

PREPARED BY AND RETURN TO:

Gwen Rosenfeld
Village of Elkhart
P.O. Box 20
Elkhart, IL 62634-0020

VILLAGE OF ELKHART

Ordinance No. 03-04

AN ANIMAL CONTROL ORDINANCE FOR THE VILLAGE OF ELKHART,
LOGAN COUNTY, ILLINOIS

ADOPTED BY THE
VILLAGE BOARD
OF THE
VILLAGE OF ELKHART, ILLINOIS

THIS 14th DAY OF MAY, 2003

Published by the authority of the Village Board of the Village of
Elkhart, Logan County, Illinois, this 14th day of May, 2003.

STATE OF ILLINOIS)
)
COUNTY OF LOGAN)
)
VILLAGE OF ELKHART)

I, the undersigned do hereby certify that I am the duly qualified and acting Village Clerk in and for the Village of Elkhart, Logan County and State of Illinois.

I do further certify that the Ordinance attached hereto is a full, true and exact copy of Ordinance 03-04 adopted by the President and Board of Trustees of said Village, on the 14th Day of May, 2003, said Ordinance being entitled:

**AN ANIMAL CONTROL ORDINANCE FOR THE VILLAGE OF ELKHART,
LOGAN COUNTY, ILLINOIS**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 14th day of May, 2003.

Gwen Rosenfeld
GWEN ROSENFELD, VILLAGE CLERK

(SEAL)

ORDINANCE NO. 03-04

**AN ANIMAL CONTROL ORDINANCE FOR THE VILLAGE OF ELKHART,
LOGAN COUNTY, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Elkhart, Logan County, Illinois, as follows:

WHEREAS, the Village of Elkhart is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 et seq.; and,

WHEREAS, the Village of Elkhart Board of Trustees finds it is in the best interests of the citizens of the Village of Elkhart to establish an Animal Control Ordinance for Village of Elkhart.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Elkhart, Logan County, Illinois, as follows:

Section 1: That the preambles hereto are true and correct and are incorporated herein by reference as if fully set forth at this point.

Section 2., 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:

"Cat" includes all animals, regardless of sex, of the feline species.

"Dog" includes all animals, regardless of sex, of the canine species.

"Domestic animal" includes dogs, cats and any other type of animal or fowl normally maintained as a household pet or guardian.

"Dangerous animal" includes any animal that at any time has attacked or injured any human being, or another animal.

"Owner" includes every person having a right of property in the animal and every person who keeps or harbors an animal or has it in his/her care or permits it to remain on premises owned or occupied by him/her.

"Pit Bull Terrier" is hereby defined as:

Any Stafford shire Bull Terrier, American Stafford shire Terrier, American Pit Bull Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding of Stafford shire Bull Terrier, American Stafford shire Terrier, or American Pit Bull Terrier, as to be identifiable as partially of the breed commonly known as Pit Bull Terriers by a qualified veterinarian duly licensed as such by the State of Illinois.

"Public Nuisance" includes (1) any animal, snake, reptile, lizard, rodent not expressly permitted to be kept owned or harbored in the Village of Elkhart by this Village code (2) any animal that attacks or injures any person within one year after a previous attack or injury by the same animal of any person (3) any animal that barks, howls, cries or makes other distressing or loud or unusual noises or disturbs the peace or quiet of any place or neighborhood, family or person in the village (4) any chicken, duck, goose or turkey to run at large on any property not properly zoned (5) shall further include any animal that without provocation attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be present.

Section 3. Disposition of animals declared to be public nuisances.

(a) If, after investigation, an authorized village agent determines that the continued keeping of any animal constitutes a public nuisance, he or the aggrieved person shall immediately commence proceedings in the circuit court seeking abatement of the nuisance. The court shall order the destruction of the animal unless it finds that the owner of the animal has demonstrated, with a reasonable degree of certainty, that adequate measures have been or will be taken which will prevent any future occurrences resulting in the animal constituting a public nuisance.

(b) The court may also, upon application, order the impoundment of the animal, pending a final determination as to the disposition of the animal, if the court finds that:

(1) There is probable cause that the animal constitutes a public nuisance.

(2) Failure to impound the animal pending final determination as to disposition of the animal will result in a continued public nuisance of such severity and/or duration as to constitute an unreasonable burden or danger to the public welfare.

(c) All costs of impoundment shall be borne by the owner of the animal unless the court finds that the animal was not a public nuisance at the time of impoundment, in which case the cost of impoundment shall be borne by the village.

Section 4. Limit on number. It is unlawful for any person to keep more than 4 dogs or 4 cats or combination thereof within the Village, with the exception that a litter of pups or kittens, may be kept for a period of time not exceeding 3 months from birth except that any animal used as a bona fide seeing eye dog shall not be counted in determining the numbers of animals in a household.

Section 5. Registration of dogs or cats. There shall be no village dog or cat license required. However, every person who owns, keeps or harbors a dog or cat within the limits of the village shall, within ten days of acquisition of the dog or cat, register the dog or cat or cause it to be registered for a license with the county clerk of the county in which the owner resides.

Section 6. Exotic animals.

(a) No person shall own, keep or harbor within the village:

(1) All snakes, reptiles or lizards that are poisonous in nature.

(2) Any rodent weighing more than one (1) pound, with the exception of guinea pigs.

(b) Any, snake, reptile, lizard, rodent or other creature covered by subsection (a) is declared a public nuisance, and may be abated in accordance with this chapter.

(c) This section shall not apply to properly zoned and constructed zoos, animal shelters, animal hospitals, kennels, pounds, pet stores and the scientific or research laboratories of education or other recognized institutions.

Section 7. Dogs and Cats to be inoculated, licensed by county; reports of violations.

(a) No dog or cat shall be permitted to be or remain in the village unless properly inoculated for rabies as provided by Section 8 of the Illinois Animal Control Act, and unless licensed by the county as provided by Section 3 of the Illinois Animal Control Act.

(b) Any person finding a lost or stray dog or cat without a current rabies inoculation tag and current county license tag is encouraged to report such an animal to the police department.

Section 8. Animals at large. No person who owns, keeps or harbors a domestic animal shall cause or permit such animal to run within the village. It shall be unlawful for any person to permit any chicken, duck, goose or turkey to run at large on any property not

properly zoned.

Section 9. Dangerous animals.

(a) No person shall own, keep or harbor a dangerous animal within the Village unless the person shall keep such animal safely and securely confined so as to protect from injury any person who shall lawfully come upon the premises or be in the vicinity where such animal may be located. Adequate warning by signs or otherwise shall be given to persons coming lawfully upon the premises or being in the vicinity of such dangerous animals.

(b) Any dangerous animal that attacks or injures any person or other animal within one year after a previous attack or injury is a public nuisance which may be abated in accordance with this chapter.

(c) Any animal that without provocation attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be is a public nuisance which may be abated in accordance with this chapter.

Section 10. Animals disturbing the peace. It shall be unlawful for the owner or person in charge or control of any animal, or for any person who has the authority or power to prevent the same, to suffer or permit any such animal to bark, howl, cry or make other distressing or loud or unusual noise or to disturb the peace or quiet of any place or neighborhood, family or person in the village. The disturbing of the peace or quiet of any such place or neighborhood or family or person in the city by any such animal is a public nuisance, and it shall be unlawful for any person to suffer or permit any such nuisance to exist. This provision shall not apply to properly zoned and constructed kennels, animal hospitals and pounds.

Section 11. Killing animals. It shall be unlawful for any unauthorized person to kill or wound or attempt to kill or wound any domestic animal within the village limits. It shall be unlawful for any unauthorized person to kill or wound or attempt to kill or wound any wild animal within the village limits, except where properly licensed by the Illinois Department of Natural Resources to do so.

Section 12. Fighting animals or fowl. It is prohibited for any person to (1) keep or use, (or to be in any way connected with the management of any room, place, building, enclosure or other premises, kept or used) for the purpose of fighting or baiting, any dog, cock or other animal, or (2) to permit such place to be kept or used for such purpose on premises owned, rented or controlled by him or her, or (3) to be present therein during such fighting or

baiting.

Section 13. Injury to animals. Any person who, as the operator of a vehicle, strikes any animal shall report such striking to the owner, if known, or the police department. No person shall however be under any obligation to 1) stop to render aid or assistance or 2) to apprehend or locate such animal. Notification to the police department, or to the owner, if known, may be made within a reasonable period of time after injury from a convenient and safe location to the operator of a vehicle.

Section 14. Raising, boarding to comply with zoning. No one shall raise animals or fowl for sale within the village limits unless properly zoned, nor keep for profit any kennel for the boarding of animals unless properly zoned.

Section 15. Farm animals prohibited, exception for agricultural zones. Farm animals, which shall include, but not be limited to, horses, cattle, swine (except pot bellied pigs) and fowl, shall not be harbored in the village, except on property zoned agricultural.

Section 16. Excreta removal. The owner of every animal shall be responsible for immediate removal and sanitary disposition of any excretion deposited by his animal anywhere in the village.

Section 17. Cruelty to animals.

(a) No person or owner may abandon, cruelly beat, torment, overload, overwork, or otherwise abuse animals in a manner to cause unnecessary suffering.

(b) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property, commonly available wild animal abatement measures including rat poison or gopher, mice and insect control measures.

(c) No person shall fail to provide humane treatment to all animals which he or she owns, keeps or harbors. Humane treatment shall include but not be limited to, the following minimum standards:

(d) Water shall be available at all times to any confined or tied animal, bird or domestic pet.

(e) Shelter from freezing weather, snow and rain must be provided. Tied animals must have access to a shaded area at all times. (iii) No animal can be left in an automobile or similar enclosure without proper ventilation. (iv) Living quarters and enclosures will be kept in a humane condition.

Section 18. Impounding and enforcement authorized. Any authorized agent shall have the power and authority to take up and impound any unlicensed dog, any animal found running at large in the village contrary to the provisions of this chapter or any dangerous or vicious animal that is not safely and securely confined in accordance with the provisions of this chapter.

Section 19. Destruction of dangerous animals. If any dangerous, fierce or vicious animal cannot safely be taken up and impounded, such animal may be destroyed by any police officer. The disposition of the destroyed animal shall be in accordance with the provisions of state law.

Section 20. No person shall possess, own, keep, or harbor a pit bull terrier (as defined herein) within the municipal limits of the Village of Elkhart.

Section 21. Penalty. Any person found violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of not less than \$10.00 nor more than \$100.00 plus costs, for the first violation.

Any repeat offense shall be subject to increased fines, as follows:

First repeated offense shall be no less than \$25.00 plus costs nor more than \$150.00.

A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$150.00 plus costs.

In addition to the foregoing, any person violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certifications of the breed of the animal or boarding and veterinary expenses necessitated by seizure of the dog for protection of the public and such other expenses required for elimination or storage of such dog.

Any police officer, sheriffs deputy or officer authorized by law may seize or arrange for the removal of any Pit Bull Terrier from the Village of Elkhart. If no arrangements are made by the owner of such animal for payment of such costs of seizure and impoundment or the removal of such animal within a period of five (5) days, then such peace officer may arrange for such animal to be destroyed in a humane manor.

Section 22. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the

invalid provision has not been a part of this ordinance.

Section 23. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Elkhart, Logan County, Illinois, this 14th day of May, 2003.

AYES: 6
NAYS: 0
ABSENT: 0

E I K h a r t
Village of ~~Logan County~~, Illinois

Helen Dayle Eldredge
Helen Dayle Eldredge, President

ATTEST:

Gwen Rosenfeld
Clerk, Village of ~~Logan~~
E I K h a r t

(SEAL)