

VILLAGE OF MILLINGTON
MILLINGTON, ILLINOIS

ORDINANCE NO. 01-01-09

**AN ORDINANCE REGULATING ANIMALS
IN THE VILLAGE OF MILLINGTON, ILLINOIS**

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MILLINGTON

THIS 12th DAY OF January 2009

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of
Millington, Kendall and LaSalle County, Illinois, this 12th day of January, 2009

VILLAGE OF MILLINGTON
KENDALL AND LASALLE COUNTIES, ILLINOIS

ORDINANCE NO. 01-01-09

**AN ORDINANCE REGULATING ANIMALS
IN THE VILLAGE OF MILLINGTON, ILLINOIS**

WHEREAS, pursuant to the laws of the State of Illinois, the Village has the authority to adopt ordinances to protect, preserve and promote the health, safety, welfare and quality of life of the residents of the Village; and

WHEREAS, the President and Board of Trustees of the Village of Millington have determined that it is necessary and in the best interest of the Village for the promotion of health and safety and/or the suppression of diseases to create certain regulations relating to Animals.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Millington, Kendall and LaSalle Counties, Illinois, as follows:

SECTION ONE

That the Preamble to this Ordinance is hereby adopted by this reference as if fully set forth herein.

SECTION TWO

1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Altered animal means an animal which has been spayed or neutered by a licensed veterinarian and which has thereby been rendered incapable of reproduction.

Animal means any living vertebrate creature, domestic or wild, not including man.

Animal shelter means any facility operated, owned or maintained by a duly incorporated humane society, animal welfare society or other nonprofit organization whose purpose is to provide for and promote the welfare, protection and humane treatment of animals.

At large means any animal when off the property of its owner, the owner's designee or other responsible person, not under the control of that person.

Attack means any aggressive, menacing or vicious physical contact between any dog and any person or other animal, including but not limited to, contact of the mouth or teeth of the dog with the victim of the attack and any striking of the victim of the attack by the nose of any dog regardless of whether or not such actions result in injuries of any kind sustained by the victim.

Bite means seizure with the teeth or jaws of an animal so that the skin of the human being or other animal has been sliced or broken.

Cat means any animal of the family Felidae.

Dangerous animal means any animal which, without provocation, attacks or injures

lawfully may be. Dangerous animals shall also include any animal which, because of its vicious propensity or other characteristics, would constitute a danger to human life, property or domestic animals if not restrained or kept in a safe manner.

Department of agriculture means the Department of Agriculture of the State of Illinois.

Dog means any member of the Canine family.

Fowl means any domesticated birds, poultry or water fowl.

Guide dog means a dog trained and used to aid the blind or hearing impaired, provided that the owner of such dog complies with the provisions contained in 510 ILCS 5/8 et seq.

Inoculation against rabies means the injection of an antirabies vaccine approved by the department of agriculture.

K-9 dog means a dog trained and used in the performance of official police duties authorized by the chief of police.

Kennel operator means any person who operates an establishment, other than an animal shelter, where dogs and/or cats are maintained for boarding, training or similar purposes for a fee or compensation.

Leash means a cord, rope, strap, chain or other secure lead of sufficient strength and designed for the purpose of securing an animal, with which an animal may be controlled by the person accompanying it. This definition includes retractable leashes only when such a leash is secured to an animal whose weight is within the intended weight restrictions of the retractable leash.

Livestock means any cattle, calves, sheep, swine, horses, ponies, mules, donkeys, chickens, turkeys, goats or other animals, other than fowl, which can or may be used in and for the preparation of meat or meat products for consumption by human beings or animals. For purposes of this chapter, miniature pigs shall not be considered livestock.

Nuisance means any animal or animals which chase passersby or passing vehicles, attack other animals or persons, is at large at any time, damages public property or private property of a person who is not the owner of the animal at the time the damage occurs, or barks, howls, cries, meows, or runs at large so as to disrupt or disturb the peace. An animal nuisance is the responsibility of the owner.

Owner means any person having a right of property in an animal, who keeps or harbors an animal, who has an animal in his care, who acts as a custodian of any animal, or who knowingly permits any domestic animal to remain on or about any premises occupied by him or her.

Person means any individual, firm, corporation, partnership, association or other legal entity.

Pet shop operator means any person who operates an establishment, other than a pound or animal shelter, where animals are sold, offered for sale, exchanged, or offered for adoption with or without charge. A person who sells, offers to sell, exchanges or offers for adoption only such animals that he has produced and raised shall not be considered a pet shop operator.

Public nuisance means any animal or animals which (a) chases passersby or passing vehicles; (b) attacks other animals; (c) is at large three (3) or more times within a year's time; (d) damages private property or public property or (e) barks, howls, cries or runs at large so as to disrupt the peace of the neighborhood.

Serious physical injury means any physical injury that creates a substantial risk of death or serious health, serious disfigurement, protracted impairment of health, impairment of function of any bodily organ or requires plastic surgery.

Shade means protection from the direct rays of the sun during the months of June through September.

Shelter means a moisture proof structure of suitable size to accommodate the animal intended for its use, and made of durable material with a solid floor and with sufficient quantity of suitable bedding.

Torture means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.

Under restraint means the animal is (a) controlled by its owner by means of a leash no more than six (6) feet in length held by the owner and securely fastened to a collar or harness attached to the animal; (b) securely enclosed in a vehicle being driven or parked on the streets of the village; or (c) securely enclosed, confined or restrained within the property limits of the animal's owner where it lawfully may be so as to be unable to enter the public way or the property of other persons.

Veterinary hospital means any place used for the treatment of animals operated by a licensed veterinarian and licensed by the State of Illinois.

Vicious animal means any animal which, when unprovoked has:

- (1) Bitten or attacked any person or other animal on public or private property;
- (2) A known tendency, propensity or disposition to attack persons or animals without provocation;
- (3) Caused serious physical injury to a person or animal;
- (4) Been found to be a dangerous dog on three (3) separate occasions; or
- (5) Been declared a vicious dog as defined in the Illinois Animal Control Act by a Court of competent jurisdiction and an order has been entered based on that finding.

Wild animal means all naturally wild animal native to the State of Illinois.

2. Keeping of fowl and livestock.

(a) *Minimum land area.* It shall be unlawful for any person to keep any fowl or livestock anywhere within the village on any lot, piece or parcel of land less than five (5) acres in size.

(b) *Maximum number.* It shall be unlawful for any person to keep more than ten (10) livestock or fowl animals, in any combination, in or about any property, building or lot within the village. To otherwise exceed this maximum shall be unlawful.

(c) *Location of animal pens and refuse.* All livestock or fowl permitted to be kept within the village pursuant to this chapter shall be kept in a pen, coop, building or other appropriate enclosure sufficient in size and strength to confine such animal(s) to the owner's property. No livestock shall be kept, housed, maintained or pastured within a distance of one hundred (100) feet of (a) any occupied residence other than that of the owner; and (b) any property line adjacent to the owner's property. No pen, coop, building or other enclosure used for the purpose of housing fowl shall be erected or maintained within one hundred (100) feet of any occupied residence other than that of the owner. Every person maintaining a pen, coop, building or enclosure for fowl or livestock shall keep such area, sanitary and free from refuse. All feces for fowl or livestock shall be kept in containers that are rodent-proof until put out for consumption of fowl or livestock.

3. Keeping of miniature pigs.

(a) *Maximum number and size limitations.* It shall be unlawful for any person to keep more than one (1) miniature pig over the age of four (4) months, over twenty-two (22) inches in height, and weighing over one hundred (100) pounds, in or about any property, building or lot within the village.

(b) *Neutering/spading of miniature pigs.* It is required that all miniature pigs kept within the village be neutered/spaded. All such neutering/spading occurring within the village limits shall be performed by a veterinarian duly licensed in this state. Upon performing any neutering/spading on any male or female miniature pig, the veterinarian shall issue to the owner or keeper of the miniature pig a certificate showing such fact.

4. Keeping of dogs and cats.

(a) *Maximum number.* It shall be unlawful for any person to keep more than three (3) cats and/or three (3) dogs, excluding puppies or kittens under six (6) months of age, in, about or around any property, building or lot within the village. To otherwise exceed this maximum shall be unlawful. The payment of any applicable fees or receipt of an inoculation certificate or tag as provided under this article shall not be construed to allow the keeping of more than the number of dogs and cats permitted hereunder.

(b) *No breed exclusion.* Nothing contained in this article shall preclude ownership of any breed of dog or cat unless otherwise prohibited under state law.

(c) *Exemptions from provisions.* Nothing contained in this article shall preclude a veterinary hospital, pet shop, kennel, animal shelter or animal foster home properly licensed under state law, from keeping a greater number of dogs or cats than permitted hereunder.

(d) *Identification tag.* Every owner or keeper of a dog or cat permitted to be kept within the village pursuant to this article shall cause such dog or cat to wear a collar 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 such dog or cat.

5. Rabies inoculation.

(a) *Inoculation schedule/duration.* Each calendar year, or at such intervals as may 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. The inoculation performed under this section 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.

(b) *Performed by licensed veterinarian.* The inoculation against rabies required by this section shall be performed by a veterinarian duly licensed in this state.

(c) *Issuance of rabies certificate and tag.* Upon performing an inoculation against rabies, the veterinarian shall issue to the owner or keeper of the dog inoculated a certificate showing such fact, and he shall also deliver to such owner or keeper a metallic or other suitable tag to be attached to the collar or harness of such dog, which tag shall also certify to the fact of inoculation against rabies.

(d) *Specifications for rabies tag.* The tag issued under the provisions of this section shall be in such form as determined by the department of agriculture.

(e) *Duty to attach rabies tag to dog.* The owner or keeper of a dog inoculated against rabies shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

(f) *Exhibition of rabies certificate upon request.* At any reasonable time upon request of any Village Trustee or the Village President, the owner or keeper of any un-muzzled dog shall exhibit his certificate, issued under the provisions of this section, showing the inoculation against rabies of any dog owned, kept or controlled by him.

6. Keeping of wild or vicious animals.

It shall be unlawful for a person to knowingly maintain, house, permit or in any way keep on any premises or property within the village any wild or vicious animal.

7. Keeping of dangerous animals.

It shall be unlawful for a person to knowingly maintain, house, permit or in any way keep a dangerous animal on any private or public property, other than the owner's property, unless such animal is securely muzzled or caged. The owner of such dangerous animal shall take adequate safeguards to prevent unauthorized access to any dangerous animal on the owner's premises by persons lawfully on the premises. Notwithstanding any provision contained in this article to the contrary, K-9 and guide dogs shall be exempt from the provisions of sections 6 and 7.

8. Care and treatment of animals.

(a) *Cruel or inhumane treatment.* It shall be unlawful for any person to cruelly or inhumanely treat any animal in the village in any way. Any person who beats, fails to provide adequate food and/or clean potable drinking water, fails to provide adequate shade or shelter, overloads, abandons, mutilates, tortures, torments, fails to provide adequate veterinary care for illness or injury, intentionally strikes with a motorized vehicle, promotes or incites or conducts animal fights or the intentional killing of animals, or otherwise cruelly treats and/or kills any animal shall be deemed guilty of a violation of this article.

(b) *Sanitary and health conditions.* All animals kept or housed within the village shall be maintained and housed in sanitary conditions.

(c) *Exemption.* The extermination of rats, mice or voles shall not be a violation of this article.

9. Prohibition on animals running at large.

An owner or keeper of any animal permitted to be maintained, kept or housed in the village pursuant to this chapter shall at all times exercise proper care and control of his or her animal to prevent it from running at large.

10. Restraint of dogs.

An owner or keeper of a dog shall, at all times, keep his or her dog under restraint as defined in section 1 above. Any dog not under restraint shall be deemed to be at large. It shall be a considered a separate offense for an owner to knowingly allow a dangerous dog to be unrestrained whereby such action results in serious physical injury to a person or animal. It shall be a violation of this article to cause a dog to be held or transported in the unenclosed bed of a pick-up truck when not under restraint. This article shall not apply to a dog being used for rescue or law enforcement work. Notwithstanding any of the provisions of this chapter, any dog present on public property shall at all times be restrained by a leash of not more than four (4) feet in length.

11. Public nuisance.

It is hereby unlawful for any owner to fail to exercise proper care and control of his or her animal(s) to prevent it from becoming a public nuisance. It is hereby prohibited and shall be deemed a public nuisance for any person to cause or permit any animal owned or kept by him/her to do the following:

- (a) Be at large in violation of this article.
- (b) Disturb the peace and quiet of any neighborhood by habitual or regular barking, howling, fighting, whining, meowing or other loud or unusual noise-making at any time. Dogs barking to alert owners or other persons of an emergency shall not be deemed a violation of this article.
- (c) Disturb the peace and quiet of any neighborhood by running through or across cultivated gardens or destroys or in any manner injures any animal, plant or shrub.
- (d) Defecate upon any public place, including but not limited to any street, alley, sidewalk, public park, parkway, school grounds, or upon the floor of any public building, common ground areas of condominiums and townhouse subdivisions, or any multiple dwelling unit which is used in common by the tenants thereof, or upon any premises not owned or controlled by the person owning or keeping the animal, provided however, that shall any such defecation be completely or promptly removed by the owner or keeper of said animal, the terms of this section shall not be found applicable.

It is hereby prohibited and shall be deemed a public nuisance for any person to:

- (a) Use property under such person's ownership or control in a manner to allow defecation to accumulate so as to constitute a nuisance in fact.
- (b) Bring or cause to be brought into any shop, store, or retail place of business where the public is invited to do business with the management thereof, during such hours as the public is invited, or to bring or cause to be brought into any public building at any time, any animal unless the animal is under the control of its owner or keeper and is brought into the establishment for the purpose of conducting business or inquiry wherein the physical presence of the animal is required or permitted by the business owner. The provisions of this subsection shall not apply to guide dogs and K-9 dogs.

12. Impoundment of animals running at large.

- (a) *Impoundment.* Any animal running at large in the village in violation of this chapter shall be impounded with the applicable county animal control department.
- (b) *Dangerous or vicious animal.* Any dangerous or vicious animal running at large which constitutes a danger to persons or property and which cannot safely be taken or impounded may be destroyed by a police officer or other person authorized by the village. In all cases where an animal so slain has bitten any person or caused an abrasion to the skin of such person, no injury shall be done to the head of the animal and it shall be the duty of the person slaying the animal to immediately deliver the carcass to a licensed veterinarian to prepare the head and brain for delivery to the applicable county rabies control department.

13. Disposal of impounded animals.

Any animals impounded under this article, shall be, if not timely redeemed as required by the regulations of the applicable county animal control department, humanely destroyed or otherwise disposed of by that animal control department.

14. Animal bites/impoundment of animals which have bitten persons or other animals.

Any incident in which an animal has bitten or otherwise injured any person or other animal so as to cause an abrasion or wound to that person or animal, shall be investigated by the village's police department and immediately reported to the public health department, animal control division, of the county where the owner or keeper of the offending animal resides. The owner shall be responsible for reporting the bite to the appropriate agency and shall cause the animal to be confined as required by state law.

If the animal is a stray, or the residence of the owner is not immediately known, the animal shall be impounded directly with the animal control division of the county in which the incident occurred.

15. Kennels and pet shops--Licensing.

No person shall engage in the business of pet shop operator or kennel operator or any combination thereof without a license therefore issued by the State of Illinois in accordance with the Illinois Animal Welfare Act.

16. Penalty.

Any owner or person in charge or control of any animal found to be in violation of any provision of this ordinance shall be fined not less than Five Hundred dollars (\$500.00) nor more than Seven Hundred and Fifty Dollars (\$750) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION THREE

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION FOUR

That is any section, subdivision or sentence of this ordinance shall for any reason be held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance.

SECTION FIVE

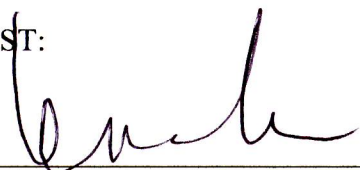
That this ordinance shall be in full force and effect from and after its adoption and approval as provided by applicable law.

ADOPTED this 12th day of January, 2009, pursuant to a roll call vote as follows:

Edith Kuklok	<u>Yes</u>	Scott Smith	<u>Yes</u>
Candy Fuller	<u>Yes</u>	Sharon Stevenson	<u>Yes</u>
Brad Pekoc	<u>Yes</u>	Jenny Harris	<u>Yes</u>
Art Figgins	<u>Yes</u>		

APPROVED by me as President of the Board of Trustees of the Village of Millington, Kendall and LaSalle Counties, Illinois, this 12th day of January, 2009.

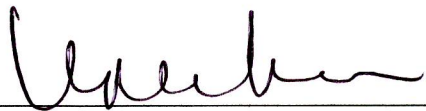

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

State of Illinois)
)ss.
County of LaSalle)

CERTIFICATION

The undersigned, being the duly appointed Village Clerk for the Village of Millington, hereby certifies that the foregoing ordinance, Ordinance No. 010109, entitled AN ORDINANCE REGULATING ANIMALS IN THE VILLAGE OF MILLINGTON, ILLINOIS, is a true and correct copy of the Ordinance on file in my office, as enacted by the Village Board of the Village of Millington on January 12, 2009.



VILLAGE CLERK

(SEAL)