

ORDINANCE 1977-M-11

AN ORDINANCE AMENDING CHAPTER 20 OF THE MUNICIPAL CODE OF ST. CHARLES, ILLINOIS OF 1965 IN ITS ENTIRETY

REFER TO:	
MINUTES	3-2-77
PAGE	

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, ILLINOIS that Chapter 20 of the Municipal Code of St. Charles, Illinois of 1965 entitled "Animals" is hereby amended in its entirety so that said Chapter 20 shall hereafter read as follows:

Chapter 20

"Animals"

Article I

Definitions: Unless the context otherwise requires the terms specified in Sections 20.01 to 20.20 shall have the meanings ascribed to them as follows:

20.01) "Animal" means any living vertebrae, domestic or wild, but does not include man.

20.02) "Animal Control Center" means a facility licensed under the Animal Welfare Act of the State of Illinois and operated by or under formal agreement with the City as a repository for the safe keeping and humane care of animals impounded under the provisions of this ordinance.

20.03) "Animal Control Officer" means an employee of the city who shall be responsible to the Superintendent of Public Works and have the power and authority to enforce the provisions of this ordinance.

20.04) "Animal Under Restraint" means any animal secured by a leash or other sturdy device not to exceed 6 feet in length or within the premises of its owner or on the premises of a person other than the owner with the consent of said person or within an area specifically designated by the city as an animal exercise run when the subject animal is within the control of a competent person.

20.05) "Bite" means seizure with the toenails or teeth or jaws of an animal so that the skin of the human being seized has been pierced or broken and further includes contact of the saliva of the said animal with any open and unhealed break or abrasion of the skin of said human being.

20.06) "Cat" means any live male or female cat (Felis Catus).

20.07) "Cattery" means any establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee or selling cats; provided, however, that the ownership of cats which are

a part of the household shall not constitute the operation of a cattery unless more than two (2) cats aged 4 months or older are kept in such household.

"Cattery" also shall not include any animal control center as defined in this ordinance or any pound or similar facility operated by a subdivision of local, state or Federal Government.

20.08) "City" means the City of St. Charles, Illinois.

20.09) "Dangerous or Vicious Animal" means any animal that attacks a person or that is known to have attacked a person on a previous occasion when said person was peacefully conducting himself where he lawfully was entitled to be.

20.10) "Dog" means an live male or female dog (*Canis familiaris*).

20.11) "Impounded" means having been taken into the custody of the city.

20.12) "Impoundment Day" means any calendar day or part thereof on which an animal is in possession of the Animal Control Center; provided, however, that should the final day of the elsewhere described holding period be a Sunday, legal holiday or day of emergency on which the Animal Control Center is totally closed to the public, such final day shall not be counted as a day of impoundment nor be billed as a board day to owners redeeming impounded animals, the day immediately following thus being the last day of the holding period.

20.13) "Kennel" means any establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee or selling dogs; provided, however, that the ownership of dogs which are part of the household shall not constitute the operation of a kennel unless more than two (2) dogs aged 4 months or older are kept in such household. "Kennel" also shall not include any Animal Control Center as defined in this Ordinance or any pound or similar facility operated by a subdivision of local, state or Federal government.

20.14) "Licensed Pet" means any dog or cat 4 months of age or over for which the owner can produce proof of having paid the license fee for the current year.

20.15) "Neutered Animal" means a male or female animal surgically treated by a licensed veterinarian to render it incapable of reproduction.

20.16) "Owner" means any person having a right of property in an animal or who keeps or harbors any animal or who has an animal in his care or custody.

20.17) "Person" means any individual, firm, corporation, partnership, association or other legal entity.

20.18) "Pet Shop" means any establishment, other than a kennel or cattery as hereinafter defined, wherein any person engages in the business of selling animals represented as suitable for use as pets.

20.19) "Stray Animal" means any animal not under restraint and not in the presence of or within the property of its owner.

20.20) "Vaccination" means the injection, as approved by the Department of Agriculture of the State of Illinois, of an antirabies vaccine approved by said Department, with verification thereof consisting of a current certificate and current tag issued in accordance with Illinois statutes.

Article II

"Administration and Enforcement"

20.21) The Animal Control Officer under the city's Superintendent of Public Works is responsible for the administration and enforcement of this ordinance, in cooperation with the City Police Department and such agencies of county, state and Federal government as may be involved in the care and control of animals.

Article III

"Repository for Animals"

20.22) The Humane Society of North Central Illinois, Inc. is hereby designated as an Animal Control Center for purposes of serving as a repository for animals apprehended or otherwise coming within the impounding authority of the city and for collecting such fees and penalties and rendering such other services within the confines of its headquarters on Route 31, South Elgin, Kane County, Illinois as are or shall be assigned to it by mutual consent between the city and the society.

Article IV

"Restraint of Animals"

20.23) Each owner, of any animal shall keep such animal exclusively on such owner's premises, except that any such animal may be off the premises if restrained by a substantial leash or chain or other appropriate instrument or physical device and under the direct supervision and immediate control of a competent person.

20.24) It shall be the duty of the Animal Control Officer to take up, if possible, and impound any animal not under restraint as above prescribed. Any animal so taken up and impounded shall be considered to have been at large in violation of this ordinance and classified as a stray on records of the City.

20.25) No owner shall stake out unattended, or leave unrestrained outside and unattended any bitch in season, i.e., while she is in heat, or to stake out any animal, male or female, in such manner that said animal may be or go beyond the owner's lot or land.

Article V

"Holding Periods"

20.26) Upon arrival at the Animal Control Center, impounded animals, other than biter animals placed under rabies observation as elsewhere provided for in this ordinance, shall be held at said Center for the following period of time:

(1) Dogs

7 days if wearing current licenses or if wearing other readily traceable means of identification, unless sooner redeemed.
5 days if not wearing any current, readily traceable means of identification, unless sooner redeemed.

(2) Cats

7 days if wearing current license tags, unless sooner redeemed.
5 days if wearing any other readily traceable means of identification, unless sooner redeemed. 1 (one) day if apprehended under the classification of "feral and unprotected" as subsequently set forth in this ordinance.

(3) Other Animals

Animals other than dogs and cats shall be held for a minimum of 24 hours from the time of apprehension and delivery to the Animal Control Center, except that if the Animal Control Officer shall be furnished with information that will permit prompt tracing of rightful ownership and redemption of such impounded animals, the Animal Control Officer may authorize a reasonable extension of the holding period for same.

20.27) Holding period shall not apply as to the prescribed length of time in the case of animals received for impounding in obviously critical physical condition or to animals for which immediate euthanasia shall be prescribed for humane reasons or for other valid reasons by a licensed veterinarian.

Article VI

"Notification to Owners"

20.28) If directly traceable, owners of impounded dogs

and cats, and owners of such other species of impounded animals as shall be promptly and directly traceable as to ownership, shall be given notice of the impoundment of such animals within 48 hours of said impoundment. Such notice may be mailed or shall be otherwise delivered by the Animal Control Officer to the last known address of the owner of record and shall state the place of impoundment and the date after which the animal may be disposed of according to ordinance.

Article VII

"Schedule of Charges-Redemption of Impounded Animals"

20.29) Each person applying for redemption of an impounded animal and furnishing the Animal Control Center with acceptable evidence of his right to reclaim said animal shall be required to pay, in cash at said Center, the following charges before the animal shall be released to him:

Dog. A penalty of \$10.00 for each animal's first-time impoundment, \$25.00 for each animal's second or any subsequent impoundment, plus a deposit of \$7.00 more to less, to cover the prevailing fee for rabies vaccination at any Kane County veterinary hospital of the owner's choice unless proof of prior such vaccination is furnished the Animal Control Center at time of release or unless the claimant is not a resident of Kane County, plus deposit to cover the applicable City license fee as elsewhere prescribed in this ordinance unless evidence of such license is furnished at time of release or unless the claimant is not a resident of the City, plus board of the dog during the period of impoundment on the basis of the following charges: first day or any part of first day of impoundment, \$5.00; each subsequent day or part of day, \$3.00.

The Animal Control Center shall furnish the redeemer with an itemized receipt of a type approved by the City Treasurer and shall retain a duplicate of said receipt for such audit as the City may conduct.

Cat. A penalty of \$10.00 for each animal's first-time impoundment, \$25.00 for each animal's second or any subsequent impoundment, plus deposit of \$7.00, more or less, to cover the prevailing fee for rabies vaccination at any Kane County veterinary hospital of the owner's choice unless proof of prior such vaccination is furnished the Animal Control Center at time of release or unless the claimant is not a resident of Kane County, plus deposit to cover the applicable City license fee as elsewhere provided in this ordinance unless evidence of such license is furnished at time of release or unless the claimant is not a resident of the City, plus board of the cat during the period of impoundment on the basis of the following charges: first day or any part of first day of impoundment, \$5.00; each subsequent day or part of day, \$2.25.

Other Animal. No native wild animal whose owner is subject to statutes and regulations enforced by the Illinois Department of Conservation shall be redeemable without the owners first providing the Animal Control Center with a state-issued permit or other proof of compliance with Illinois requirements.

20.30) No animal the ownership of which is limited or prohibited by Illinois Statute or Federal law shall be released from impoundment without appropriate state or Federal approval.

20.31) If no legal barriers to redemption are posed by the State of Illinois or Federal government, or if all legal requirements have been fulfilled, the claimant shall be granted the right to redeem the animal upon payment of a penalty of \$10.00 plus board at the rate of \$3.00, more or less, per day of impoundment.

Article VIII.

"Disposal of Unredeemed Animals"

20.32) Each animal remaining unredeemed after the prescribed holding period shall at once become the property of the Animal Control Center, which hereby is empowered and authorized to offer it for adoption into a new home if such be deemed advisable by the Animal Control Center or otherwise to dispose of it in a humane manner. Such shall apply irrespective of whether the Animal Control Center is operated directly by the City or whether it is operated under an agreement with the Humane Society of North Central Illinois, Inc., or any other agency independent of City government.

Article IX

"License Requirement and Fee-Dog"

20.33) Effective May 1, 1977, any owner of any dog 4 months of age or older shall obtain a license for each such dog within 15 days of acquiring such animal or of becoming a resident of the City.

Written application for the required license shall be made to the City Treasurer and shall state the animal's name, breed, color (s), age, sex, rabies inoculation certificate number, and any other information the City may require.

Upon payment of the prescribed license fee, the City shall issue a memorandum of registry and tag for each dog.

In the event a tag is lost following issue, a replacement tag may be purchased for Fifty-Cents (\$0.50) from the City Treasurer, but no tag shall be transferred from one dog to another.

The license shall expire on the last day of April of each year. A new license, but not a renewal of a previously issued and expired license, shall be issued after November 1, for a half-year fee.

It shall be unlawful for the owner of any dog required to be licensed to keep such animal within the City unless it wears a collar or harness with current license tag attached at all times the dog is off the premises of the owner.

The Animal Control Officer shall maintain a complete and up-to-date registry of all licensed dogs.

Dogs belonging to nonresidents and being maintained for less than 15 consecutive days within the City shall be exempt from this Section, provided that such animals have a license from the jurisdiction of the owner, if required in that jurisdiction, and that the owner shall comply with all the other provisions of this ordinance.

The license fee shall be \$3.00 for each dog, provided that the fee shall be reduced to \$2.00 for each neutered dog as established by a certificate from a licensed veterinarian. Licenses shall be required for, but no fee charged for, dogs used to assist the blind and governmentally owned dogs utilized for police and sentry purposes.

~~"Stray and Abandoned, Inc., an authorized humane agency, shall be designated as a referral agency for those residents of St Charles seeking recommendations for purposes of pet spay and neuter, of qualified and reputable veterinarians in the area and/or qualified and reputable agencies providing reasonable neutering services."~~

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12-20-76
Council minutes*

Article X

"Rabies Vaccination of Dogs and Cats"

20.34) Each owner of each dog or cat 4 months of age or older shall have such dog or cat currently vaccinated against rabies by a licensed veterinarian. Evidence of vaccination shall consist of a certificate signed by the veterinarian. The type and brand of vaccine used shall be as approved by the Department of Agriculture, State of Illinois.

A current certificate issued by a veterinarian licensed to practice in any other jurisdiction establishing vaccination with a vaccine approved by said Department may be accepted.

Article XI

"Biter Animals"

20.35) It shall be the duty and responsibility of the owner of any warm-blooded animal that has bitten a human being to notify the Animal Control Officer of such bite and to surrender such animal for an observation period of 10 days to a veterinary hospital of the owner's choice within 24 hours after said bite. If, however, a licensed veterinarian is presented evidence that such animal has been vaccinated against rabies within the time prescribed by law prior to the biting, such animal shall be confined in the home of its owner or in a manner that shall prohibit such animal from biting any other person or animal for a period of 10 days. It shall be the duty and responsibility of the owner to have such animal examined by a licensed veterinarian on the first and tenth day of home impoundment.

Article XII

"Poisoning"

20.36) No person shall place, leave or expose in any place accessible to domestic or wild animals, with the intent to kill or harm such animals, any poisonous substance or ingredient or any edible or other ingredient

which has been treated with any poisonous substance or ingredient unless same shall have been approved by the City's health officer as proper for pest control and safe for all animals other than the pest(s) to be controlled.

Article XIII

"Removal of Excreta-Owner's Responsibility"

20.37) No owner shall fail to remove excrement deposited by his pet upon the public ways or within the public places of the City or upon the premises of any person other than the owner without that person's consent. This Section shall not apply to a blind person while walking his or her guide dog.

Article XIV

"Nuisances"

20.38) An animal shall be classed as a nuisance, and its owner held in violation of this ordinance, when such animal shall commit and repeat any of the following acts:

- (1) Molesting persons or moving vehicles by chasing or barking or otherwise encumbering them;
- (2) Attacking other animals that are being maintained in a lawful and otherwise proper way on the premises of their owner(s) or that are in the ordinance-prescribed control of their owners away from their home premises.
- (3) Damaging property other than that of the owner.
- (4) Barking, whining, howling or otherwise emitting loud noises excessively for an extended and uninterrupted period while on the property of the owner and not within the confines of the owner's residence or other enclosed building on the owner's property.
- (5) Creating noxious or offensive odors.

20.39) It also shall be classed as a nuisance for any person to leave in or throw into any public way, public place or public water or to bury within the City the body or any part thereof of any dead or fatally sick or injured animal, or to display the unpreserved body or any unpreserved part of a dead animal in a public place, or to keep any dead animal in a place where it may be dangerous to the life or detrimental to the health of any other animal or person.

Article XV

"Prohibited Animals"

20.40) It shall be unlawful to keep any pigs, swine, sheep, cattle, goats, or similar animals, or any naturally wild animals other than birds and fish within the City unless allowed by the Zoning Ordinance of the City of St. Charles, Illinois, unless same shall be properly and safely confined in zoological parks, performing animal exhibitions, educational institutions, veterinary hospitals, or animal shelters licensed under the Animal Welfare Act of the State of Illinois.

20.41) No person shall sell, offer for sale or give away as a pet any rabbit or fowl that has been dyed, colored or otherwise treated to impart an artificial color thereto. Baby chicks, ducklings, goslings and turtles shall not be sold, offered for sale, bartered or given away as pets or novelties.

20.42) No person shall give away any animal, as "animal" is defined in this ordinance, as a prize or as an inducement to enter any competition or contest or place of amusement, or offer such as an incentive to any business agreement for the purpose of attracting trade.

Article XVI

"Cruelty"

20.43) No person shall do any of the following:

(1) Beat, torture, torment, bait or incite toward fighting, mutilate or cruelly kill any animal, or cause or knowingly allow the same to be done.

(2) Unnecessarily fail to provide any animal in his charge or custody with proper food, water, air and sanitary shelter, such shelter to be sufficient to provide natural light or artificial illumination during reasonable hours, protection from drafts, reasonable safeguards against chilling and overheating caused by temperature extremes, and space within that is sufficient for the animal to stand in an upright position and lie down stretched out so that no part of its body need touch the top or sides of the shelter structure.

(3) Cruelly force any animal into undue physical exertion.

(4) Carry, keep, drive, or cause to be carried, driven or kept, any animal in a cruel manner.

(5) Leave for any length of time any animal unattended in a motor vehicle and/or trailer when the outside temperature is such that the animal may suffer from excessive heat, cold, or physical stress.

(6) Have, keep or harbor any animal that is infected with any disease transmissible to other animals or human beings, or that is afflicted with any painful disease or injury, including severe parasitism, unless such animal shall be under the care of a licensed veterinarian.

(7) Abandon any animal on any public way or in any place where it may suffer or become a public charge.

Article XVII

"Unauthorized Removal of Collars, Tags, Etc."

20.44) It shall be unlawful for any person to remove the collar, harness, license or other identification tag or muzzle from any dog or cat in the City without the consent of the owner of such animal, except that such prohibition shall not apply to any police officer, Animal Control Officer or his authorized representative, Animal Control Center representative, licensed veterinarian or owner.

Article XVIII

"Prohibitions: School Premises and City Playgrounds"

20.45) It shall be unlawful for any animal, even though on leash, to go or be upon any school premises or city-maintained, park district maintained, or school maintained premises, or upon a path or sidewalk extending through or within any school premises or city-maintained playground, except that this provision shall not apply to dogs leading blind persons, to animal exhibits or demonstrations or to animal training classes staged as part of an officially sanctioned program of any school or playground, or to animals utilized by law enforcement agencies.

Article XIX

"Dangerous and Vicious Animals"

20.46) No owner shall permit any dangerous or vicious animal to be in any public way or other public place within the City or upon the private premises of any person other than the owner of such animal, unless said animal is securely muzzled and closely restrained or caged.

Vicious animals on the premises of the owner shall be restrained so that they cannot attack persons lawfully on the premises, and the premises shall be so maintained that children cannot gain access thereto.

20.47) Any animal found in violation of any of the foregoing provisions shall be impounded in the Animal Control Center at its owner's expense and not released before its future maintenance is ruled upon by a court of law.

If any dangerous or vicious animal cannot be taken safely and impounded when necessary for the protection of any person or property, such animal may be slain, by the most humane method available at the site of trouble, by a police officer or other person authorized by the City; provided, however, that in all cases where an animal to be slain is known or suspected to have bitten any person, no injury shall be done to its head, and it shall be the duty of the person euthanizing it to deliver or cause to have delivered the carcass immediately to any place designated by the Animal Control Section for the purpose of rabies examination as prescribed by law.

If any warm-blooded animal bites a person and subsequently expires, the bite shall be reported and the carcass delivered immediately to the Animal Control Section or to any place designated by the Animal Control Section for the purpose of rabies examination as prescribed by law.

Article XX

"Cats"

20.48) Status within the city. Cats (1) kept within or on the property or other premises of their owners, (2) maintained by being provided with food or by being given other privileged use of privately owned property, (3) brought into the City of (4) otherwise present within the City shall, for purposes of application of this ordinance, be divided into two classes:

(a) those whose ownership is established by a readable and current license tag as elsewhere provided for herein, or whose ownership is promptly traceable by means of any other readable identification affixed to a collar or harness, or whose ownership is certified to by a reliable witness and immediately verifiable by the Animal Control Officer or his representative, all such cats hereinafter to be classed as "nonferal and protected"; and

(b) cats whose ownership, if any, cannot readily be established by any of the means stated in (a) above, all such animals hereinafter to be classed as "feral and unprotected."

20.49) Complaint Procedures. Upon receiving a complaint testifying to extreme nuisance, including undue and repeated disturbance, imminent danger to any property, inhabitant's safety and/or assessable damage to person or property, caused by the presence of a cat on the property or premises of the complainant, and upon said complainant's certification that he has no knowledge whatsoever of the identity of the owner, said complainant shall be given the right to appear before the Animal Control Officer or other representative of the Animal Control Section at a designated time and place to sign a complaint in verification of the facts. Upon the receipt of such signed complaint, which shall involve the complainant's assumption of legal responsibility for willful misstatement of facts, the Animal Control Office or his representative shall accept from the complainant any cat(s) in his possession that are stated to be the subject of the signed complaint, and the giver shall sign a form of surrender furnished by the City, a copy of which shall be given to him. If, however, the complainant is unable to apprehend the cat(s) cited, the Animal Control Officer or his representative shall visit the complainant's premises and make reasonable effort to apprehend said cat(s).

If a cat wearing a City license tag or other traceable identification or whose owner otherwise can be identified is found on or strays onto the property of another, it shall be the responsibility of the owner of said property, independent of and completely apart from the Section on Animal Control, to notify the cat owner if removal is desired. The Section on Animal Control shall have no obligation

to intervene in or be party to such proceeding, except to assist the complainant in obtaining information as to name and address of the owner from City records if the cat be wearing a current license tag as elsewhere herein provided.

Cats accepted or apprehended as "feral and unprotected" immediately shall be designated as surplus to the capabilities of the City to accomodate or otherwise provide for, and they shall be delivered forthwith to the Animal Control Center for whatever disposal the said Center elects to make of them after the elsewhere stipulated holding period of three days. Further, neither the City nor said Center shall be placed under obligation to disclose such disposal or to answer in any manner for its action to any party who later may seek to claim ownership.

Nothing in these provisions shall be construed to bar the Animal Control Officer or his representative from apprehending or from accepting, on the scene of a purported emergency on any public way or public building, any cat found to be causing a traffic hazard or otherwise creating danger to public safety.

20.50) Licensing. Effective May 1, 1977, any owner of any cat 4 months of age or older shall obtain a license for each such cat within 15 days of acquiring such animal or of becoming a resident of the City. All of the provisions set forth under "License Requirement -- Dog" elsewhere in this ordinance shall apply equally and identically to cats, except that the annual license fee shall be as follows: \$3.00 for each cat, provided that the fee shall be reduced to \$1.00 for each neutered cat as established by a certificate from a licensed veterinarian, and the waiver of license fee for the blind and for government uses shall not be considered to be applicable in the case of cats.

Article XXI

"Animals Prohibited in Public Buildings and Stores"

20.51) It shall be unlawful for any animal even though on a leash, to be in or enter any public building, food establishment, or any store except a store for the sale of animals, anywhere within the City during the time that any of said places are open for use by the public.

Article XXII

"Penalty"

20.52) Any person violating any provision of this ordinance shall be fined not less than \$5.00 nor more than \$500.00 for each offense.

Article XXIII

"Separability"

20.53) The provisions and sections of this ordinance shall be deemed to be separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Article XXIV

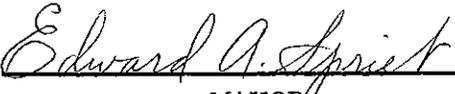
"Effective Date"

20.54) This ordinance shall become effective upon its passage, approval and publication pursuant to law.

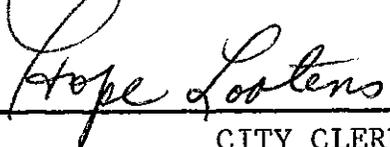
PRESENTED to the City Council of the City of St. Charles, Illinois, this 7 day of March, 1977.

PASSED by the City Council of the City of St. Charles, Illinois, this 7 day of March, 1977.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 7 day of March, 1977.


MAYOR

ATTEST:


CITY CLERK

Council vote: aye-6
nay-4