

AN ORDINANCE RELATING TO DOGS AND CATS

#824

BE IT ORDAINED by the President and Board of Trustees of the Village of Sparland, Marshall County, as follows:

ARTICLE I. General Provisions

Section 1. Purpose. The purpose of this article is to promote harmonious relationships in the interaction between man and dogs and cats by:

- (a) protecting dogs and cats from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (b) delineating the dog and cat owner's or harborer's responsibility for the acts and behavior of his dog or cat at all times;
- (c) providing security to residents from annoyance, intimidation, injury and health hazards by dogs and cats;
- (d) encouraging responsible dog and cat ownership; and
- (e) providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in dogs and cats in any manner whatsoever.

Section 2. Definitions. As used in this article:

- (a) "Dog" is any member of the animal species *Canis Familiaris* twelve months or more in age;
- (b) "Cat" shall apply to any male or female cat;
- (c) "Dog nuisance" or "Cat nuisance" is created when a dog or cat :
  1. runs uncontrolled;
  2. molests or disturbs persons or vehicles by chasing, barking or biting;
  3. attacks other animals;
  4. damages property other than that of the owner or harborer;
  5. barks, whines, howls, cries or makes other noises excessively;
  6. creates noxious or offensive odors;
  7. defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the dog or cat owner or harborer;
  8. creates an insect breeding and/or attraction site due to an accumulation of excreta.

(d) "Control" of a dog or cat means that same is on a leash not more than eight feet in length; is on or within a vehicle being driven or parked; or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.

(e) "Harborer" is any person who provides food and shelter for a dog or cat on other than a periodic or temporary basis.

(f) "Owner" is any person having right of property in any dog or cat; or who keeps a dog or cat; or who has a dog or cat to remain on or about any premises occupied by him.

(g) "Person" is any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

(h) "Pound" is that facility as designated by the village board used to temporarily confine and house dogs and cats that have been seized.

(i) "Kennel operator" is any person who harbors three or more dogs or cats, or who breeds dogs or cats as a hobby, producing not more than two litters in any one calendar year.

## ARTICLE II. Injury To Property

Section 1. Injury to property. It shall be unlawful for any person owning or possessing a 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. Any such dog or cat is hereby declared to be a public nuisance.

Section 2. Wast products accumulations . 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 same.

## ARTICLE III. Manner of Keeping

Section 1. Pens, yards or runs. All pens, yards or runs or other structures wherein any dog or cat is kept shall be of such construction so as to be easily cleaned and kept in good repair.

Section 2. Fences. Fences which are intended as enclosures

for any dog or cat shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

#### ARTICLE IV. Dogs and Cats at Large

Section 1. Prohibition. It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. For the purpose of this paragraph, "running at large" shall be defined to be the presence of a dog or cat at any place except upon the premises of the owner. Such dogs or cats are hereby declared to be a public nuisance.

A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

Section 2. Impounding dogs. Whenever any village official, peace officer or other person designated by the mayor shall find any dog or cat running at large as defined in this ordinance, he shall, if possible, pick up and impound such dog or cat in the Marshall County Dog Pound (M.C.D.P.). Owners of impounded dogs shall comply with all regulations of the M.C.D.P. and shall pay all fees assessed by M.C.D.P. to retrieve said dog.

#### ARTICLE V. Keeping Barking Dogs and Cats

Section 1. Harboring. It shall be unlawful for any person knowingly to keep or harbor any dog or cat which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood, or in such 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.

Section 2. Petitions complaining of vicious or barking dogs or vicious cats. (a) Whenever any person shall complain to the police department that a dog or cat which habitually barks, howls or yelps is being kept by any person in the Village, the Village Board shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

(b) If the warning given to the person alleged to be keeping a dog or cat as set forth in (a) above in ineffective, then a verified complaint of at least two citizens not from the same



family may be presented to the Village Board, alleging that a dog or cat which habitually barks, howls or yelps is being kept by any person within the Village. The Village Board shall inform the owner of such dog or cat that said petition has been received and shall direct the village attorney to file an Ordinance Violation Complaint in the Circuit Court against the owner of the dog for the violation alleged in said petition.

#### ARTICLE VI. Keeping of Numerous Dogs in the Village

Section 1. Nuisance. The keeping of an unlimited number of dogs in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs is, therefore, declared to be a public nuisance.

Section 2. Number of dogs limited. (a) It shall be unlawful for any person or persons to keep more than three dogs within the Village, with the exception that a litter of pups, or a portion of a litter, may be kept for a period time not exceeding twelve months from birth.

(b) The provisions of this section shall not apply to any person holding a valid kennel operator's license.

#### ARTICLE VII. Nuisance Prohibited

Section 1. Nuisance prohibited. It shall be unlawful for the owner or harbinger of any dog or cat to cause or permit such dog or cat to perform, create or engage in any nuisance as defined by Article I, Section 2(b), Article II, Article IV, Article V, Article VI. Any dog or cat found acting in any way forbidden by this chapter, in the determination of the dog control officer, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation.

#### ARTICLE VIII. Penalties

Section 1. Nuisance Violation. Any person found guilty of permitting a nuisance to exist in violation of Article I, Section 2(b), Article II, Article IV, Article V, Article VI or Article VII shall be fined:

(a) not less than \$50.00 nor more than \$100.00 for the first offense;

(b) not less than \$100.00 nor more than \$200.00 for the second offense within a consecutive 12-month period;

(c) not less than \$200.00 nor more than \$500.00 for the third offense within a consecutive 12-month period; and

(d) ordered to remove such animal permanently from the Village within 24 hours of such order.

Section 2. Other Violations. Any person found guilty of violating Article III or Article X, shall be fined not less than \$100.00 nor more than \$500.00 for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue.

#### ARTICLE IX. Kennel Operator's License

Section 1. Kennel Operator's License. Any person who shall keep within the Village more than three dogs, age one year old or more, must obtain a Kennel Operator's License. Applications for the license shall be obtained from the Village Clerk. Upon receipt of said application, the Village Board shall cause an investigation to be made as in its judgment is necessary and may, in its discretion, cause a license to be issued to the applicant upon payment of the license fee of ONE HUNDRED DOLLARS (\$100.00).

Section 2. Sanitation requirements. Every kennel licensee shall keep the premises where dogs are kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. The premises where dogs are kept shall be kept in a sanitary condition satisfactory to the Village Board who shall have the right to cause an inspection of said premises to be made from time to time.

Section 3. Revocation of license. If the report of the Village Board consistently indicates that the person conducting such kennel has not complied with the provisions of this code and with village ordinances regulating health, safety and sanitation, the Village Board may revoke any license granted hereunder.

#### ARTICLE X. Cruelty to Dogs Prohibited

Section 1. Cruelty to dogs prohibited. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelty beat, strike or abuse any dog, or by an 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 or trespassing dogs. Any unwanted dogs should be delivered to the humane society for proper disposal.

Section 2. Food and shelter. It shall be unlawful for any person in charge of any dog to fail, refuse or neglect to provide such dog with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such dog in hot, stormy, cold or inclement weather, or to carry any such dog in or upon any vehicle in a cruel or inhumane manner.

#### ARTICLE XI. Vicious Dogs Not Permitted

Section 1. Findings and policy. The Village Board of the Village of Sparland finds that vicious dogs are so dangerous that they constitute a threat to children and others in the Village. Vicious dogs occasionally escape from the yard or building in which they are kept, by slipping under a fence, jumping over a fence, slipping out through a door or gate temporarily opened or unlatched, breaching the leash or chain, or pulling up the anchor for the chain or leash. Children too young to read may wander too close to a dog, even in the presence of "beware of the dog" signs. It is the policy of the Village that children and others should not have to assume the risk of a vicious dog having an opportunity to attack or kill. The Village Board finds that the benefits to a dog owner in owning a dangerous dog are outweighed by dangers to children and to the general public.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) "Village": Village of Sparland.
- (b) "Vicious dog": any dog that has bitten or attacked any person, and any dog that has attempted to bite or to attack



any person. A dog shall be deemed to be attempting to attack if it is restrained by a leash, fence or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the dog from making an immediate attack.

Section 3. Keeping of vicious dogs prohibited. No person shall keep any vicious dog anywhere in the Village.

Section 4. Duty of landlords and agents. No landlord or landlord's agent shall knowingly permit any tenant to move a vicious dog into any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any person to keep any vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent learning of any vicious dog in any building or premises owned or controlled by such landlord or agent shall notify the person having such dog to remove the dog from the Village immediately.

Section 5. 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 Village 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.

Section 6. Penalty. Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$100.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### ARTICLE XII. Enforcement and Investigation

The Village President, a member of the Village Board, or person designated by the Village President or any peace officer may:

- (a) enter upon private premises to apprehend a stray dog, a vicious dog, a wild dog or a dog suspected of being infected with rabies;

(b) enter upon private premises to investigate complaints of irresponsibility or inhumane dog care; and

(c) seize, impound or dispose of any vicious dog of any kind when necessary for the protection of any person or dog.

ARTICLE XIII. Repeal of Prior Ordinances

To the extent that any Ordinances of the Village of Sparland shall be in conflict with this Ordinance, this Ordinance shall prevail. This Ordinance shall supercede Sparland Village Ordinance Chapter IV, passed February 6, 1905 and Sparland Village Ordinance No. 530, passed June 6, 1968 and are hereby repealed.

ARTICLE XIV.

This Ordinance shall become effective upon its passage and publication.

PASSED by the President and Board of Trustees of the Village of Sparland, Illinois, on the 3<sup>rd</sup> day of October, 1991.

AYES 5  
NAYS  
ABSEND 1

William E. Brown  
President of the Village  
of Sparland

ATTEST:

Laura H. Skelton  
Village Clerk  
of the Village of Sparland