

CHAPTER 4. REGULATION, CONTROL AND
INOCULATION OF DOGS AND OTHER ANIMALS

4.01 Definitions:

4.01.01 Domesticated Animals: “Animal” whenever used in this Chapter 4 shall include animals, such as, dogs, cats, hamsters and caged birds which have been tamed and made fit for interaction with human beings.

4.01.02 Dog: “Dog” whenever used in this Chapter 4, shall include domesticated animals, female as well as male, of the canine species.

4.01.03 Owner: for the purpose of this Chapter 4, the word “owner” means a person having a right of property in a dog, cat or other domesticated animal.

4.01.04 Keeper: Any person harboring, housing or caring for any dog or cat or other animal by authority of the owner.

4.01.05 At large: Any dog or other animal shall be deemed to be at large when it is off the property of its owner and not under direct physical and effective control of its owner or immediate family member or any responsible person acting under the owner’s express authority. Dog owners must keep their dog on a leash at all times in public areas, such as parks. While out-of-doors on the owner’s private property, an unattended dog must be fastened to a leash, chain, or other device or kept within a fence adequate to prevent the dog from leaving the yard.

4.01.06 Control: A dog or other animal is under control within the meaning of this Chapter 4 if it is restrained by leash, cord, chain or otherwise; within the enclosed vehicle; or within the property limits of the owner or keeper.

4.01.07 Cats: “Cat” whenever used in this Chapter 4 shall include domesticated animals, female as well as male, of the feline species.

4.01.08 Nuisance: Any cat shall be deemed a nuisance when it damages the property of another or is in estrus.

4.02 Cruelty to Animals: It shall be unlawful for any person to be cruel in any way to any animal or bird in the Village. All Animals shall be provided with appropriate food, shelter, water and veterinary care by their owner or keeper. A failure to do so shall constitute cruelty. The tethering of a dog for more than 12 hours (in a 24 hour period) or for any period of time in conditions that threaten the health or well-being of the dog shall be deemed cruelty and is prohibited.

4.03 Dangerous Animals: It shall be unlawful to permit any animal afflicted with a contagious or infectious disease to run at large or to be exposed in any public place whereby the health of human beings or other animals may be affected. It shall be unlawful to permit any

dangerous or vicious animal of any kind to run at large in the Village. It is unlawful to harbor or house any animal which has been deemed “dangerous or vicious” by any other jurisdiction.

4.04 Noises: It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of day or night.

4.05 Diseased Animals: It shall be unlawful to permit any animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of man or beast may be affected.

4.06 Housing: No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome. It shall be unlawful to keep any horses, ponies, cattle, sheep, mules, swine, goats, chickens, turkeys or other fowl within the Village limits.

4.07 Dogs and Cats to be Inoculated and to Have Name Tags Affixed to Collars:

4.07.01 It shall be unlawful to keep any dog or cat over the age of six months in the Village unless such dog or cat has been inoculated against rabies by a licensed veterinarian within the preceding year, and wears a tag showing compliance with this Section.

4.07.02 Every owner or keeper of a dog or cat, regardless of age, shall cause said dog or cat 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 said animal.

4.08 Control of Dogs and Other Animals: The owner or keeper of a dog or other animal shall keep the dog or other animal under control at all times and any owner or keeper of a dog which is running at large or which is otherwise in violation of this ordinance is guilty of maintaining a public nuisance. No dog or other animal shall be staked out or herded upon any street, alley, public ground, park or common within the Village.

4.09 Inoculation to be Performed by Licensed Veterinarian/Issuance of Certificate: The inoculation of dogs and cats required by Section 4.07.01 shall be performed by a veterinarian duly licensed to practice his/her/hers 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 such owner or keeper a metallic or other suitable tag, in such form as shall be determined by the Department of Agriculture, to be attached to the collar or harness of such dog or cat, which tag shall also certify to the fact of inoculation against rabies.

4.10 Exhibition of Certificate Upon Request: At any reasonable time upon request of the Village President, any elected Village Trustee, the Champaign County Animal Control Department or any person designated by it, the owner or keeper of any dog or cat shall exhibit the certificate, issued under the provisions of Section 4.09 of this Code, showing the inoculation against rabies of any dog or cat owned, controlled or kept by him/her.

4.11 Dog Control Warden: Repealed

(Revised: 83-4) (Revised: 09-3)
4.08 only 4.01, 4.02, 4.03 and 4.06

4.12 Duties of Champaign County Animal Control Department: It shall be the duty of the Champaign County Animal Control Department to enforce the provisions of this Chapter and to cite violators of this Chapter to answer charges therefore. The duties shall include the capture of all dogs running at large and all cats which have been deemed to be a nuisance upon which they have received notice, and the delivery of same to the Champaign County Animal Services facility for the impounding of those dogs or cats; provided, however, that in the event that the identity of the dog's or cat's owner or keeper is known or may readily be ascertained, the dog or cat may be returned to the owner or keeper, citing him/her to answer charges for violation of this Chapter.

4.13 Notice of Impounding: In case of impounding, if the owner or keeper of such dog or cat is known or may be readily ascertained by the Champaign County Animal Control Department, he/she shall give notice by telephone or mail of the disposition of the dog or cat, and cite the owner or keeper of such dog or cat to answer charges of violation of this Chapter. In all other cases, the description of the dog or cat and particulars of its impounding shall be posted as soon as practicable thereafter in three public places within the Village.

4.14 Poundmaster: The Board of Village Trustees may designate a Poundmaster and determine his/her duties, or may contract with a private organization to conduct impounding duties, or may contract with the Champaign County for impounding services, which may include: serving with the authority of the President and Board of Village Trustees of the Village of Pesotum; maintaining a pound enclosure for impounding dogs, cats and other domestic animals in accordance with the provisions of any agreement entered into between the parties, this Chapter and the applicable provisions of the laws of the State of Illinois; impounding all dogs, cats or other domestic animals delivered by the Village of Pesotum or the Champaign County Animal Control Department; maintaining a record of the description of each dog, cat or other domestic animal impounded, and whether any such dog or cat has been inoculated and tagged with a proper rabies tag as required by this Chapter; keeping, maintaining, feeding and treating, in a humane manner, all dogs, cats or other domestic animals in his/her or its care, submitting a report, in writing to the Village President, relating all pound activities, including the number of dogs, cats or other domestic animals impounded, cost details, fees collected, dog, cat or other domestic animal redemptions and disposition of unclaimed dog, cat or other domestic animal, paying to the Village Treasurer on or before the 25th day of each month, all fees, penalties and charges collected by him/her or it during the previous month.

4.15 Redemption of Impounded Domestic Animals: The owner or keeper of any dog, cat or other domestic animal impounded hereunder may redeem the same by paying to the Village Clerk, Village Treasurer or other impounding authority a penalty of \$35.00 for the first offense for which the dog, cat or other domestic animal is impounded, \$65.00, for the second offense and \$95.00 for the third and each successive offense, together with an additional fee of the cost of boarding the dog, cat or other domestic animal, not less than \$10.00 per day for each day, or any part thereof, during which such animal has been impounded, and by paying to the authorities of the impounding facility any necessary veterinary cost or other necessary charges incurred during the impoundment and maintenance of such dog, cat or other domestic animal, and when the same are paid and the owner or keeper has given reasonable and satisfactory proof of his/her ownership of the dog, cat or other domestic animal, it shall be the duty of the Poundmaster or other impounding authority to release said dog, cat or other domestic animal from the pound to the owner or keeper thereof.

4.16 Redemption of Unredeemed Domestic Animals: Any dog, cat or other domestic animal that is not redeemed within the applicable seven (7) day time period will become the property of the Champaign County Animal Control Department, and the Champaign County Animal Control Department shall be authorized to sell, adopt out, convey, euthanize or otherwise dispose of the animal by whatever means it deems appropriate.

4.17 Domestic Animal Bites: Any dog, cat or other domestic animal which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be ordered by the Champaign County Animal Control Department or the Village President to be held on the owner's or keeper's premises, or impounded, for a period of ten (10) days. It shall be unlawful for an owner or keeper of a dog, cat or other domestic animal, having notice that the dog, cat or other domestic animal has caused such injury, to kill, sell, give away or permit the removal from the Village, of such dog, cat or other domestic animal, except by the order of the Champaign County Animal Control Department or the Village President. In case such dog, cat or other domestic animal cannot be safely taken up and impounded or quarantined, 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. Any dog, cat or other domestic animal impounded under this Section shall be examined immediately by a licensed veterinarian, and at any time during the period of impoundment or quarantine, when it shows symptoms of illness. At the end of ten (10) days, the dog, cat or other domestic animal shall again be examined by a licensed veterinarian and, if found free of rabies, may be released from impoundment or quarantine. If symptoms develop within the ten (10) day period indicating the presence of rabies, such dog, cat or other domestic animal shall be destroyed, in such manner as to preserve intact the head, which shall thereupon be detached and sent immediately to the to the diagnostic laboratory of the Department of Agriculture. All costs arising out of the required impoundment and examination shall be borne by the owner or keeper of such dog, cat or other domestic animal.

4.18 Nuisance for Failure to Provide Rabies Tag Designation: Any dog or cat found in the Village without a required rabies tag is hereby declared to be a nuisance and shall be subject to impoundment.

4.19 Severance Clause: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

4.20 Penalty: any owner or keeper of a dog who violates or fails to comply with the provisions of this Ordinance shall, upon conviction, be punished by a fine of not to exceed \$500.00 for each offense.

4.21 Citation for Dog Running at Large: In the event the Village President, any member of the Board of Trustees, or any Champaign County Animal Control Department employee, shall observe any dog running at large in the Village of Pesotum in violation of this Ordinance, such person is hereby empowered to serve upon the Owner or Keeper of the dog, by personal service upon such person or upon a member of the household of such person of the age of 16 years or above, a Citation For Dog Running At Large in a form approved by the Village President. The Citation shall require that the person served shall pay to the person serving the Citation, or to the Village Clerk, for deposit in the Village general fund a fine to be in accordance with the following schedule:

4.21.01 First Violation: The fine for a person who has not violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$50.00.

4.21.02 Second Violation: The fine for a person who has once violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$100.00.

4.21.03 Third Violation: The fine for a person who has twice violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$200.00.

4.21.04 Fourth Violation: The fine for a person who has three times violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$300.00.

4.21.05 Fifth Violation: The fine for a person who has four times violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$400.00.

4.21.06 Sixth and Subsequent Violations: The fine for a person who has five or more times violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$500.00.

In the event the fine is not paid and received by the person serving the Citation or the Village Clerk within seven (7) days after service of the Citation, notice will be sent by mail to the person served advising that the fine plus a \$10.00 late charge is due. If the fine and late charge are not paid and received by the Village Clerk within seven (7) days after mailing of the notice, the Village authorities will be authorized to accept late payment or commence enforcement proceedings in a court of law in the name of the Village, to enforce payment of the fine and charges or, or alternatively, the Village authorities may seek enforcement of the applicable provisions of the Ordinance calling for a fine to be set by the Court in an amount not more than \$500.00 upon conviction of any person charged with violating the ordinance.

4.22 Citation for Nuisance Cat: In the event the Village President, any member of the Board of Trustees, or any Champaign County Animal Control Department employee designated by the Village President, shall observe any nuisance cat in the Village of Pesotum in violation of this Ordinance, such person is hereby empowered to serve upon the Owner or Keeper of the cat, by personal service upon such person or upon a member of the household of such person of the age of 16 years or above, a Citation For Nuisance Cat in a form approved by the Village President. The Citation shall require that the person served shall pay to the person serving the Citation, or to the Village Clerk, for deposit in the Village general fund a fine to be in accordance with the following schedule:

4.22.01 First Violation: The fine for a person who has not violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$50.00.

4.22.02 Second Violation: The fine for a person who has once violated this Ordinance within the twelve month period immediately preceding the date of the current violation shall be \$100.00.

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