

CHAPTER 92: ANIMALS

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§ 92.01 DEFINITIONS

ANIMAL. Any living creature, domestic or wild.

ANIMAL SHELTER. Any premises designated by the Village Manager for the purpose of impounding and caring for animals held under authority of this chapter.

GOOD ANIMAL CONTROL PRACTICE. Courteous, rapid response to complaints with response time being dependent upon the priority and emergency character of the complaint compared with other calls dispatched simultaneously.

KENNEL. Any person, partnership, or corporation engaged in the business or act of breeding, buying, selling, or boarding of or care for dogs and cats or any other animals or pets.

OWNER. Any person, partnership, or corporation owning, keeping, or harboring animals.

PERSON. An individual, partnership, company, or corporation.

PET SHOP. Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding animals of any species.

RESTRAINT. An animal shall be deemed to be under restraint if on the premises of its owner or is accompanied by a responsible person and under that person's control.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries in animals.
(Ord. 92-10-1, passed 10-8-92; Am. Ord. 99-01-14-04, passed 1-14-99)

§ 92.02 RULES AND REGULATIONS

No person shall, own, keep, harbor, or have custody of any animal over three months of age, within the Village except upon properties zoned "farming" or approved for such use by proper zoning amendment, special use, or other approval pursuant to the ordinances of the Village, except that this section shall not apply to the keeping of a combined total of three household domestic animals, commonly known as pets, such as cats, small cage-birds or aquatic and amphibian animals solely as pets, or to the registration of dogs as provided in § 92.04.
(Ord. 92-10-1, passed 10-8-92; Am. Ord. 99-01-14-04, passed 1-14-99) Penalty, see § 92.99

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§ 92.03 KENNELS

Any premises or portion thereof on which more than three dogs, cats, or other household domestic animals over one year old are kept, or on which more than two such animals are maintained, boarded, bread, or cared for in return for remuneration or kept for the purpose of sale shall qualify as a kennel and shall comply with all zoning requirements regulating business districts. (Ord. 92-10-1, passed 10-8-92)

§ 92.04 DOGS TO BE LICENSED AND REGISTERED BY COUNTY

All dogs, kept, harbored, or maintained by their owners within the Village shall be licensed and registered by the County of McHenry, the County of Kane, or the Village. (Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.05 RUNNING AT LARGE PROHIBITED

It shall be unlawful for any person to permit any dog owned, controlled, or kept by him whether licensed or unlicensed, to run at large within the Village. Any dog found to be running at large is hereby declared a nuisance, and it shall be presumed that such dog is running at large with the permission of the owner, keeper, or person in control of such dog. (Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.06 ANIMALS AS NUISANCES

(A) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(B) The following behaviors shall be deemed a nuisance:

- (1) Excessive, continuous, or untimely barking;
- (2) Molesting a passerby;
- (3) Chasing vehicles;
- (4) Habitually attacking other domestic animals; and
- (5) Trespassing upon school grounds, or trespassing upon private property in such manner as to damage property.

(C) It shall be unlawful to permit any dog to be on the Village Cemetery of Village Park.

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(D) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.07 DEFECATION NUISANCE; ANIMALS PROHIBITED IN CEMETERIES

(A) Any owner or person having custody of any dog or any other animal shall not permit the dog or other animal to defecate on any school ground, public street, alley, sidewalk, park, or any other public grounds or on any private property within the Village other than the premises of the owner or person having custody of the dog or other animal, unless the defecation is removed immediately by the owner or person having custody of the dog or other animal to a proper receptacle located on the property of the owner or the person having custody of the dog or other animal.

(B) Notwithstanding the provisions of division (A) of this section, no dog or other animal shall be permitted to be present in any cemetery or other comparable place or memorial located in the Village.

(Ord. 92-10-1, passed 10-8-92; Am. Ord. 95-06-22-01, passed 6-22-95) Penalty, see § 92.99

§ 92.08 MISTREATMENT OF ANIMALS

(A) No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any dog fight, cock-fight, bullfight, or other combat between animals or between animals and humans.

(C) No owner of an animal shall abandon such animal.

(D) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health or comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

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RABIES CONTROL

§ 92.20 DOGS SUSPECTED OF RABIES

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Police Chief of the fact that his dog has been exposed to rabies and at his discretion the Police Chief is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(B) No police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.
(Ord. 92-10-1, passed 10-8-92)

§ 92.21 VACCINATION REQUIRED

It shall be unlawful for the owner of any dog to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine within one year preceding the date on which such dog is kept, maintained, or allowed to run at large.
(Ord. 92-10-1, passed 10-8-92) Penalty, see § 92.99

§ 92.22 MUZZLING

(A) Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Village President, if he or she deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person.

(B) Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by a veterinarian, without notice to the owner.

(C) Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected by rabies, upon payment of the impounding charges provided for in § 92.07. If unclaimed after that period, such dog may be summarily destroyed.
(Ord. 92-10-1, passed 10-8-92)

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ADMINISTRATION AND ENFORCEMENT

§ 92.30 SERVICES PROVIDED BY MCHENRY AND KANE COUNTY

(A) The following animal control services shall be provided by the County of McHenry or Kane for the Village pursuant to an agreement:

- (1) Animal patrol by automobile for a minimum number of 30 hours per week.
- (2) The County Animal Control Officer shall answer all calls regarding animal control made by the residents of the Village as soon as possible, considering the circumstances when received and the other obligations of the Animal Control Officer. Routine animal complaint calls shall not be answered after 9:00 p.m. Emergency calls shall be answered at any time.
- (3) All animal complaints or animal control complaints will be answered by the county.
- (4) All animal control measures, including but not limited to tranquilization, live traps, and other means for apprehending stray animals shall be operated by the Health Department within the Village.
- (5) The county shall provide all animal bite investigations and other necessary animal control within the corporate limits of the Village.
- (6) The enforcement of all animal control violations including the issuance of “notices of appear,” warrants or arrest, or the filing of criminal complaints, shall be processed by the county.
- (7) All animal complaint calls shall be made to the McHenry or Kane County Animal Control Center or the McHenry or Kane County Sheriff Department and shall be relayed to the department and the County Animal Control Officer on duty.
- (8) All animal complaints shall be serviced by the Animal Control Officer at times determined by him and considered in his opinion to be most efficient and most consistent with good animal control practice for the entire county.
- (9) Emergency calls shall include, but not be limited to, calls relating to animal bites, calls relating to suspected rabid animals, and calls concerning animals deemed dangerous to the public health for any reason.
- (10) The county shall pay and defray all costs for impoundment or confinement of strays, all known biters and all other animals seized or controlled by it, regardless of where said animals are seized or taken.

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(11) The county shall provide the Village authorities with semiannual reports of all complaints received from the Village residents. The report shall include date and time complaint was received, response time and nature of the complaint.

(12) During the term of this agreement, the Village may, at its own discretion, engage in the practice of registering, licensing, or otherwise regulating dogs within the Village limits.

(Ord. 92-10-1, passed 10-8-92)

§ 92.31 IMPOUNDING DOGS AT LARGE

(A) It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of § 92.05 and to impound such in the Village pound or other suitable place. The veterinarian upon receiving any dog shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

(B) Notwithstanding the provisions of division (A), if an animal is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner.

(Ord. 92-10-1, passed 10-8-92)

§ 92.32 NOTICE TO OWNER; REDEMPTION

Not later than two days after the impounding of any dog the owner shall be notified. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Village for impounding and maintenance of the dog.

(Ord. 92-10-1, passed 10-8-92)

§ 92.33 DISPOSITION OF UNCLAIMED OR INFECTED DOGS

It shall be the duty of the veterinarian to keep all dogs so impounded for a period of ten days. If at the expiration of six days from the date of notice to the owner or the posting of notice such dog shall not have been redeemed, it may be destroyed or otherwise disposed of. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange, or other infectious or dangerous disease shall not be released but may be forthwith destroyed.

(Ord. 92-10-1, passed 10-8-92)

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§ 92.99 PENALTY

Any person, firm, or corporation violating the provisions of the Animal Control Ordinance shall be fined not less than \$50, nor more than \$1,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. (Ord. 92-10-1, passed 10-8-92; Am. Ord. 95-06-22-01, passed 6-22-95)