

CHAPTER 3

ANIMALS

ARTICLE I – GENERAL REGULATIONS

3-1-1 SHORT TITLE. This Chapter shall be known and may be cited as the Animal Control Code. **(See 510 ILCS 5/1)**

3-1-2 DEFINITIONS. For the purposes of this Chapter, the following definitions are adopted and shall be used:

"ANIMAL" shall mean any animal, other than man, which may be affected by rabies. **(See 510 ILCS 5/2.02)**

"ANIMAL CONTROL WARDEN" means any person appointed by the Mayor and approved by the Village Board to perform duties enforcing this Code or any animal control official appointed and acting under authority of the County Board. **(See 510 ILCS 5/2.03)**

"AT LARGE". Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

"CAT" shall mean any feline, regardless of age or sex.

"CONFINED" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. **(See 510 ILCS 5/2.05)**

"DANGEROUS DOG". "Dangerous dog" means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places. **(See 510 ILCS 5/15(2))**

"DEPARTMENT OF AGRICULTURE" means the Department of Agriculture of the State of Illinois. **(See 510 ILCS 5/2.06)**

"DOG". "Dog" means all members of the family Canidae. **(See 510 ILCS 5/2.11)**

"HAS BEEN BITTEN" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(See 510 ILCS 5/2.12)**

"INOCULATION AGAINST RABIES" means the injection of an anti-rabies vaccine approved by the Department. **(See 510 ILCS 5/2.13)**

"LEASH" means 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. **(See 510 ILCS 5/2.14)**

"LICENSED VETERINARIAN". "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(See 510 ILCS 5/2.15)**

"OWNER". For the purpose of this Code, the word "owner" means a person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him. **(See 510 ILCS 5/2.16)**

"POUND". "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(See 510 ILCS 5/2.18)**

"REGISTRATION CERTIFICATE". "Registration Certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. **(See 510 ILCS 5/2.19)**

"RESTRAINT". A dog is under "restraint" within the meaning of this Code if he is controlled by a leash; at "heel" beside a responsible person; within a vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

"SHADE" shall mean protection from the direct rays of the sun during the months of June through September.

"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 **two (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.

"UNOWNED STRAY DOG". "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(See 510 ILCS 5/2)**

"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.

"WILD ANIMAL" shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. **(See 510 ILCS Sec. 5/24)**

3-1-3 INJURY TO PROPERTY.

(A) **Unlawful.** 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.

(B) **Waste 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 the transmission of excrement to a receptacle located upon property owned or possessed by such person. This Section shall not apply to a person who is visually or physically handicapped.

3-1-4 MANNER OF KEEPING.

(A) **Pens, Yards, or Runs.** 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.

(B) **Fences.** Fences which 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.

3-1-5 KEEPING BARKING DOGS AND CRYING CATS.

(A) **Harboring.** It shall be unlawful for any person to knowingly 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 manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) **Petitions of Complaint.** Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

3-1-6 CRUELTY TO ANIMALS PROHIBITED.

(A) **Cruelty to Animals Prohibited.** 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 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 animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** 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. The terms used in this Section shall comply with **Section 3-1-2. (See 65 ILCS Sec. 5/11-5-6)**

3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer 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 humane officer; provided, however, that this Section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or 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.

(D) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

3-1-8 HEALTH HAZARD. The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

3-1-9 LIMITATION ON NUMBER OF DOGS KEPT.

(A) **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. The term "dog" shall be construed as provided in **Section 3-1-2.**

(B) **Limitation; Exception.**

(1) It shall be unlawful for any person or persons to keep more than **five (5) dogs** within the Village, with the exception that a litter

of pups, or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.

- (2) The provisions of this Section shall not apply to any establishment wherein dogs are kept for breeding, sale, sporting purposes or boarding.

(C) **Kennels.** In the areas where kennels are permitted, no kennel shall be located closer than **two hundred (200) feet** to the boundary of the nearest adjacent residential lot.

3-1-10 ANIMALS, ETC. IN VILLAGE.

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter no person shall keep within the Village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.

(B) **Exceptions.** This Section shall not apply in areas of the Village that are zoned agricultural in nature nor shall this Section apply to livestock brought in to the Village for the purpose of being shipped out of the Village.

(C) **Powers of Police Chief.** The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.

(See 65 ILCS Secs. 5/11-1-1; 5/11-5-6 and 5/11-20-9)

ARTICLE II - DOGS

3-2-1 **DEFINITIONS.** The terms used in this Article shall comply with **Section 3-1-2** of this Chapter unless otherwise provided in this Article.

3-2-2 **DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.**

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

(B) Every owner or keeper of a dog, regardless of age, shall cause the dog 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 or keeper of the dog.

3-2-3 **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.** The inoculation of dogs required by **Section 3-2-2(A)** 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 or keeper a certificate showing such fact and shall also deliver to the owner or keeper 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.

3-2-4 **DURATION OF INOCULATION.** The inoculation performed under the provisions of **Section 3-2-3** 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.

3-2-5 **SPECIFICATIONS FOR TAG.** The tag issued under the provisions of **Section 3-2-3** shall be in such form as shall be determined by the Department of Agriculture.

3-2-6 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or Village employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of **Section 3-2-3**, showing the inoculation against rabies of any dog owned or controlled by him.

3-2-7 RESTRAINT OF DOGS. The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in **Section 3-1-2. (See 65 ILCS Sec. 5/11-20-9)**

3-2-8 IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.

(A) It shall be the duty of such employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the Village, contrary to any of the provisions of this Chapter or other regulations of the Village.

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated employee(s), such dogs may be impounded at the discretion of such employee(s), but the employee(s) may cite the owner of such dog to answer charges of violation of this Chapter.

(C) Any dog permitted to run at large within the Village is hereby declared to be a nuisance.

(D) Any impounded dog which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper.

(E) The Village may establish a reasonable fee by motion for each day that a dog is housed in the pound. **(See 510 ILCS Sec. 5/10)**

3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

3-2-10 OBSTRUCTING POUNDMASTER. Any person(s) who shall bring any dog into the Village for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the Village, upon conviction of any part of this Chapter shall be fined according to **Chapter 1 - Administration** of this Code.

3-2-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS. Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **ten (10) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be

called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the **ten (10) days** no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled.

3-2-12 IMPOUNDMENT. Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

3-2-13 REDEMPTION OF IMPOUNDED ANIMALS. The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if any, that have accrued up to the time of making redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

3-2-14 VILLAGE POUND DESIGNATED. The Village Board shall designate a Village Pound.

3-2-15 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog 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 its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

3-2-16 DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this Village.

3-2-17 FEMALE DOG WITH OTHER DOGS. No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)

ARTICLE III - VICIOUS AND DANGEROUS DOGS

3-3-1 **DEFINITIONS.** As used in this Article, the following words shall have the following meanings and definitions:

(A) **"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 attacks a human being or domestic animal without provocation.
- (5) Any individual dog which has been found to be a "dangerous dog" upon **three (3)** separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B) **"Dangerous dog"** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C) **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(D) **"Impounded"** means taken into the custody of the public pound in the Village or town where the vicious dog is found.

(E) **"Found to Be Vicious Dog"** means:

- (1) that an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of Subsection (A) and, based on that finding, the Administrator or an Animal Control Warden has declared in writing that the dog is a vicious dog or
- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

3-3-2 UNLAWFUL TO MAINTAIN. It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

3-3-3 OWNER'S RESPONSIBILITY. If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **seven (7) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

No owner or keeper of a vicious dog shall sell or give away the dog.

3-3-4 DOG PERMITTED TO LEAVE PREMISES. It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Mayor of changes of address. In the case of a sentry or guard dog, the owner shall keep the Mayor advised of the location where such dog will be stationed. The Mayor shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

3-3-5 INJUNCTION. The Administrator, the Village Attorney, or any citizen of the Village in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(See 510 ILCS Sec. 5/17)**

3-3-6 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON. If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(See 510 ILCS Sec. 5/16)**

3-3-7 RIGHT OF ENTRY - INSPECTIONS. For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other 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 this Code. **(See 510 ILCS Sec. 5/17)**

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)

(See also 510 ILCS Sec. 5/24)

ARTICLE IV – URBAN CHICKENS

3-4-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **"Chicken":** A member of the subspecies gallus gallus domesticus, a domesticated fowl.

(B) **"Chicken Run":** An enclosed area in which chickens are allowed to walk and run about; and an enclosed yard for keeping poultry.

(C) **"Coop":** A cage or pen for confining poultry.

(D) **"Henhouse":**

(1) A small shed for keeping poultry in.

(2) A building for housing hens.

(E) **"Permitted Tract of Land":** The tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Article.

(F) **"Permittee":** An applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Article.

(G) **"Permitting Officer":** The Village President or his or her designee.

(H) **"Single Family Dwelling":** Any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.

(I) **"Tract of Land":** A property or a zoned lot that has one single family dwelling located on that property or zoned lot.

(J) **"Urban Chicken":** A chicken kept on a permitted tract of land pursuant to a permit issued under this Article.

3-4-2 **PERMIT REQUIRED.**

(A) **Permit Required.** No person shall raise, harbor or keep chickens within the Village corporate limits without a valid permit obtained from the Permitting Officer under the provisions of this Article. Permits are issued for a period of **one (1) year** and must be renewed annually.

(B) **Application.** In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, and pay all fees required by this Article. The application fee is **Ten Dollars (\$10.00)**.

(C) **Requirements.** The requirements to the receipt of a permit include:

(1) All requirements of this Article are met;

(2) All permit fees, as may be provided for from time to time by the Board of Trustees, are paid in full;

(3) All judgments in the Village's favor and against the applicant, or utility balances owed, have been paid in full;

(4) The tract of land to be permitted shall contain only one single family dwelling, occupied and used as such by the permittee; and

(5) The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.

(D) **Issuance of Permit.** If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.

(E) **Denial, Suspension, Revocation, Non-Renewal.** The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- (1) False statements on any application or other information or report required by this Section to be given by the applicant;
- (2) Failure to pay any application, penalty, re-inspection or reinstatement fee required by this Section or Board of Trustee resolution;
- (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- (4) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee; or
- (5) Failure to comply with any provision of this Article.

(F) **Notification.** A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

(G) **Effect of Revocation, and the Like.** When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of **one (1) year** from the date of the denial or revocation.

(H) **Appeals.** No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chicken may appeal the decision to the Village President, or designee other than the Permitting Officer within **ten (10) business days** of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance with this Article shall be deemed final action.

3-4-3 NUMBER AND TYPE OF CHICKENS ALLOWED.

(A) The maximum number of chickens allowed is **six (6)** per tract of land regardless of how many dwelling units are on the tract.

(B) Only female chickens (hens) are allowed.

3-4-4 ZONING DISTRICTS ALLOWED. Permits will be granted only for tracts of land located in residential districts as identified on the current Zoning Map on file with the Village.

3-4-5 NON-COMMERCIAL USE ONLY. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

3-4-6 ENCLOSURES.
(A) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

(B) Enclosures must be kept in a reasonably clean, dry, odor-free, neat and sanitary condition at all times.

(C) Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

(D) **Henhouses and Chicken Tractors.**

(1) Henhouses and chicken tractors shall be designed to provide safe and healthy living condition for the chickens with a minimum of **four (4) square feet** per bird while minimizing adverse impacts to other residents in the neighborhood.

(a) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire mesh of **one (1) inch** or less opening.

(b) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, or similar materials is prohibited. The use of plastic sheeting or tarps is prohibited in the construction of henhouses, chicken runs, chicken tractors, coops or any chicken enclosure. Henhouses, chicken runs, chicken tractors, coops or any chicken enclosure shall be well maintained.

(2) Henhouses, chicken tractors and chicken pens shall only be located in the rear yard or side yard and within the required setbacks as required by the Zoning Code.

(3) Henhouses, chicken tractors and chicken pens must be located at least **ten (10) feet** from the property line and at least **twenty-five (25) feet** from any adjacent residential dwelling, church, school or place of business.

(E) Any chicken pen or run shall consist of sturdy wire fencing consisting of bird proof wire mesh of **one (1) inch** or less opening. The pen or run must be covered with bird proof wire mesh of **one (1) inch** or less opening or solid roofing.

3-4-7 ODOR AND NOISE IMPACTS.

(A) Odors from chickens, chicken manure or other chicken related disturbances shall not be perceptible beyond the boundaries of the permitted tract of land.

(B) Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

3-4-8 PREDATORS, RODENTS, INSECTS AND PARASITES. The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal Control Officer or designee of the Village President.

3-4-9 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

3-4-10 WASTE STORAGE AND REMOVAL. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than **three (3) cubic feet** of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

3-4-11 CHICKENS AT LARGE. The permittee shall not allow the permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the Village's responsibility to enforce its animal control provisions.

3-4-12 UNLAWFUL ACTS.

- (A) It shall be unlawful for any person to keep chickens in violation of any provision of this Article or any other provision of the Village Municipal Code.
- (B) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this Article.
- (C) No person shall keep chickens in excess of **eight (8) weeks** of age inside a single family dwelling unit, multi-family dwelling unit(s) or rental unit.
- (D) No person shall keep a rooster.
- (E) No person shall keep chickens on a vacant or uninhabited tract of land.

3-4-13 NUISANCES. Any violation of the terms of this Article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the Village Code or the Illinois Municipal Code.

3-4-14 PENALTY.

(A) **Enforcement Through Legal Action.**

- (1) Any person, firm or corporation in whose name a citation alleging a violation enumerated in this Code is issued, and who shall

neglect or refuse to pay the citation after written notice, shall be indebted to the Village in the amount specified herein, unless and until a complaint is filed in circuit court.

- (2) In the event the Village brings legal action for the enforcement of any provisions herein, the Village may assess legal fees and costs. Such fees and costs shall be in addition to any other fines, fees, penalties or costs as provided by this Section, or state law.
- (3) Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction and per violation, be fined not less than **Seventy-Five Dollars (\$75.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)** for each day of violation.

(Ord. No. 13-10; 12-17-13)

ARTICLE V – RABBITS

3-5-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) **Rabbit** means a rabbit, hare, or lagomorphs.
- (B) **Enclosure.** Any pens, enclosures, hutches, cages or other structures in which rabbits are kept.
- (C) **Permitted Tract of Land.** The tract of land as identified by the application upon which a permit is granted for keeping rabbits pursuant to this Article.
- (D) **Permittee.** An applicant who has been granted a permit to raise, harbor or keep rabbits pursuant to this Article.
- (E) **Permitting Officer.** The Mayor or his or her designee.
- (F) **Single Family Dwelling.** Any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.
- (G) **Tract of Land.** A property or a zoned lot that has one single family dwelling located on that property or zoned lot.

3-5-2 **PERMIT REQUIRED.**

(A) **Permit Required.** No person shall raise, harbor or keep rabbits within the Village corporate limits without a valid permit obtained from the Permitting Officer under the provisions of this Article. Permits are issued for a period of **one (1) year** and must be renewed annually.

(B) **Application.** In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, and pay all fees required by this Article. The application fee is **Ten Dollars (\$10.00)**.

(C) **Requirements.** The requirements to the receipt of a permit include:

- (1) All requirements of this Article are met;
- (2) All permit fees, as may be provided for from time to time by the Board of Trustees, are paid in full;
- (3) All judgments in the Village's favor and against the applicant, or utility balances owed, have been paid in full;
- (4) The tract of land to be permitted shall contain only one single-family dwelling, occupied and used as such by the permittee; and
- (5) The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.

(D) **Issuance of Permit.** If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.

(E) **Denial, Suspension, Revocation, Non-Renewal.** The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- (1) False statements on any application or other information or report required by this Section to be given by the applicant;
- (2) Failure to pay any application, penalty, reinspection or reinstatement fee required by this Section or Board of Trustee resolution;

- (3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- (4) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee; or
- (5) Failure to comply with any provision of this Article.

(F) **Notification.** A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail, electronic mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

(G) **Effect of Revocation, and the Like.** When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of **one (1) year** from the date of the denial or revocation.

(H) **Appeals.** No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of rabbit may appeal the decision to the Village Board of Trustees, within **ten (10) business days** of receipt by the applicant or holder of the permit of the notice of the decision by filing a written notice of appeal with the Village Clerk. The applicant or holder of the permit will be given an opportunity for a hearing at a regularly scheduled Village Board meeting that is included on a properly posted agenda. The decision of the Village Board of Trustees or any decision by the Permitting Officer which is not appealed in accordance with this Article shall be deemed final action.

3-5-3 NUMBER AND TYPE OF RABBITS ALLOWED. The maximum number of rabbits allowed is **six (6)** per tract of land regardless of how many dwelling units are on the tract.

3-5-4 ZONING DISTRICTS ALLOWED. Permits will be granted only for tracts of land located in residential districts as identified on the current Zoning Map on file with the Village.

3-5-5 NON-COMMERCIAL USE ONLY. A permit shall not allow the permittee to engage in rabbit breeding for commercial purposes.

3-5-6 ENCLOSURES.

- (A) Rabbits must be kept in an enclosure at all times.
- (B) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times. All enclosures must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats. Litter and droppings from such rabbits must be collected daily and stored in a fly tight container and hauled away at intervals not to exceed **seven (7) calendar days**. Rabbit hutches must have traps or floors to keep droppings or urine from such animals off the ground.

3-5-7 ODOR AND NOISE IMPACTS.

- (A) Odors from rabbit related disturbances shall not be perceptible beyond the boundaries of the permitted tract of land.
- (B) Noise from rabbits shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.
- (C) The rabbits must be kept housed or confined in a manner that does not allow them to create a nuisance.

3-5-8 PREDATORS, RODENTS, INSECTS AND PARASITES. The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Rabbits found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal Control Officer or designee of the Mayor.

3-5-9 FEED AND WATER. Rabbits shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

3-5-10 RABBITS AT LARGE. The permittee shall not allow the permittee's rabbits to run loose at any time. No dog or cat or other domesticated animal which kills a rabbit running loose will, for that reason alone, not be considered a dangerous or aggressive animal or the Village's responsibility to enforce its animal control provisions.

3-5-11 UNLAWFUL ACTS.

- (A) It shall be unlawful for any person to keep rabbits in violation of any provision of this Article or any other provision of the Revised Code of Ordinances.
- (B) It shall be unlawful for any owner, renter or leaseholder of property to allow rabbits to be kept on the property in violation of the provisions of this Article.
- (C) No person shall keep rabbits on a vacant or uninhabited tract of land.

3-5-12 NUISANCES. Any violation of the terms of this Article that constitutes a health hazard or that interferes with the use of enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the Revised Code of Ordinances of the Village or the Illinois Municipal code.

3-5-13 PENALTY; ENFORCEMENT THROUGH LEGAL ACTION.

- (A) Any person, firm or corporation in whose name a citation alleging a violation enumerated in this Code is issued, and who shall neglect or refuse to pay the citation after written notice, shall be indebted to the Village in the amount specified herein, unless and until a complaint is filed in circuit court.
- (B) In the event the Village brings legal action for the enforcement of any provisions herein, the Village may assess legal fees and costs. Such fees and costs shall be in addition to any other fines, fees, penalties or costs as provided by this Section, or state law.

(C) Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction and per violation, be fined not less than **Three Hundred Dollars (\$300.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)** for each day of violation. Each day of the violation shall constitute a separate offense.

(Ord. No. 2020-11; 07-06-20)