

Chapter 5

ANIMALS

- Art. I.** **In General, Secs. 5-01--5-22**
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ARTICLE I. IN GENERAL

Sec. 5-01. Agreement for cooperative animal control service.

The Village President and the Village Clerk are hereby authorized to execute a copy of the agreement for cooperative animal control services between the County of McHenry, Illinois and the Village, a copy of which is attached hereto and made a part hereof. (Ord. No. 74-8, Sec. 1, 9-11-74)

Editor's note--Ord. No. 74-8, Sec. 1, being nonamendatory of this Code, has been included herein as Sec. 5-01 at the discretion of the editors. The agreement referred to in the section is not set out herein, but is on file in the office of the Village Clerk.

Sec. 5-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal yard shall mean any enclosure, shed or structure used to house animals, except for common household pets.

Fowl shall include chickens, ducks, geese and any other poultry.

Poultry yard shall mean any enclosure, shed or structure used to house two (2) or more live fowl.

Sec. 5-2. Cruelty to animals.

No person shall cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section. (Code 1958, Sec. 18.101)

State law reference--Authority of Village to prevent cruelty to animals, 65 ILCS 5/11-5-6

Sec. 5-3. Certain animals prohibited from running at large or grazing in Village; impoundment.

It shall be unlawful to permit any cattle, horses, swine, sheep, goats, cats or poultry to run at large in the village. Any such animal running at large in any place in the Village shall be impounded in the manner provided in this chapter for the impoundment of dogs. It shall be further unlawful to picket or tie any such animal in any of the streets of the Village for the purpose of grazing or feeding. (Code 1958, Sec. 18.104)

State law reference--Authority of Village to prevent certain animals from running at large, 65 ILCS 5/11-20-9

Sec. 5-4. Hitching animals.

It shall be unlawful for any person to hitch or fasten to any shade or ornamental tree, to any fence in the Village or to any Village property, without the owner's consent or Village's permission, any horse, mule or other animal.

Sec. 5-5. Allowing dog or cat to go on premises of another prohibited; declared a nuisance.

It shall be unlawful for any person owning or having control of any dog or cat to knowingly or negligently permit or allow the dog or cat to go upon any premises other than the premises of the owner or person in control of such animal. Such conduct on the part of the owner or person in control of any dog or cat is hereby declared a nuisance.

Sec. 5-6. Dangerous animals--Running at large; permit required for exhibition.

It shall be unlawful to permit any dangerous animal or any vicious animal of any kind to run at large within the village. Exhibitions or parades of animals that are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police. (Code 1958, Sec. 18.102)

Sec. 5-7. Authority to destroy dangerous animals.

The members of the Police Department are authorized to kill any dangerous dog or other animal of any kind when it is necessary for the protection of any person or property. (Code 1958, Sec. 18.105)

State law reference--When dangerous animals may be summarily killed, 510 ILCS 5/24

Sec. 5-8. Killing animals.

It shall be unlawful for any person to engage in killing any animal in the Village other than as prescribed by law.

Sec. 5-9. Noisy animals prohibited.

It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night. (Code 1958, Sec. 18.103)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 5-10. Diseased animals--exposure to public; removal from owner's premises; shipping; disposition of animal treatment of premises.

No domestic animal afflicted with a contagious disease or an infectious disease shall be allowed to run at

large, or to be exposed in any public place whereby the health of man or beast may be affected. No such diseased animal shall be shipped or removed from the premises of the owner thereof, except under the supervision of the Superintendent of Building and Zoning. It is hereby made the duty of the Superintendent of Building and Zoning to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of contagion or infection, except in cases where the state veterinarian is empowered to act. (94-14, Sec. 1, 3-17-94)

Sec. 5-11. Keeping certain livestock prohibited; exception.

It shall be unlawful to keep any live goats, swine, pigs, poultry, horses, ponies or cattle in the Village except on a farm. (Code 1958, Sec. 18.107)

Sec. 5-12. Sanitation requirements for housing animals and poultry.

- (a) No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, or unwholesome.
- (b) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary. The yard shall be thoroughly swept at least once every twenty-four (24) hours, and it shall be unlawful to permit any decaying food, or any refuse of any kind, to remain in such yard. Refuse from such yards shall, when swept up or collected, be kept in airtight containers until disposed of in accordance with the ordinances of the Village, and it shall be unlawful to permit any such refuse to remain uncovered.
- (c) Every poultry or animal yard shall be adequately enclosed so as to be impenetrable against rats or other rodents. The presence of any rats in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of the provisions of this section.

Secs. 5-13. Defecation, removal of excrement.

- (a) If any dog, cat or other domestic animal defecates or vomits on any street, alley or other public place, or upon private property, other than that in the possession or under the control of the owner or keeper of the dog, cat or other domestic animal, such owner or keeper shall immediately after the dog, cat or other domestic animal defecates, remove the feces or vomit from the public place or private property and dispose of the feces or vomit in a clean, safe and sanitary manner.
- (b) The owner or keeper of a dog who is walking the dog on any street, alley or other public place, or on any private property not in his possession or under his control, is required to carry with him a "pooper scooper" or similar device which will, if the dog defecates, enable the owner or keeper to remove the feces in a clean and sanitary manner.

- (c) It shall be unlawful for the owner or keeper of any dog, cat or other domestic animal to fail to comply with the provisions of subparagraph (a) of this section. It shall be unlawful for the owner or keeper of any dog to fail to comply with the provisions of subparagraph (b) of this section. (Ord. No. 2-14, Sec.1, 6-17-92)

Secs. 5-14--5-22. Reserved.

ARTICLE II. DOGS*

Sec. 5-23. Limit on number which may be kept.

It shall be unlawful for any person to keep or harbor within the Village more than three (3) dogs, male or female, over two (2) months old on any premises occupied by one (1) family or more. Different parties living on the same premises or building, or using the same premises, shall not keep or harbor thereon more than three (3) dogs and, if they do so, each of such persons shall be guilty of violating this section. This section shall not apply to licensed pet shops, kennels and veterinary hospitals.

Sec. 5-24. License required; tax.

Repealed in its entirety. (Code 1958, Sec. 18.201, Ord. 2006-02, Sec. 1, 1-19-06)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

State law reference--Authority of Village to levy dog tax, 65 5/11-20-9

Sec. 5-25. Certificate of inoculation required.

It shall be the duty of the owner or person in custody of any dog kept in the Village to have the dog inoculated against rabies as often as necessary. (Code 1958, Sec. 18.206, Ord. 06-02, Sec. 4, 1-19-06)

Sec. 5-26. Tag required.

Repealed in its entirety. (Code 1958, Sec. 18.201, Ord. 2006-02, Sec. 2, 1-19-06)

Sec. 5-27. Collar required; wearing of tag.

Every person keeping or harboring any licensed dog shall keep and maintain a collar around the neck of the dog and display on the collar any license tag or inoculation tag which is required by any applicable law to be displayed on the collar. (Code 1958, Sec. 18.201, Ord. 06-02, Sec. 5, 1-19-06)

*State law reference--Dogs generally, 510 ILCS 5/1 et seq.

Sec. 5-28. Running at large prohibited and declared a nuisance.

- (a) It shall be unlawful for any person to permit any dog owned or kept by him, to run at large within the Village. Any dog found to be running at large is hereby declared to be a nuisance.
- (b) Any dog shall be deemed to be "running at large" within the meaning of this section when not on a leash and accompanied by its owner or keeper and when it shall have free and unrestricted access to any public street or alley or to the premises of any person other than the premises of the owner or keeper. (Ord. of 12-10-62, Sec. 1, Ord. 06-02, Sec. 6, 1-19-06)
 Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.
 State law reference--Authority of Village to prevent animals from running at large, 65 ILCS 5/11-20-9

Sec. 5-29. When dogs are to be muzzled.

It shall be unlawful for any person to permit any dog to be upon any public place or on any private premises not enclosed by an adequate fence or wall unless such dog is securely muzzled at any time when an emergency exists because of the prevalence of rabies or for any other cause. (Code 1958, Sec. 18.204)

Sec. 5-30. Impounding; redemption; disposition of unredeemed dogs.

Repealed in its entirety. (Code 1958, Sec. 18.203, Ord. 02-02, Sec. 3, 1-19-06)

Sec. 5-31. Biting dogs; rabies.

Whenever any dog bites a person, the owner of the dog shall immediately notify the Police Department who shall order the dog held on the owner's premises or shall have it impounded for a period of two (2) weeks. The dog shall be examined immediately after it has bitten anyone and again at the end of the two (2) week period. If, at the end of two (2) weeks a veterinarian is convinced that the dog is then free from rabies, the dog shall be released from quarantine or the pound as the case may be. If the dog dies in the meanwhile, its head shall be sent to the appropriate state agency for examination for rabies. (Code 1958, Sec. 18.205)

State law reference--Rabies control generally, 510 ILCS 5/24

Secs. 5-32--5-41. Reserved.**ARTICLE III. SMALL ANIMAL SHOPS****Sec. 5-42. Defined.**

For the purposes of this article, the term "small animal shop" shall be construed to include any establishment for the raising, training, boarding, grooming or selling of dogs, cats, birds, mice, rats or other small animals for hire or profit, or where more than three (3) dogs or cats are harbored or kept.

Sec. 5-43. License required.

It shall be unlawful to operate a small animal store anywhere in the Village without first securing a license therefor.

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 5-44. Reserved.

Editor's note--Section 5-44, specifying the license fee for small animal shops was repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 5-45. Sanitation.

Every place used as a small animal shop shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than twenty-four (24) hours. Any animal having any disease shall be properly isolated and treated.

Sec. 5-46. Humane treatment.

All animals kept in small animal shops within the Village shall be humanely treated.

Sec. 5-47. Retail Sale of Dogs, Cats and Rabbits

(a) *Definitions.* As used in this section:

“Offer(s) for sale” means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

“Retailer” means any person licensed or required to be licensed under this chapter who offers for sale any dog, cat or rabbit in the Village.

“Rescue organization” means any not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

(b) *Restrictions on the retail sale of animals.* A retailer may offer for sale only those dogs, cats or rabbits that the retailer has obtained from:

- (1) an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or
- (2) a humane society or rescue organization.

(c) *exemptions.* The restrictions on retailers set forth in subsection (b) of this section shall not apply to any entity listed in paragraphs (1) or (2) of subsection (b) of this section, or to any veterinary

hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

(d) *Disclosures required.* Any retailer who offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

(1) for each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and,

(2) for each rabbit: (i) the breed, approximate age, sex and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the retailer; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and reason for the return.

The disclosures required under this subsection (d) shall be provided by the retailer to the customer in written form and shall be signed by both the retailer and customer at the time of sale.

The retailer shall retain the original copy of such disclosure and acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized Village official, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized Village official.

The retailer shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law. (Ord. 15-16, Sec. 1, 9-3-15)