ORDINANCE NO. LW-8

AN ORDINANCE REGULATING DOGS AND CATS AND OTHER ANIMALS

WHEREAS, THE CITY COUNCIL BELIEVES THAT:

A. Controlling the dog and cat and certain other animal population would have a significant benefit to the public health and safety by among other things aiding in the prevention of dog attacks, reducing the number of dog and cat bite cases involving children, and decreasing the number of automobile accidents caused by stray dogs and cats.

B. Increasing the number of rabies-vaccinated, owned pets will reduce potential threats to public health and safety from rabies.

C. Controlling the dog and cat population will save taxpayer dollars by reducing the number of dogs and cats handled by the county animal control agency.

THE PURPOSE of this Ordinance is to promote harmonious relationships in the interaction between humans and animals by:

A. Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;

B. Delineating the animal owner’s or harborer’s responsibility for the acts and behavior of his animal at all times;

C. Providing security to residents from annoyance, intimidation, injury and health hazards by animals; and

D. Encouraging responsible pet ownership.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF WEST FRANKFORT, ILLINOIS THAT:

A. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Ordinance.

1. **Dog** Whenever “dog” is used in this ordinance it shall mean all members of the family Canidae.

2. **Cat** Whenever “cat” is used in this ordinance it shall mean all members of the family Felidae.

3. **At Large** shall mean any animal when it is off the property of the owner and not on a leash and under the control of a person.

4. **Inoculation Against Rabies** means the injection, subcutaneously or otherwise, as approved by the Department of Agriculture of the State of Illinois, of an antirabic vaccine approved by the Department of Agriculture.

5. **Department of Agriculture** shall mean the Department of Agriculture of the State of Illinois.
6. **Leash** shall mean a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

7. **Enclosure** shall mean a fence or structure of a least five (5) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or vicious cat in conjunction with other measures that may be taken by the owner, such as tethering of the animal within the enclosure. If the enclosure is a room in a residence, the door must be kept locked. A vicious dog and vicious cat may be allowed to roam freely within the residence if it is muzzled at all times.

8. **Restraint** shall mean the dog or cat is on a leash and under the control of a responsible person.

9. **Dangerous Dog and Dangerous Cat** shall mean any individual dog or cat that when unmuzzled, unleashed or unattended that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal in a public place or on property other than that belonging to the owner of such dog or cat.

10. **Vicious Dog and Vicious Cat** shall mean a dog or cat that without justification attacks a person and causes a serious physical injury or death or any individual dog or cat that has been found to be a “dangerous dog” or “dangerous cat” upon three separate occasions.

11. **City** shall mean the City of West Frankfort.

12. **Officer** shall mean a Franklin County Animal Control Officer.

B. **DOGS AND CATS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.**

1. Each calendar year, or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner of a dog or cat four (4) months or more of age shall cause such dog or cat to be inoculated against rabies. Such owner shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by a dog or cat.

2. Every owner of a dog or cat, regardless of age, shall cause the 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 of the dog or cat.

C. **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.** The inoculation required by paragraph B.1. 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 a certificate showing such fact and shall also deliver to the owner 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.

D. **DURATION OF INOCULATION.** The inoculation performed under provisions of paragraph C. of this ordinance 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.
E. EXHIBITION OF CERTIFICATE UPON REQUEST. At any reasonable time upon request of any member or officer of Franklin County Animal Control, the owner of any dog or cat shall exhibit his certificate, issued under the provisions of paragraph B. of this Ordinance, showing the inoculation against rabies of any dog or cat owned or controlled by him.

F. RESTRAINT OF DOGS AND CATS. The owner of a dog or cat shall keep the dog or cat under restraint at all times and shall not permit such dog or cat to be at large.

G. IMPOUNDMENT OF DOGS AND CATS RUNNING AT LARGE OR UNLICENSED DOGS OR CATS; CITATION OF OWNER.

1. It shall be the duty of the Franklin County Animal Control Officer who becomes aware of any dog or cat running at large or an unlicensed dog or cat to pick up and impound said dog or cat.

2. When dogs or cats are found running at large or unlicensed and the ownership is known to the officer, such may be impounded at the discretion of the officer, but the officer may cite the owner of such dog or cat for violation of this Ordinance without impounding it.

H. NOTICE OF IMPOUNDMENT TO OWNER. In case of impounding and where the owner of such a dog or cat is disclosed by any tax or license tag worn by it, or is otherwise known to the officer impounding same, the Animal Control Officer shall make reasonable attempts to contact the owner, informing him of the impounding of his dog or cat and shall cite the owner of such dog or cat for violation of the Ordinance.

I. LIMITATION. It shall be unlawful for any person, organization, association or corporation to keep more than three (3) dogs or three (3) cats within the City with the exception that a litter of pups or kittens may be kept for a period of time not exceeding five (5) months from birth.

J. IMPOUNDMENT OF DOGS OR CATS WHICH HAVE BITTEN PERSONS. Any dog or cat which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be impounded in accordance with the procedures in the Animal Control Act 510 ILCS 5/13.

K. CITY POUND DESIGNATION. The Franklin County Animal Control facility is hereby designated the City Pound.

L. DISPOSITION OF DOGS OR CATS DEEMED NUISANCES.

1. Any dog or cat 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 the owner is hereby declared to be a nuisance, and such dog or cat shall be taken up and impounded.

2. Any dog or cat which has been deemed a nuisance shall be permanently removed from the City upon written notification from the City to the owner of the dog or cat.

M. DANGEROUS DOG OR CAT– FEMALE DOG OR CAT AT LARGE. It shall be unlawful for the owner of any vicious or dangerous dog or cat or any female dog or cat that is in heat to run at large within the limits of the City.
N. **FEMALE DOG WITH OTHER DOGS, FEMALE CAT WITH OTHER CATS.** No person in control of a female dog or female cat shall permit it, while in heat, to consort with any other dog or cat in an indecent manner in any place of public view, whether upon his own or any other premises.

O. **REDEMPTION OF IMPOUNDED DOGS OR CATS.** Dogs and cats that have been impounded may be redeemed according to the rules established by the Franklin County Animal Control facility.

P. **DANGEROUS DOG AND DANGEROUS CAT.**

1. Any dog or cat, upon determination by the City or Franklin County Animal Control officer to be a dangerous dog or cat, shall be muzzled when such dog or cat is in the City, but not on the property of the owner.

2. Any dangerous dog or cat shall be on a leash and under the control of a person 18 years of age or older when in the City and not on the property of the owner.

3. Any dog or cat determined to be a dangerous dog or cat by Franklin County Animal Control officer shall be kept in an enclosure.

Q. **VICIOUS DOG OR VICIOUS CAT.**

1. Any dog or cat, upon determination by the City or Franklin County Animal Control to be a vicious dog or cat, shall be muzzled, on a leash and under the control of a person 18 years of age or older whenever such dog or cat is not in an enclosure.

2. The owner of a vicious dog or vicious cat shall provide to the City and Franklin County Animal Control written proof that there is either a liability policy or a bond covering any injuries or damages such dog or cat may cause.

3. The owner of a vicious dog or vicious cat must notify the City and Franklin County Animal Control within 24 hours or no later than 3:00 P.M. the next business day if the liability policy or bond becomes void or expires.

4. Any owner of a vicious dog or vicious cat, upon learning of the termination of the liability coverage or bond for such dog or cat, shall immediately remove such dog or cat from within the limits of the City.

R. **INJURY TO PROPERTY.**

1. It shall be unlawful for the owner of any 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.

2. 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 paragraph shall not apply to any person who is visually handicapped.
S. **MANNER OF KEEPING.**

1. 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.

2. Fences that 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.

T. **DOGS AND CATS IN PUBLIC PLACES.**

1. No person shall walk a dog or cat on any public street or sidewalk unless the dog or cat is on a leash and under control at all times.

2. No dog or cat shall be allowed in any city park unless the dog or cat is on a leash and under control at all times.

U. **KEEPING BARKING DOGS AND CRYING CATS.** It shall be unlawful for any person knowingly to 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 a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs or cats are hereby declared to be a public nuisance.

V. **CRUELTY TO ANIMALS PROHIBITED.**

1. 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 any 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, dangerous or trespassing animals. Any unwanted animals should be delivered to the Franklin County Animal Control facility for proper disposal.

2. 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.

As used in this section:

a. “Shade” shall mean protection from the direct rays of the sun during the months of June through September.

b. “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 2 inches 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.

W. **WILD OR VICIOUS ANIMALS.**

1. It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal for display or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
2. It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless the Department of Natural Resources of this state has granted a permit.

3. 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 and impounded 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 animal control officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agent, or to animals which are kept for the protection of property, provided that such animals are restrained by a leash, 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.

4. The Department of Natural Resources may issue a temporary permit for care and protection of any infant animal native to the area that has been deemed homeless.

As used in this section:

a. “Wild animal” shall mean any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lynx, or any animal or any bird of prey which can normally found in the wild state.

b. “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.

X. ANIMALS IN CITY.

1. Except as otherwise provided in this Ordinance, no person shall keep within the City any cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock.

2. This Ordinance shall not apply in areas of the City that are zoned agricultural in nature nor shall this Ordinance apply to livestock brought into the City for the purpose of being shipped out of the City.

3. Franklin County Animal Control or the Chief of Police shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird that is deemed to pose a health hazard to the general public.

Y. KENNELS. In areas where kennels are permitted, no kennel shall be located closer than 100 feet to the boundary of the nearest adjacent residential lot. Any individual who obtains a license to operate a kennel for business or profit is exempt from the requirements of section I.

Z. ANIMALS OTHER THAN DOGS CREATING A NUISANCE. No person shall own, keep, harbor or have in his possession any animal which habitually causes a serious annoyance or disturbance to persons of ordinary sensibilities in the neighborhood.

AA. OBSTRUCTING. Any person who shall resist, hinder or molest the Franklin County Animal Control Officer while engaged in the duties imposed upon them by this Ordinance shall be fined according to BB Penalties below.

BB. RIGHT OF ENTRY – INSPECTIONS. For the purpose of carrying out the provisions of this Ordinance and making inspections hereunder, any officer of the law may enter upon private premises to
apprehend a straying dog or other animal, a dangerous dog or animal or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of BB2.

CC. SEVERABILITY. The provisions of this ordinance are severable, and if any sentence, section or other part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

DD. PENALTIES. The following penalties shall apply for violations of this Ordinance:

   - 1st offense: $75.00
   - 2nd offense: $100.00
   - 3rd and subsequent offenses: $150.00

2. Violation of paragraphs L, M, P, Q, V, W, BB
   - 1st offense: $100.00
   - 2nd offense: $150.00
   - 3rd and subsequent offenses: $250.00

EE. NUISANCE, INJUNCTION. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

FF. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

GG. This Ordinance shall take effect upon its passage or publication as required by law.