

ORDINANCE NO. 79-8

AN ORDINANCE REGULATING ANIMALS AND FOWL WITHIN
THE VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS

WHEREAS, it has been brought to the attention of the Board of Trustees of the Village of Tolono, Illinois, and that it is in the best interest for the protection of the Village's citizens, that there is a need to regulate the running at large of animals and fowl, cruelty toward animals and the nuisances created by animals and fowl and provide for a procedure after a dog or cat has bitten a human being and to require vaccination and impounding of dogs and cats and the disposition of impounded dogs and cats; and

WHEREAS, it has been determined by the President and the Board of Trustees that it is in the interest of promoting public safety to establish certain guidelines concerning animals and fowl located within the Village of Tolono.

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

Article I. In General

Section 1. Animals and fowl at large prohibited; responsibility of owner or possessor.

The running at large of any animals of the species of dogs, cats, cattle, horse, mule, ass, swine, hog, sheep, goat or fowl, within the Village limits of the Village is hereby declared a nuisance and is prohibited. All dogs not confined to the owners' property shall be kept on a leash.

Any person who, being the owner or possessor of any animal or fowl mentioned in the preceding paragraph of this section, shall suffer or permit the same to run or be at large shall be liable for the costs of taking up and impounding and all expenses of sustenance for such animals when impounded.

Section 2. Cruelty to animals

Any person who shall be guilty of cruelty to any animals by overloading, overdriving, overworking, cruelly beating, mutilating or cruelly killing any animal or causing or knowingly allow the

the same to be done; or cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done; or by unnecessarily failing to provide any animal in his charge or control as owner or otherwise, with proper drink, food and shelter; or abandoning any old, maimed, infirm, sick or disabled animal; or by driving, or by causing to be driven, or keep any animal in an unnecessary or cruel manner shall be subject to the penalty set out in Article III of this Ordinance.

Section 3. Animals - Nauseous, foul or offensive odors.

No person shall keep, use or maintain within the Village, any pens, stable, lot, place or premises in which any animal is confined or kept in such manner as to be nauseous, foul or offensive, or from any cause, to be an annoyance to any family or person and shall be subject to the penalty set forth in Article III of this Ordinance.

Section 4. Noisy animals and fowl.

No person shall harbor or keep any chickens, geese or other poultry or any animal which, by howling or by other noise shall disturb the peace and quiet of any family or neighborhood. Every person violating this section shall be subject to the penalty set out in Article III of this Ordinance.

Section 5. Possession of Stray Animals.

It shall be unlawful for any person without the knowledge and consent of owner to retain possession of any stray animal for more than twenty-four hours without first reporting such possession to the animal control officer of the Village of Tolono and providing said person's name, address, the description of the animal, location of the animal and a statement of the circumstances under which possession of the animal was obtained. Every person violating this Section shall be subject to the penalty set out in Article III of this Ordinance.

Section 6. Noisy dogs.

Any person who harbors a dog which howls and whines or barks constantly so as to disturb the peace and quiet of the neighborhood, shall be guilty of maintaining a nuisance and shall be subject to the general penalty set forth in Article III of this Ordinance.

Article III. Penalties

Section 1. Penalty for impounding dog or cats.

If any owner of a dog or cats allows such dog to be subject to impounding under Article II, Section 3 of this Ordinance, then such owner of such dog is in violation of this Ordinance and shall be fined Twenty-five Dollars (\$25.00) and shall be obligated to pay the costs for the care and feeding.

Section 2. General Penalty.

Any person violating any other provision of this Ordinance, other than Article II, Section 3, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as set forth hereunder.

Article IV. Maintenance of Records

The Village dog control officer or animal control officer, as may be appointed by the President of the Board of Trustees of the Village of Tolono, with the advice and consent of the Board of Trustees, shall maintain records of all animals apprehended and/or impounded. Such records shall be maintained for at least one (1) year following the disposal of each animal and shall contain the following information:

- a. A description of the animal including color, size, sex and a description of any tags.
- b. The manner and date of acquisition of the animal.
- c. The manner and date of disposal of the animal.
- d. The name and address of the person adopting or purchasing the animal.

Article II. Dogs and Cats; Impounding of Animals

Section 1. Vaccination required;

No dog or cat shall be harbored or kept within the village without being vaccinated against rabies. Every owner or keeper of a dog or cat within the village shall have such animal vaccinated periodically, as necessary, against rabies by a licensed veterinarian; and shall keep a current metal rabies tag issued by the veterinarian on a collar affixed to the animal at all times; the certificate of vaccination shall be kept and made available for inspection upon request.

Section 2. Procedure as to dog or cat which has bitten a human being.

It shall be the duty of the owner or person having custody of any dog or cat which bites any human being to comply with applicable Statutes of the State of Illinois and in particular Sections 11 and 12 of Chapter 8 of said Statutes as amended which by reference are hereby made a part of this ordinance.

Section 3. When dog or cat subject to being impounded; impounding.

When any dog or cat:

- (1) Has caused damage to the property of any person, or
 - (2) Has bitten a person other than the owner, or
 - (3) Has chased, or barked at, an automobile or other vehicle upon the public streets of the village, or
 - (4) Is found without a current tag indicating inoculation against rabies, or
 - (5) Has followed children to school, or
 - (6) Seriously or viciously did frighten, annoy, nip, scratch, push, growl at, bark at, jump at or bite any person, or
 - (7) Is a public nuisance, and a dog or cat is in one way a prima facie nuisance when it is at large,
- then such dog or cat is subject to being impounded by an village control officer.

The Board of Trustees may provide a pound for the impounding of dogs, cats, or other animals in accordance with the laws of the state, or may direct any village animal control officer appointed by the President, to cause such such fowl, dogs, cats or other animals, and stray fowl, dogs, cats and other animals to be impounded in any other facility for the impounding of such fowl, dogs, cats or other animals within the county, with the cost and expenses thereof to be paid by the owner.

Section 4. Disposition of impounded fowl, dogs, cats and other animals.

Any fowl, dog, cat or other animal impounded as provided in this article may be redeemed by the owner or keeper thereof upon payment of Five Dollars (\$5.00) per day to the municipal collector of the village, or his designee, for the care and feeding of such fowl, dog, cat or other animal for each day or part of a day that it has been impounded. Any dog or cat so impounded which has not been vaccinated against rabies shall be vaccinated before delivery to the owner or person redeeming such dog or cat and the person redeeming the dog or cat shall pay the veterinarian for vaccination for such dog or cat, before being entitled to receive the dog or cat. In the event the fowl, dog, cat or other animal is delivered by the animal control officer to another facility, the owner of said fowl or animal shall be responsible for the payment of fees or costs charged by that facility. Any fowl, dog, cat or other animal impounded as provided in this article not redeemed within seven days after being impounded shall be disposed of in a manner consistent with the laws of this state.

Section 5. Fierce or dangerous dogs or cats.

Any owner or keeper of a fierce or dangerous dog or cat who shall knowingly permit such dog or cat to run at large to the danger, annoyance or damage of persons within the village, shall be deemed guilty of keeping and maintaining a nuisance and shall be subject to the penalty set out in Article III of this Ordinance.

e. A record of all fees and/or fines received in relation to the animal.

f. The reason for disposal of the animal in the manner used.

Article V. Entry Upon Private Property

The dog control officer or animal control officer of the Village of Tolono shall have the authority to enter upon such private property at reasonable times and in a reasonable manner for the purpose of carrying out the provisions of this Ordinance.

Article VI. Disposition of Fees and Fines

Any fees and fines received under the provisions of this Ordinance shall be paid over to the Village Treasurer and placed in the Village of Tolono general fund.

Article VII. Invalidation

If any article, section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such article, section, paragraph, clause or provision shall not effect any of the other provisions of this ordinance.

Article VIII. Repeal

All ordinances and parts of ordinances in conflict herewith are hereby repealed in so far as the conflicting portions are concerned.

Article IX. Passage

This ordinance shall be in full force and effect upon its passage.

PASSED this 2nd day of January, A. D. 1980.

APPROVED this 2nd day of January A. D. 1980.



President of the Board of Trustees

ATTEST:



Village Clerk