 1st of 2023**. Any persons who house or keep chickens after the date of the enactment of this Article must have a permit prior to housing or keeping chickens on their property.

(B) In order to obtain a license from the City to keep or house chickens the applicant must provide his or her name, address of the location of the chicken coop or enclosure, if the applicant is not the owner of the location where coop or location is located, they must provide the name and address of the property owner. Applicants must provide a detailed the coop or enclosure and provide the number of chickens that they intend to keep. Permits shall be obtained at City Hall after application is approved. If the applicant is not the property owner then the property owner must also sign any application for license. The applicant shall also provide the specific location of the coop or enclosure other applicable information requested by the City. The applicant must also provide a photograph of the proposed coop and shall allow representatives of the City to visually inspect the area upon request. A permit shall only be issued if the applicant has demonstrated that he or she is in compliance with the provisions of this Code.

(C) Each permit for keeping chickens shall be renewed annually and no permit shall be renewed unless the applicant is in compliance with all requirements of this Code. The City shall have the right to inspect the coop or enclosure site upon application of permit renewal.

(D) Only property containing one single-family residence shall be eligible for a permit to keep or house chickens. This excludes apartment complexes, duplexes, uniplexes, mobile home parks, or multi-family housing of any kind. It is the responsibility of the applicant to determine if there are any subdivision restrictions, deed restrictions or homeowner's association rules or any other restrictions for his or her particular property which would prohibit the housing or keeping of chickens. A permit will not be issued if such a restriction exists for the applicant's property and any permit will be revoked if it is later determined that such restrictions exist.

(E) Only one permit shall be issued per property. A residential site constating of multiple lots shall be considered one homesite. Each permit only allows one chicken coop or enclosure.

(F) Permits shall be non-transferable. A permit holder may relocate a chicken coop or enclosure to a new location at no additional fee upon notification to the City and the City's determination to permit the relocation.

3-4-5 COSTS AND FEES AND PENALTIES.

(A) There shall be a fee of **Twenty-Five Dollars (\$25.00)** for a permit to keep or house chickens within the jurisdictional limits of the City. The fee shall be paid at the time of application. The annual renewal fee shall be **Twenty-Five Dollars (\$25.00)**.

(B) The term of each permit shall be **one (1) year, January 1st to December 31st** of each calendar year. If a permit is requested during a calendar year, it will expire on **December 31st** of that year and subject to renewal by **January 1st** for the next calendar year. The initial permit fee shall be **Twenty-Five Dollars (\$25.00)** without regard to the date that the initial application is made.

(C) Permit renewals shall be submitted annually prior to **December 31st** of each year. A late fee of **Ten Dollars (\$10.00)** shall be assessed if the permit renewal application is not received by the City by **December 31st**. Any renewal application and fee which is not received by **January 31st** of each year shall render the permit null and void. The permittee shall then have **forty-eight (48) hours** to remove any chickens from their premises.

(D) Permit application fees are non-refundable and non-transferable.

(E) Any person who keeps or houses chickens within the jurisdictional limits of the City and who fails to obtain a permit as provided herein or otherwise fails to comply with the provisions of this Code shall be subject to fines of up to **Seven Hundred Fifty Dollars (\$750.00)** per violation in addition to other penalties provided in this Code including the removal of any chickens from the premises.

(F) The permit application fees charged pursuant to this Section are charged to defray the cost of administration of these provisions and are not deemed a penalty of tax.

(Ord. No. 1515; 06-21-22)