

From: Geoffrey Pretkelis

Sent: Thursday, July 09, 2009 4:06 PM

To: Bartlett Police

Subject: Revision to Animal Control And Dogs Ordinance

On Tuesday, July 7, 2009 the Village Board approved numerous changes to the Animal Control & Dog Ordinance. The majority of the changes deal with new and revised definitions and new prohibited acts, I attached a copy of the revised ordinance that will be enforceable on Friday, July 17, 2009.

Sergeant Geoffrey Pretkelis #9

VILLAGE OF BARTLETT
COOK, DUPAGE AND KANE COUNTIES, ILLINOIS

ORDINANCE No. 2009 - _____

AN ORDINANCE AMENDING AND RE-CODIFYING CHAPTER 2,
TITLE 5, OF THE BARTLETT MUNICIPAL CODE
REGULATING ANIMAL CONTROL AND DOGS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF BARTLETT
THIS _____ DAY OF _____, 2009

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BARTLETT
COOK, DUPAGE AND KANE COUNTIES, ILLINOIS
THIS _____ DAY OF _____, 2009

ORDINANCE 2009 - _____

AN ORDINANCE AMENDING AND RE-CODIFYING CHAPTER 2,
TITLE 5, OF THE BARTLETT MUNICIPAL CODE
REGULATING ANIMAL CONTROL AND DOGS

BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: That Chapter 2, Title 5, of the Bartlett Municipal Code is hereby repealed in its entirety, and said Chapter 2 of Title 5 is hereby mended and re-codified by replacing said Chapter 2 of Title 5 of the Bartlett Municipal Code with the following provisions:

**CHAPTER 2
ANIMAL CONTROL AND DOGS**

SECTION:

- 5-2-1: Definitions
- 5-2-2: License Required
- 5-2.3: License Application And Fee
- 5-2-4: Dog Tags; Register
- 5-2-5: Prohibited Acts
- 5-2-6: Impounding Dogs
- 5-2-7: Animals Forbidden In Public Places
- 5-2-8: Vicious And Dangerous Dogs
- 5-2-8.1: Restrictions On Keeping Vicious Or Dangerous Dogs
- 5-2-8.2: Authority To Kill Vicious Or Dangerous Animals
- 5-2-9: Dog Fighting Prohibited
- 5-2-10: Muzzles Required
- 5-2-11: Cruelty To Animals
- 5-2-12: Control Of Defecation
- 5-2-13: Rabies Prevention
- 5-2-14: Wild Animals
- 5-2-14.1: Prohibition Against Keeping Wild Animals
- 5-2-14.2: Notice Of Keeping Of Wild Animals
- 5-2-14.3: Seizure And Impounding Wild Animals
- 5-2-14.4: Forfeiture Of Wild Animals
- 5-2-15: Cost To Be Paid By Responsible Persons Or Entites
- 5-2-16: Nuisance; Injunction
- 5-2-17: Penalty
- 5-2-17.1: General Penalties
- 5-2-14.2: Separate Penalties For Dog At Large Violations

5-2-1: DEFINITIONS:

 ANIMAL: Any nonhuman living creature, domestic or wild.

ANIMAL CONTROL ACT: The Animal Control Act (510 ILCS 4/1, *et seq.*).

ANIMAL SHELTER: Any premises designated by the Village for the purpose of impounding and caring for animals held under authority of this Chapter.

BITE: To be seized with teeth or jaws so that a person or companion animal has been nipped, gripped, wounded or pierced and saliva of the biting animal has contacted the resulting break or abrasion of the skin.

CAT: *Felis catus*.

COMPANION ANIMAL: An animal that is commonly considered to be, or is considered by the owner to be, a pet, including, but not limited to, canines, felines, ferrets, and equines.

CONFINEMENT: The restriction of an animal by the owner or his agent to a building or other enclosure in isolation from other animals and from persons except for contact necessary for the animal's care, or if the animal is authorized to leave its enclosure by court order, the muzzling and leashing to the animal.

DANGEROUS DOG: (i) Any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury; and (iii) a dog which has been deemed to be a dangerous dog under the Animal Control Act by the appropriate state or county official designated under said Act.

DOG: All members of the family *Canidae*.

DOG PARK: Any public park owned, leased and/or operated by a park district, forest preserve district, state, county or municipality which has been specifically designated by the corporate authority of the public body that owns, leases and/or operates said parks for use by dogs.

DOMESTIC ANIMAL: An animal which has been tamed for man's use.

ENCLOSURE: A fence or structure of at least 6 feet in height, forming or causing an enclosure and designed with secure sides, top and bottom to prevent the animal from escaping and prevent the entry of young children.

LEASH: A cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

OWNER: Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or acts as its custodian or who knowingly permits a dog to remain on any premises occupied by said person.

PERSON: An individual, firm, partnership, company or corporation, society, association or other legal entity.

POTENTIALLY DANGEROUS DOG: A dog that is unsupervised and found running at large with three or more other dogs.

RESTRAINT: An animal shall be deemed to be under restraint if on the enclosed premises of its owner or upon a leash and under the control of a responsible person.

RUNNING-AT-LARGE: An animal that is not restrained by a competent person and is present somewhere other than its owner's property.

SERIOUS PHYSICAL INJURY: A physical injury that creates a substantial risk of death or that causes death, muscle tears, disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or requires multiple sutures or corrective or cosmetic surgery without regard to whether the person actually sought medical treatment.

TAME: An animal which is gentle and docile.

VICIOUS DOG: A dog that (i) without justification attacks a person and causes serious physical injury, or death, or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions, and (ii) a dog which has been declared and/or deemed a vicious dog under the Animal Control Act by a court of competent jurisdiction.

WILD ANIMAL: Any species of mammal, reptile, amphibian, arachnid or fowl which is not naturally tame or gentle but is of a wild nature or disposition, and which, because it is carnivorous in its wild state, or is poisonous, or because of its size, physical makeup, vicious nature or other characteristics, would constitute a danger to human life, domestic animals or property, including lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi and other wild cat of the family felidae, hyena, bear, wolverine, badger, wolf, coyote, boar, alligator, crocodile, any poisonous or venomous biting or injecting species of amphibian, arachnid, or reptile or any life-threatening reptile. Any animal which is of a species listed specifically shall be considered a wild animal and any poisonous, venomous biting or injecting species of amphibian, arachnid or reptile or life-threatening reptile shall be considered a wild animal, and the provisions of this Chapter regarding such wild animals shall apply.

5-2-2: LICENSE REQUIRED:

It shall be the duty of every person owning, keeping or harboring any dog in the Village to register the same with the Village Clerk and pay a license fee as is hereinafter provided.

5-2-3: LICENSE APPLICATION AND FEE:

Each applicant for a dog license shall submit such information as shall be required in the application form available at the Village Clerk's office, and each license application shall be accompanied by proof that the dog for which such application is made has been vaccinated for rabies. The expiration date of each dog license shall be one year from the date of the current rabies vaccination. The license fee shall be two dollars (\$2.00) for each dog for each year or for each part of a year for which a license is issued. Senior citizens shall be issued one dog license per household at no charge.

5-2-4: DOG TAGS; REGISTER:

The person paying the fee hereinabove provided shall receive a metal dog license tag containing such lettering as may be directed by the Village President and Board of Trustees, without any extra charge therefore from the Village Clerk. Every dog kept in the Village shall be equipped with a collar, and this tag shall be fastened to such collar at all times when such dog is on any public street, alley or other public place. Any dog which does not have such tag while in or upon any public street shall be deemed to be a stray and shall be impounded.

5-2-5: PROHIBITED ACTS:

It shall be unlawful for the owner or any person who has custody of any dog or other animal:

- A. To permit the animal to enter upon the premises of another within the Village without the consent of the owners.
- B. To permit any animal, whether licensed or not, to enter any public body of water, pond, fountain or stream except in any dog park where it is permitted to do so by the owner, lessee, and/or operator of said dog park.
- C. To permit, by action or inaction, any dog to bite any person or companion animal, other than its owner or the owner's immediate family.
- D. To permit any animal to damage or destroy any property.
- E. To permit any dog to chase, run after or jump at vehicles using the public thoroughfares.

- F. To permit any dog to habitually snap, jump upon or otherwise threaten persons lawfully using any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk.
- G. To permit any dog that is unmuzzled or unleashed while off the owner's or custodian's property to growl, snarl, snap at or jump upon, or otherwise threaten persons in a manner that a reasonable person would believe poses an unjustified imminent threat of injury to a person or a companion animal.
-  H. To permit any dog, cat, or other animal to howl, yelp, whine or meow, bark or make noise in such a manner as to disturb any person or neighborhood.
- I. To allow any place where any animal is or may be kept to become unclean or unsanitary or become offensive to those residing in the vicinity.
- J. No person, group or firm shall keep more than three (3) adult dogs, cats, horses, or any other animals per household unless they are kept on a property specifically zoned to allow a veterinary clinic, animal hospital, kennel or zoo. For purposes of this title, when an animal reaches six (6) months of age, it shall be considered an adult animal.
- K. To fail to report to the Chief of Police an animal bite to a person or companion animal within 24 hours of said bite.
- L. To keep, harbor or maintain any animal which may endanger the safety of persons or property.
- M. To permit any dog to run at large in the Village at any time except in a designated dog park. Dogs which are on any street, sidewalk, alley or other public place without being held securely on a leash shall be deemed running at large. Dogs which are running at large shall be taken up and impounded by the Police Department.
- N. For the owner or custodian of a dog that has been deemed to be a dangerous dog to fail to report to the Chief of Police within 24 hours of any such finding or determination by the state or county official designated under the Animal Control Act, and to fail to file a copy of any such written finding and order with the Chief of Police within said 24 hours.
- O. For the owner or custodian of a dog that has been adjudicated and deemed to be a vicious dog to fail to report to the Chief of Police within 24 hours of the entry of a court order making any such determination or declaration, and to fail to file a certified copy of said order with the Chief of Police within said 24 hours irrespective of whether the time to appeal said order has run.

5-2-6: IMPOUNDING DOGS:

- A. Animals which are impounded in the Village shall be kept in the enclosure established as the Village pound until redeemed or otherwise disposed of as may be directed from time to time by the Village President and Board of Trustees.
- B. Any person seeking to redeem any impounded animal shall pay a fee of six dollars (\$6.00) a day for each day during which said animal has been held in the pound.
- C. Animals which are kept in the Village pound shall be humanely treated and fed. Such pound shall be in the charge of the Chief of Police who shall be responsible for the care and custody of the same. Unredeemed animals shall be disposed of as provided by the President and Board of Trustees.

5-2-7: ANIMALS FORBIDDEN IN PUBLIC PLACES:

It shall be unlawful for any animal, even though on a leash, to be or enter upon any public hall, restaurant, confectionery shop, coffee shop, ice cream or soft drink establishment, office, store, grocery, meat market, bakery or any store or shop for the sale of food, except any shop for the sale of animal pets, anywhere in the Village during the time that any of such places or establishments are open for use by the public or persons entitled to use the same. Provided however, that this section shall not apply to any blind person using a trained, seeing eye dog, to veterinary offices or hospitals, or to animal shows or exhibitions.

5-2-8: VICIOUS AND DANGEROUS DOGS:

Any dog found to be a dangerous dog by the appropriate state or county official or his or her designee as provided for in the Illinois Animal Control Act, or any dog found to be a vicious dog by a court as provided in the Animal Control Act, shall be subject to the restrictions declared by said official or court. The owner or custodian of a dangerous dog or a vicious dog shall strictly adhere to all restrictions imposed by the Administrator, the Director or the respective designees as defined in the Animal Control Act and/or court-ordered restrictions, if any. The owner or custodian of said dangerous dog or vicious dog must report to the Chief of Police any such determination and/or order, and file a written copy of the restrictions imposed by the official or court within 24 hours of the entry of said determination or court order.

5-2-8.1: RESTRICTIONS ON KEEPING VICIOUS OR DANGEROUS DOGS:

It shall be unlawful for any person or entity to harbor or keep any vicious or dangerous dog in the Village unless the following conditions are strictly observed:

- A. Confinement: The owner of a vicious or dangerous dog shall not suffer or permit such dog to be unconfined unless such dog is securely muzzled and restrained as set forth in the following subsection.
- B. Restraints: The owner of a vicious or dangerous dog shall not suffer or permit such dog to be unconfined unless such dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be so made that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- C. Enclosure: The pen must have a top, sides and a bottom, all so securely attached to each other that the dog cannot escape. The sides must be embedded into the ground no less than one foot (1'), and must be so attached to the bottom that the dog cannot dig its way under the sides. The pen in which a dog is required to be confined by this Code shall be adequately lighted and kept in a clean and sanitary condition.
- D. Signs: The owner of a vicious or dangerous dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious or dangerous dog on the premises. A similar sign shall be posted on the pen in which such dog is confined.
- E. Any other and additional restrictions imposed by administrative order or court order shall be strictly adhered to.

5-2-8.2: AUTHORITY TO KILL VICIOUS OR DANGEROUS ANIMALS:

The members of the Police Department are authorized to kill any dangerous dog, vicious dog, potential dangerous dog running at large, or any wild animal running at large, or any animal attacking a person or domestic animal, when necessary for the protection of any person or domestic animal.

5-2-9: DOG FIGHTING PROHIBITED:

No person or entity shall possess, harbor or maintain any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to attack human beings or domestic animals.

5-2-10: MUZZLES REQUIRED:

Whenever the Village President shall, by proclamation, declare that danger from rabies is great, it shall be unlawful to permit any dog to go upon any public street, alley, sidewalk or other public place unless such dog is securely muzzled.

5-2-11: CRUELTY TO ANIMALS:

No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork, abandon or otherwise abuse any animal.

5-2-12: CONTROL OF DEFECATION:

- A. It shall be unlawful for any person to cause or permit a dog to be on any property, public or private, not owned or possessed by such person unless such person has in his immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
- B. It shall be unlawful for any person in control of, or permitting any dog to be on any property, public or private, not owned or possessed by such person to fail to remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person.

5-2-13: RABIES PREVENTION:

- A. Procedure When Animal Is Suspected Of Having Rabies; Release Of Animal: All animals which have attacked, bitten, scratched or otherwise injured any person so as to cause an abrasion or breaking of the skin of such person shall be impounded for a period of not less than ten (10) days. If, however, a licensed veterinarian or rabies inspector receives information and evidence that the animal has been previously vaccinated in accordance with the requirements of the State of Illinois, then said animal shall be confined either in a kennel under veterinary supervision or said animal shall be confined in the house of said owner and shall not be permitted upon the public streets, unless, in the judgment of the rabies inspector or the licensed veterinarian, circumstances are such that the dog or other animal should be confined elsewhere. If said animal shall be confined within a private home, it shall not be permitted to leave the home of the owner unless such dog or other animal is under the supervision of an adult, but, under no circumstances shall such animal be permitted upon the public streets. It shall be presented for examination and observation by a licensed veterinarian on the first, fifth and tenth days of a ten (10) day period, commencing within twenty four (24) hours of the date of the bite. All reports of bites received by a veterinarian shall be reported in writing to the rabies inspector within twenty four (24) hours after the dog or other animal is confined and such report shall contain the owner's name, address, the date of confinement, the breed, description, age and sex of the dog or other animal. Upon the completion of confinement of the dog or other animal for the ten (10) day period, the veterinarian shall notify the rabies inspector and the local Health Department in writing of the final disposition of the dog or other animal.

- B. Recent Vaccination Of Animal: Nothing to the contrary herein contained, where a biting dog or other animal has been properly vaccinated for the first time, less than thirty (30) days prior to the biting incident, said animal shall then be impounded for the full ten (10) days under the supervision of a veterinarian or at the Municipal impounding facility.
- C. Duty Of Owner To Surrender Animal: The owner or custodian of any dog suffering from or suspected to be suffering from rabies as provided in subsection B of this Section shall surrender possession of such dog to any police officer of the Village on demand.
- D. Killing Of Rabid Animal Prohibited; Exception: Except in cases of emergency, no police officer or other person shall kill or cause to be killed any animal suspected of being rabid. If, after the animal has been placed in quarantine, a licensed veterinarian tentatively diagnoses rabies in that animal, then the animal shall be allowed to die by natural cause after which the head of such animal will be sent to a laboratory for pathological examination and confirmation of the diagnosis.

5-2-14: WILD ANIMALS:

5-2-14.1: PROHIBITION AGAINST KEEPING WILD ANIMALS:

It shall be unlawful for any person or entity to harbor or keep any wild animal in the Village, except the provisions of this Section shall not apply to any keeping of such animals in a bona fide licensed veterinary hospital for treatment, bona fide educational institution, museum, circus, carnival, zoo or other event for entertainment, which is authorized by the proper and responsible official or officers of the Village in accordance with all applicable laws and ordinances, and provided that proper bond and/or insurance has been posted in accordance with Village ordinances, all Federal, State, County and local permits and licenses have been procured and the applicant thereunder is in compliance with all Federal, State, County and local rules, regulations, laws and ordinances. It shall not be a defense to a violation of this Section that the person or entity violating said Section has attempted to, or has in fact, domesticated the wild animal. (Ord. 96-19, 3-5-1996)

5-2-14.2: NOTICE OF KEEPING OF WILD ANIMALS:

Upon the written complaint of any person that a person, firm or corporation procured, owns, possesses or harbors a wild animal on premises in the Village, the Chief of Police shall forthwith cause the matter to be investigated, and if after investigation the facts indicate that such person, named in the complaint, is in fact the owner or is keeping or harboring any such wild animal in the Village, the Chief of Police shall forthwith send written notice to such person, requiring such person to safely remove said wild animal from the Village within ten (10) days of the date of said notice. Notice as herein provided shall not be required where such wild animal has previously caused serious physical harm or death to any person, or has escaped and is at large, in which case the Chief of

Police shall cause said wild animal to be immediately seized and impounded, according to the provisions of Section 5-2-14.3 of this Chapter, or killed, if seizure and impoundment are not possible without risk of serious physical harm or death to any person, domestic animal or property.

5-2-14.3: SEIZURE AND IMPOUNDING WILD ANIMALS:

The Chief of Police shall forthwith cause to be seized and impounded any wild animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to Section 5-2-14.2 of this Chapter. Any health officer or any police officer of the Village shall have the authority to enforce the provisions of this Section, including, but not limited to, taking possession of any wild animal the officer reasonably believes is being kept, possessed or harbored in violation of this Chapter. If the person in possession refuses to relinquish possession of the wild animal the health officer or police officer shall so notify the Chief of Police, and the Chief of Police shall obtain an appropriate court order, with the assistance of the Village Attorney, to obtain possession. This Section shall not be interpreted to authorize or attempt to authorize entry into places not open to the public, without either the consent of the owner or person in possession or a warrant or other court order. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement for safekeeping with a qualified zoological park, humane society, veterinary hospital or animal refuge for safekeeping, authorized by law to accept, own, keep or harbor such wild animals.

5-2-14.4: FORFEITURE OF WILD ANIMAL:

Any person, firm or corporation violating any provision of Section 5-2-14 this Chapter shall, in addition to any fine, penalty or equitable relief granted against it, forfeit the wild animal to the Village for permanent disposition to a zoological or animal refuge authorized by law to accept, keep or harbor such animals, if reasonably possible, or, if not, for destruction of said wild animal.

5-2-15: COSTS TO BE PAID BY RESPONSIBLE PERSONS OR ENTITIES:

Any reasonable costs incurred by the Village in seizing, impounding and/or confining any vicious dog, dangerous dog, potentially dangerous dog, dog at large, cat, domestic animal, or wild animal shall be charged against the person or entity who or that owns, keeps or harbors such animal and shall be collected by the Village Prosecutor or Village Attorney. Such charge shall be in addition to any fine, penalty or equitable relief provided for violating this Chapter.

5-2-16: NUISANCE; INJUNCTION:

Any violation of this Chapter is hereby declared to be a nuisance. In addition to any other relief provided by this Chapter, the Village Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this

Chapter. Such application for relief may include seeking a temporary restraining order, preliminary injunction and/or permanent injunction.

5-2-17: PENALTY:

5-2-17.1 GENERAL PENALTIES:

Except for a violation of Section 5-2-5: M, any person, firm or corporation violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$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. (Ord. 96-19, 3-5-1996). If any violation shall be of a continuing nature, a separate offense shall be deemed committed on each day of such violation and the person committing such violation shall be subject to the progressive penalties contained herein.

5-2-17.2 SEPARATE PENALTIES FOR DOG AT LARGE VIOLATIONS:

Any person violating Dogs Running at Large Section 5-2-5:M. shall be deemed to be guilty of an offense and shall be punished by fines not less than the following:

First offense	\$ 25.00
Second offense	\$ 50.00
Third offense	\$100.00
Fourth offense	\$200.00
Fifth offense	\$300.00
Each offense thereafter	\$500.00

SECTION TWO: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall be in full force and effect ten (10) days after its passage, approval and publication in pamphlet form.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Michael E. Kelly, Village President

ATTEST:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2009 - _____ enacted on _____, 2009, and approved on _____, 2009, and published in pamphlet form on _____, 2009, as the same appears from the official records of the Village of Bartlett.

Lorna Giles