THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS

ORDINANCE
NUMBER 14-071

AN ORDINANCE REGULATING THE CONTROL OF ANIMALS AND AMENDING ORDINANCE 07-041 IN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS

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AN ORDINANCE REGULATING THE CONTROL OF ANIMALS AND AMENDING ORDINANCE 07-041 IN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, the corporate authorities of each municipality may regulate and prohibit the running at large of animals (65 ILCS 5/11-1-1,); and

WHEREAS, the Village of Homer Glen has previously entered into an intergovernmental agreement with the Will County Animal Control Department that provides for animal call out services; and

WHEREAS, the President and Board of Trustees of the Village of Homer Glen have determined that it is necessary and in the best interests of the Village to regulate and control animals within the Village under and pursuant to the provisions of the Illinois Municipal Code and the general police powers of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homer Glen, Will County, Illinois pursuant to its home rule powers, as follows:

SECTION 1: The foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein.

SECTION 2: Definitions. As used in this ordinance, unless the context otherwise required, the terms shall have the meanings ascribed to them in this Ordinance.

a. "Animal Control Officer" – The person appointed, or hired, by the Village to properly apprehend, handle and care for animals.

b. "Animal Control Review Group" – The group consisting of the Animal Control Officer, the Village Code Compliance Officer, and a designee from the Will County Sheriff assigned to gather information and evidence in making a determination of dangerous dogs and vicious dogs.

c. "At Large" – means a dog off the premises of the Owner and not under the control of a leash by the Owner, a member of the Owner's family or an authorized person.

d. "Bite" – to seize or cut with the teeth or jaws, so that the person or animal seized has been gripped or has been wounded or pierced and further includes contact of saliva with any break or abrasion of skin or mucous membrane.

e. "Confinement Structure" – a securely locked pen, kennel, structure or fence capable of containing a dangerous dog and shall be designed, constructed and maintained to prevent the animal's escape and prevent the entry of young children. The pen, kennel, structure or fence must have secure sides and any gaps or spaces present in the structure must not allow the dog to escape or place its head through such gap or space. All structures used to confine a dangerous dog must be securely locked when such an animal is within the structure. Any fence used to contain a dangerous dog must have a minimum height of six feet (6'). All structures erected to house a dangerous dog must comply with all zoning and building regulations of the Village. All structures must be adequately lighted, ventilated and kept in a clean and sanitary condition. For the purpose of this ordinance, voice control or electronic fencing shall not be considered as a means of control.

f. "Dangerous Dog" – means any dog, other than a police dog, which when either unmuzzled, unleashed or unattended by its Owner or Keeper 1) approaches any person or any other controlled domestic animal in a vicious or terrorizing manner in an apparent attitude of attack upon streets, sidewalks, or any public ground or places, or on private property other than the Owner's or 2) has been used primarily or in part for the purpose of dogfighting, or is trained for dogfighting.

g. "Dog" – means all members of the canine family.

h. "Feral" – means existing in a wild or untamed state, or returning to an untamed state after domestication.

i. "Fight" – a prearranged conflict between two (2) or more animals but does not include a conflict that is accidental.

j. "Leash" – means a cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog and shall be of sufficient strength to keep such dog under control.

k. "Muzzle" – a device constructed of strong, soft material or a metal muzzle. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

l. "Nip" – to pinch or squeeze with the teeth with no breaking of skin or tissue.

m. "Owner" – means any person having a right of property in a dog, or who keeps or harbors a dog, or who has in his care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by the Owner.

n. "Person" – means any person, firm, corporation, partnership, society, association or other entity.

o. "Police Dog" – a professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

p. "Pound" – means any facility used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

q. "Running at Large" – the failure to confine a dog in accordance with Section 9 of this ordinance.

r. "Vicious Dog" – means:

    1. Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;

    2. Any individual dog with a known propensity, tendency or disposition to attack, without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

3. Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment;
4. Any individual dog which has been found to be a dangerous dog upon three separate occasions.

SECTION 3: Dangerous Dog – Determination.

a. It shall be unlawful for any person to knowingly or recklessly permit any Dangerous Dog to leave the premises of its Owner when not under control by a leash.

b. "Dangerous Dog" determination. The Animal Control Review Group, after an investigation, including sending, within fourteen (14) days of becoming aware of an alleged infraction, notification to the Owner of the dog of the alleged infraction, the initiation of an investigation, and affording the Owner an opportunity to meet with the Animal Control Review Group, gathering of any medical or veterinary evidence, interviewing witnesses, and making a detailed written report, may deem a dog to be a dangerous dog. A dog shall be deemed a dangerous dog by a preponderance of the evidence. The Owner shall be sent immediate notification of the determination by certified mail that includes a description of the appeal process.

c. Appeal. The Owner of a dog found to be a dangerous dog pursuant to this ordinance may file an appeal in the circuit court within 35 days of receipt of notification of the determination, for review of the determination pursuant to the Administrative Review Law, 735 ILCS 5/3-101, *et seq.*

d. Justified Conduct. A dog shall not be declared a dangerous dog if the Animal Control Review Group determines the conduct of the dog was justified because:

1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the Owner or custodian of the dog, or upon the

property of the Owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the Owner of the dog;

2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
3. The dog was responding to pain or injury, or was protecting itself, its Owner, custodian, or member of its household.

e. Exceptions. No dog shall be deemed a dangerous dog if it is a professionally trained police dog. Dangerous dogs shall not be classified in a manner that is specific to breed. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, guard dogs and police dogs are exempt under this ordinance; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption, each such dog shall be currently inoculated against rabies. It shall be the duty of the Owner of such exempted dog to notify the Village of changes of address. In the case of a guard dog, the Owner shall keep the Village advised of the location where such dog will be stationed.

SECTION 4: Licensing Of Dangerous Dogs.

1. No person shall possess any dangerous dog for a period of more than forty eight (48) hours without having first obtained a license for the dog from the Village.

2. An application for a license to possess a dangerous dog shall be filed with the Village on a form provided by the Village and shall be accompanied by all of the following:

a. Verification of the identity of the Owner and current address by providing a copy of the Owner's driver's license;

b. Proof of ownership of the dog;

c. A copy of the current immunization and health record of the dog prepared by a

veterinarian licensed to practice in the State of Illinois;

d. Two (2) photographs of the dog to be licensed taken not less than one month before the date of the application. One photograph shall show a front view and one photograph shall show a side view of the dog;

e. An annual licensing fee of one hundred dollars ($100.00); and

f. Such other information as may be required by the Village.

3. Within ten (10) business days following the determination that the dog is a dangerous dog the Owner shall provide the Village with the following:

a. Verification that and identifying microchip has been installed under the dogs skin by a veterinarian; and

b. Verification that the dog has been sterilized.

4. Within ten (10) business days of the declaration that the dog is a dangerous dog, the Owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the dangerous dog, in an amount not less than $100,000.00 for each dog declared dangerous and provide the Village with proof of the insurance. The insurance shall include a provision whereby the insurer notifies the Village not less than 30 days prior to cancellation or lapse of coverage.

5. Upon receipt of any application, the Village shall forward such application to the Animal Control Review Group which shall inspect the premises on which the dog shall be kept to determine that all provisions of this ordinance relating to confinement and posting of signs have been complied with by the Owner.

SECTION 5: Confinement of Dangerous Dogs.

1. No person shall possess any dangerous dog unless the dog is confined in accordance with this ordinance.

a. Confinement Indoors: No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the structure on its

own.

b. Confinement In An Exterior Yard: No person shall confine a dangerous dog in an exterior area unless the dog is confined in a confinement structure constructed and maintained in accordance with this ordinance.

c. Confinement on Leash: No person shall permit a dangerous dog to go outside a confinement structure, house or other structure unless the dog is securely restrained with a leash no longer than three feet (3') in length and fitted with a muzzle. No person shall permit a dangerous to be kept on a leash unless a person of at least 18 years of age is in physical control of the leash. No leash restraining a dangerous dog shall be attached to any inanimate object, including, but not limited to, trees, posts, stakes and buildings.

SECTION 6: Reporting Requirements of Licensee. Any person holding a license pursuant to this ordinance shall report the incidence of any of the following events to the Village:

1. The sale, barter, exchange, gift or death of any dangerous dog shall be reported within forty eight (48) hours.

2. The escape from confinement or theft of any dangerous dog shall be reported upon discovery of the escape or theft.

3. The biting or nipping of any person or animal by a dangerous dog shall be reported upon occurrence.

4. The birth of any offspring of a dangerous dog shall be reported within forty eight (48) hours of the birth of the offspring.

5. The permanent removal of any dangerous dog from the Village shall be reported within forty eight (48) hours of such removal by surrender of the license of the Owner to the Village.

SECTION 7: Sign Required. All persons possessing a dangerous dog shall display in a prominent place on the premises where the dog is kept a sign, which is legible from a distance of

not less than one hundred feet (100'), stating "BEWARE OF DOG". A similar sign shall be posted on any Confinement Structure.

SECTION 8: Vicious Dog.

a. It shall be unlawful for any person to knowingly maintain, house, permit, or in any way keep on any property within the Village any dog which has been found to be a Vicious Dog.

b. "Vicious Dog" determination. The Animal Control Review Group, after an investigation, including sending, within fourteen (14) days of becoming aware of an alleged infraction, notification to the Owner of the alleged infraction, the initiation of an investigation, and affording the Owner an opportunity to meet with the Animal Control Review Group, gathering of any medical or veterinary evidence, interviewing witnesses, and making a detailed written report, may deem a dog to be a vicious dog. A dog shall be deemed a vicious dog by a preponderance of the evidence. The Owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

c. Appeal. The Owner of a dog found to be a vicious dog pursuant to this ordinance may file an appeal in the circuit court within 35 days of receipt of notification of the determination, for review of the determination pursuant to the Administrative Review Law, 735 ILCS 5/3-101, *et seq.*

d. Justified conduct. A dog shall not be declared a vicious dog if the Animal Control Review Group determines the conduct of the dog was justified because:

    1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the Owner or custodian of the dog, or upon the property of the Owner or custodian of the dog, or was committing a willful trespass

or other tort upon the premises or property owned or occupied by the Owner of the dog;

2. The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
3. The dog was responding to pain or injury, or was protecting itself, its Owner, custodian, or member of its household.

e. Exceptions. No dog shall be deemed a vicious dog if it is a professionally trained police dog. Vicious dogs shall not be classified in a manner that is specific to breed. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, guard dogs and police dogs are exempt under this ordinance; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption, each such dog shall be currently inoculated against rabies. It shall be the duty of the Owner of such exempted dog to notify the Village of changes of address. In the case of a guard dog, the Owner shall keep the Village advised of the location where such dog will be stationed.

SECTION 9: Dogs Running at Large-Prohibited. It is unlawful to permit any dog to run at large or to be on any public right-of-way or property other than that of such Owner without being securely restrained by a leash. A dog may be allowed on a property other than that of its Owner without a leash if the property Owner gives permission. Dogs that are running at large within the Village are deemed to be in violation of this ordinance and may be apprehended and impounded. The Animal Control Officer shall utilize the Village's approved pound, or a public pound if necessary. The Owner of a dog running at large shall be responsible for the dog's conduct and subject to the penalty provisions of this ordinance.

SECTION 10: Impoundment and Redemption. When a dog is apprehended and impounded by the Animal Control Officer, he shall give notice of not less than fourteen (14) days

to the Owner, if known. The notice shall be mailed to the last known address of the Owner. An affidavit or testimony of the Animal Control Officer, or an authorized agent of the Village, who mails such notice shall be prima facie evidence of the receipt of such notice by the Owner. A reasonable attempt will be made to contact the Owner. In case the Owner of any impounded dog desires to make redemption thereof, he or she may do so on the following conditions:

a. Present proof of current rabies inoculation; or

b. Pay for the rabies inoculation of the dog; and

c. Pay for the board of the dog for the period it was impounded; and

d. If the incident is a first offense pay an administrative redemption fee of $100.00 and $500.00 for any successive incidents.

SECTION 11: Dogs Not Redeemed. When not redeemed by the Owner within seven (7) days of impoundment, a dog which has been impounded in accordance with this ordinance shall be humanely dispatched, offered for adoption, or otherwise disposed of by the pound as a stray dog in accordance with the Will County Animal Control Ordinance, as amended from time to time.

SECTION 12: Penalty. Any person found in violation of this ordinance shall be fined not less than Hundred Dollars ($100.00) and not more than of One Thousand Dollars ($1,000.00) for each offense.

SECTION 13: If any ordinance, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this ordinance.

SECTION 14: All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15: This ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

(Intentionally Left Blank)

Adopted this 25th day of November, 2014 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
DeVivo			X	
Kagianas			X	
Sabo	X			
Sweas	X			
Yukich	X			
Daley (Village President)	-			
TOTAL	4	0	2	-

APPROVED by the Village President on November 25, 2014.

James P. Daley
Village President

ATTEST:

Gale Skrobuton
Village Clerk