

**THE CITY OF ANNA**  
**A MUNICIPAL CORPORATION**

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**ORDINANCE NO. 2007-02**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA,  
UNION COUNTY, ILLINOIS, DECLARING REGULATIONS OF  
DOGS**

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**PASSED AND ADOPTED**

**MARCH 6, 2007**

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**ORDINANCE NO. 2007-****AN ORDINANCE REGULATING DOGS**

WHEREAS, the City of Anna (the "CITY") is a municipal corporation within the meaning of the Illinois Compiled Statutes;

WHEREAS, pursuant to 65 ILCS 5/11-20-9, the CITY has the authority to regulate the running at large of dogs; and

WHEREAS, pursuant to 65 ILCS 5/11-1-1, 65 ILCS 11-20-5 and 65 ILCS 11-60-2, the CITY has the authority to do all acts and make all regulations necessary or expedient for the promotion of health or suppression of diseases, to define, prevent and abate nuisances and to pass and enforce all necessary Police Ordinances; and

WHEREAS, the Council deems it in the best interest of the CITY and a police function to promote the general health, comfort and welfare of the public, suppress diseases, and to define, prevent and abate nuisances to strictly regulate the possession, control and maintenance of dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, ILLINOIS, THAT:

**SECTION 1. Humane care for animals:**

Each owner shall provide his animals the following:

- (1) Sufficient quantity of good and wholesome food and clean, fresh water;
- (2) Adequate shelter and protection from the weather;
- (3) Veterinary care when needed to prevent pain or suffering;

- (4) Humane care and treatment.

**SECTION 2. Cruelty to animals.**

The following shall be considered cruelty to animals and is thereby prohibited:

(1) No person or owner may abandon, cruelly beat, torment, overload, overwork, molest, starve, refuse water to, or otherwise abuse any animal in any manner.

(2) No person shall expose an animal to any known poisonous substance, whether mixed with food or not, so that the same may be digested by the animal; provided, that it shall not be unlawful for a person to use poison mixed with vegetable substances for the purpose of exterminating rats or mice.

(3) No person or owner shall confine an animal in a motor vehicle in such a manner that places it in a life or health-threatening situation by exposure to prolonged periods of extreme heat or cold, without ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, the animal control officer or peace officer, who has probable cause to believe this section is being violated, may enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

**SECTION 3. Tethering prohibition.**

(1) No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or other stationary object for any period of time in excess of

10 hours within a 24 - hour period.

(2) Notwithstanding subparagraph (1), a person may do any of the following:

(a) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar.

(b) Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a camping or recreational area.

(c) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for not more than 10 hours.

#### **SECTION 4. Leash required for dogs.**

A full-time quarantine is hereby declared on all dogs. Any person owning, controlling, processing or having management or care, in whole or in part, of any dog shall not permit the dog to run at large or go off the premises of the owner or keeper thereof unless the dog is securely tied or led by a line or leash, not to exceed ten (10) feet in length, so as to effectively prevent such dog from biting, molesting, being with, or approaching any person or any other animal. Any dog not so maintained in accordance herewith shall be determined to be a dog running at large as defined in the previous section.

#### **SECTION 5. Declaration of Nuisance.**

Any dog is declared a public nuisance and is subject to abatement if such dog does any of the following:

(1) Howls, barks or utters any sound which can be heard beyond the boundary or premises of the property where it is maintained, with such volume and frequency so as to be an unreasonable alarm or disturbance to the public peace shall be a public nuisance.

(2) Threatens or causes property damage to the property of another.

(3) Disturbs a person or neighborhood by being housed outside without being confined in a solidly enclosed place between the hours of 11:00 p.m. and 6:00 a.m.

(4) Found to be running at large as defined hereinafter.

**SECTION 6. Vicious dog.**

(1) In order to have a dog deemed "vicious", a law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's Office and the owner. The State's Attorney, may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The law enforcement officer shall determine where the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

(a) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;

(b) the injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or

(c) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it 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 the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. 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. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court.

Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(2) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is 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, (b) in the case of an emergency or natural disaster where the dog's life is threatened, or (c) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

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 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

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 Section 8 of the Animal Control Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator 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) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(4) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(5) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post



security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

**SECTION 7. Defecation on public or private property.**

It shall be unlawful for any person owning or in control of any dog to permit or allow such dog to defecate upon any public property or private property of another unless its person shall remove immediately all feces so deposited by such dog.

**SECTION 8. Exemptions.**

Any person, corporation, limited liability company or other properly formed entity, whether for profit or not for profit, may make application to the CITY for maintenance of a pen or kennel within the meaning of the Animal Welfare Act. Said application shall include relevant geographic and personal information and shall be accompanied by a license or certificate from the Illinois Department of Agriculture authorizing said pen or kennel.

**SECTION 9. Maintenance of nuisance prohibited.**

It shall be unlawful for any person to create or maintain a nuisance as described in this ordinance.

**SECTION 10. Penalties:**

Anyone who has specifically provided herein for dangerous and vicious dogs, any person found to be in violation of this Ordinance shall be subject to the following penalties in addition to or connection with any fines and penalties that may be enforced by a Court of Law in conjunction with either the Animal Control Act, the Humane Care for Animals Act or the Animal Welfare Act are as follows:

- (1) For a first offense: A written warning of the offense.

(2) For a second or subsequent offense: A fine not to exceed \$500.00 and/or injunctive relief prohibiting the ownership, possession or control within the city limits of any dog.

**SECTION 11. Enforcement:**

The police officers of the City of Anna shall have the authority and responsibility of enforcing the provisions of this Ordinance. The City Attorney shall have the authority and responsibility of pursuing legal remedies for collection of fines and injunctive relief.

**SECTION 12. Impoundment; Notice; Service of Notice; Redemption of Impounded Dog; Conditions:**

When dogs are apprehended and impounded by a law enforcement officer, they must be scanned for the presence of a microchip. The law enforcement officer shall make every reasonable attempt to contact the owner as defined by Section 2.16 of the Animal Control Act as soon as possible. The law enforcement officer shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the law enforcement officer, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following:

- a. Presenting proof of current rabies inoculation and registration, if applicable.
- b. Paying for the rabies inoculation of the dog and registration, if applicable.

c. Paying the pound for the board of the dog for the period it was impounded.

d. Paying into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.

e. Paying a \$25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog's first impoundment and the owner has the animal spayed or neutered within 14 days.

f. Paying for microchipping and registration if not already done.

The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Ordinance, the Animal Control Act and/or the Illinois Public Health and Safety Animal Population Control Act. An animal control agency shall assist and share information with the Director of Public Health in the collection of public safety fines.

**SECTION 12: Repealer:**

Any and all Ordinances or portions thereof in conflict with any provisions of this Ordinance are hereby repealed.

ADOPTED \_\_\_\_\_, 2007.

RECORD OF VOTE:

YEA

NAY

MAYOR HARTLINE

X

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COMMISSIONER TELLOR

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X

COMMISSIONER KELLER

X

—

COMMISSIONER HUNTER

X

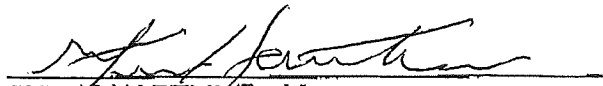
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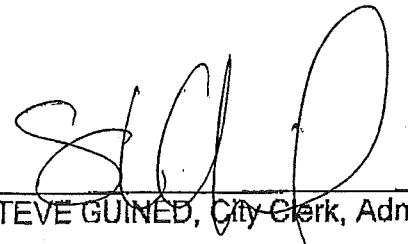
COMMISSIONER CROWELL

X

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ATTEST:

  
STEVE HARTLINE - Mayor

  
STEVE GUINED, City Clerk, Administrator

(CORPORATE SEAL)

FILED FOR RECORD ON 7 DAY OF MARCH, 2007.