

## CHAPTER 91: ANIMALS

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### GENERAL PROVISIONS

#### **§91.01 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT ANIMAL.** An animal which is older than six (6) months of age.

**ANIMAL.** Any creature or species other than a human being.

**AT LARGE.** Any dog, cat, domestic animal or other animal off the premises of the owner and not under the control by leash or other means of the owner or his authorized agent.

**CAT.** Any animal, male or female, of any kind, age, and description of the feline species.

**DANGEROUS ANIMAL.** Any animal which, by its behavior, is likely to cause injury.

**DOG.** Any animal, male or female, of any kind, age, and description of the canine species.

**DOMESTIC ANIMAL.** Any animal, male or female, of any kind, age, and description which is normally kept as a household pet.

**LEASH.** A strong cord, thong or chain, not more than sixteen feet (16') in length.

**LIVESTOCK.** Any horse or other equine; any cattle or other bovine; any swine or other porcine; any sheep, goats or other caprine; any alpacas, llamas, and other animals of the Camelidae family; any deer, elk and other animals of the Cervidae family; and/or any chickens, roosters, turkeys, ducks, geese or other poultry or fowl.

**OWNER.** Any person having a right of possession of an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by him.

**PERSON.** Shall include OWNER as defined above and shall include any natural person, partnership, trust, corporation or association. Whenever used with respect to any penalty, the term PERSON as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to trusts or corporations, shall mean the trustees or officers thereof.

**PROHIBITED ANIMALS.** Any animal other than those domestic animal(s) customarily kept as a household pet.

#### **§91.02 KEEPING OF BEES.**

The keeping of hives or swarms of bees is prohibited on lots of less than five acres. However, if any bees appear to be or are reported to be a nuisance, such case shall be investigated by the Village's Building Inspector, and if the Village's Building Inspector determines that such a nuisance exists or is being created, the Village shall give written notice to the owner or keeper of such swarms or hives of bees to remove the swarms or hives of bees within ten (10) days from receipt of said notice or sooner if required.

#### **§91.03 CRUELTY TO ANIMALS PROHIBITED.**

- (A) No person shall be cruel to any animal in any of the following ways:
- (1) By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing or knowingly allowing the same to be done;
  - (2) By cruelly working any old, maimed, infirm, sick or disabled animal, or causing, or knowingly allowing the same to be done;
  - (3) By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink and shelter;
  - (4) By abandoning any old, maimed, infirm, sick or disabled animal or by abandoning any animal on any highway or public way or in any other place where it may suffer injury, hunger or exposure or become a public charge; or
  - (5) By carrying or driving, causing to be carried or driven or kept, any animal in an unnecessary manner.
- (B) No animal may be slaughtered out of doors on any residential lot.

**§91.04 LIVESTOCK AND OTHER PROHIBITED ANIMALS.**

- (A) Notwithstanding anything contained in this Chapter to the contrary, no person, family, or owner or occupant of property in the Village shall keep, harbor, maintain, or allow: (1) any animal defined as a prohibited animal in § 91.01; or (2) any livestock as defined in §91.01.
- (B) The provisions of this Section shall be effective and enforceable immediately, except that any person, family, or owner or occupant of property located within the Village who is or was keeping, harboring, maintaining, or allowing any livestock on property within the Village as of March 25, 2013, may continue to keep, harbor, maintain, or allow those specific livestock maintained on such property as of March 25, 2013, but only subject to the following conditions:
  - (1) No such person, family, or owner or occupant of property within the Village shall keep, harbor, maintain, or allow any rooster(s);
  - (2) No such person, family, or owner or occupant of property within the Village shall keep, harbor, maintain, or allow more than the specific number and type of animals of livestock that existed on the property as of the aforesaid date (i.e., March 25, 2013);
  - (3) No livestock shall, in any event, be permitted to run at large in the Village; and
  - (4) Any shelter(s), enclosure(s), or other structure(s) related to the housing and/or containing of such livestock shall be constructed and maintained so as to fully comply with all applicable provisions of this Municipal Code.

**§91.05 KEEPING VICIOUS, DANGEROUS AND/OR PROHIBITED ANIMALS.**

No person shall keep or suffer to be kept any dangerous animal or prohibited animal in the Village.

**§91.06 EXHIBITION OF DANGEROUS ANIMALS.**

It shall be unlawful for any person to exhibit or parade any dangerous animal within the Village without first obtaining a permit from the Village Clerk. Such permit shall be issued upon proper showing that the demonstration will be entirely safe to the public and upon payment of a fee of \$25 for each day or part of a day such exhibition of animals shall continue.

**§91.07 KILLING OF DANGEROUS ANIMALS.**

The members of the Police Department serving the Village or any other person may kill a dangerous animal or any other animal when it is necessary for the protection of the public and/or property.

**§91.08 RESERVED.**

**§91.09 INDECENT EXHIBITION OF ANIMALS.**

It shall be unlawful for any person to exhibit any animal in an indecent manner.

**§91.10 DISEASED ANIMALS.**

It shall be unlawful for the owner of a diseased animal to allow such animal to be exposed in any manner in any public place; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the applicable county health department or under the supervision of the Illinois Department of Agriculture.

**§91.11 DEAD ANIMALS.**

It shall be unlawful for any person to allow any dead animal which he or she owned or had possession of to remain within the Village more than 24 hours. No such animal shall be buried within the Village limits unless it is a pet which is under 15 pounds in weight and is buried at least 24 inches deep.

**§91.12 NUMBER OF ADULT ANIMALS LIMITED.**

Except as otherwise expressly provided herein, no more than four (4) adult animals may be kept, sheltered, boarded, trained, or bred on any lot or parcel in the Village unless approved by the Village Board by a special use ordinance approved by the Board of Trustees, or except as otherwise provided by this Code.

**DOGS, CATS, AND OTHER DOMESTIC ANIMALS**

**§91.20 LICENSE REQUIRED; FEE.**

Every owner of a dog or cat shall comply with the licensing requirements of the County Health Department.

**§91.21 INOCULATION AGAINST RABIES.**

Every owner of a dog or cat four months of age or older, shall each year cause said dog or cat to be inoculated against rabies by a licensed veterinarian, and provide the dog or cat with a collar or harness and attach thereto an official rabies vaccination tag which shall be worn by the dog or cat at all times. However, if the vaccine used is one recognized by the Illinois Department of Agriculture, for a three-year period of immunity and the dog or cat is over 12 months of age at the time of inoculation, the interval between inoculation may be extended to three years.

**§91.22 ANIMALS IN PARK OR BEACH AREAS.**

No person shall bring or lead any dog in any park or bathing beach unless such dog is held and restrained by a suitable cord, chain, or harness not more than sixteen feet (16') long. No person shall bring or lead any dog or other animal onto the premises of any bathing beach during the period beginning June 1 and ending September 15, in each year.

**§91.23 RUNNING-AT-LARGE PROHIBITED.**

No person who owns, keeps or harbors a dog, cat, domestic animal, or other animal shall cause or permit such dog, cat, or other domestic animal to run-at-large at any time during the year in any area in the Village other than the private premises of the owner or keeper of such dog, cat, or other domestic animal. All dogs, cats, domestic animals, or other animals kept within any area of the Village shall be confined by means of a secure leash or chain, or confined within a fenced area in such a manner as to prevent the dog, cat, domestic animal, or other animal from running-at-large. Any dog, cat, domestic animal, or other animal found running-at-large in violation hereof, or that shall menace the public welfare is declared to be a public nuisance and shall be apprehended and impounded in the manner provided in this Chapter.

#### **§91.24 ANIMAL WASTES TO BE DISPOSED OF BY OWNER.**

All persons walking their dogs or other domestic animals on the public property of the Village or on any private property not owned by the person walking the animal shall carry a receptacle necessary for the placing of any droppings, to-wit: feces, while the animal is on the public or private property other than his own. The owner of the animal shall place the droppings in the receptacle to be disposed of in a proper garbage container or lavatory. Should any person walking a dog or other domestic animal be found without the receptacle, it shall be the duty of the law enforcement officials of the Village to impound the animal pursuant to §91.28, and a non-traffic ticket alleging the violation shall be issued to the person walking the animal.

#### **§91.25 VICIOUS DOGS, CATS, OR DOMESTIC ANIMALS.**

No person shall own, keep or harbor a vicious or dangerous dog, cat or other domestic animal within the Village, unless such person shall keep such dog, cat or other domestic animal safely and securely confined so as to protect from injury any person who shall come upon the premises where such dog, cat or other domestic animal is located. All persons maintaining premises upon which a vicious or dangerous dog, cat or other domestic animal is confined, shall provide suitable and adequate warning of the presence of such dog, cat or other domestic animal by appropriate signs of other means so as to advise all persons lawfully entering upon such premises that a vicious or dangerous dog, cat or other domestic animal is confined thereon.

#### **§91.26 PROCEDURE WHEN PERSON IS BITTEN; CONFINEMENT AND OBSERVATION REQUIRED.**

- (A) It shall be unlawful for the owner or keeper of any dog, cat, domestic animal, or other animal, when notified by the Village, or its authorized agent, that such dog, cat, domestic animal, or other animal has bitten any person, to sell or give away such dog, cat, domestic animal, or other animal or allow such dog, cat, domestic animal, or other animal to be taken beyond the limits of the Village, except for confinement with a licensed veterinarian. It shall be the duty of such owner or keeper, upon receiving notice from the Village, or its authorized agent, of the circumstance aforesaid, to deliver such dog, cat, domestic or other animal within 24 hours to a licensed veterinarian for examination, confinement, and observation, at the expense of the owner. Where there is a failure to comply within 24 hours with the order from the Village, or its authorized agent to have such dog, cat, domestic or other animal examined, confined and observed as provided herein, the Village, or its authorized agent, upon a showing of reasonable evidence that such dog, cat, domestic or other animal has bitten a person, may seek a court order to have such dog, cat, domestic or other animal confined and observed. Within 24 hours after the dog, cat, domestic or other animal is examined and confined, the veterinarian shall report (as required by Section 12 of the Illinois Rabies Control Act) to the Village, the owner's name, address and the date of confinement, the breed, description, age, and sex of the dog, cat, domestic or other animal. Such dog, cat, domestic or other animal shall be confined for a period of ten days. At the termination of the period of confinement, the veterinarian shall notify the Village in writing of the final disposition of the animal.
- (B) If, however, the dog, cat, domestic or other animal is examined by a licensed veterinarian within 24 hours after notification by the Village and found to be free of signs of rabies and the Animal Warden or the licensed veterinarian is presented evidence that such dog, cat, domestic or other animal has been inoculated against rabies more than 30 days prior to the biting and less than one year if a one-year immunity vaccine is used or less than three years if a three-year vaccine is used, such dog, cat, domestic or other animal shall be confined in the house of its owner or in a manner

that will prohibit such dog, cat, domestic or other animal from escaping and from biting any person or animal for the ten-day period, unless in the judgment of the Village or the licensed veterinarian, circumstances are such that the dog, cat, domestic or other animal should be confined elsewhere. At the end of the ten-day period, it shall be the duty of the owner to present the dog, cat, domestic or other animal to a licensed veterinarian for examination. The licensed veterinarian shall then notify the Village and the applicable health department, in writing, within 24 hours of the results of the examination.

- (C) If the dog, cat, domestic or other animal escapes from the house of its owner, or from such other place of confinement provided by its owner, during the ten-day confinement period, or if the owner fails to deliver the dog, cat, domestic or other animal to a licensed veterinarian for re-examination within 24 hours of the completion of the ten-day confinement period, the owner is declared to be in violation of this Section of this Chapter and is subject to the penalties provided in this Chapter. In addition, the owner of an escaped dog, cat, domestic or other animal shall immediately apprehend it and deliver it to a licensed veterinarian for confinement, at the owner's expense, for the remainder of the ten-day period.
- (D) The owner of a dog, cat, domestic or other animal, four months of age or older, not currently inoculated against rabies, as provided elsewhere in this Chapter, must have the dog inoculated against rabies at the time of release from confinement.

#### **§91.27 NOISY ANIMALS; DISTURBING THE PEACE PROHIBITED.**

It shall be unlawful for any person to own, keep, have in his possession or harbor any dog, cat, domestic animal or other animal which, by frequent or habitual barking, howling, yelping or by other loud noise, shall cause annoyance of any family or person, or shall disturb the peace or quiet of any neighborhood or place within the Village. Such annoyance of any family or person or the disturbance of the peace or quiet of any neighborhood or place within the Village by any dog, cat, domestic or other animal is declared to be a public nuisance, and it shall be unlawful for any person to suffer or permit such a nuisance to exist.

#### **§91.28 RESERVED.**

### **ADMINISTRATION AND ENFORCEMENT**

#### **§91.40 IMPOUNDMENT AT COUNTY HEALTH DEPARTMENT.**

- (A) All dogs, cats, domestic animals, or other animals apprehended by persons charged with the duty of enforcing the provisions of this Chapter shall be impounded at the County Health Department public pound facility or as otherwise determined by the Village Board.
- (B) All charges by the County Health Department for animal services (or by such other facility designated by the Village Board in its discretion) which can be identified with a specific Deer Park resident shall be passed on and charged directly to such resident, who shall pay such charges to the Village within 15 days of receiving an invoice therefor.
- (C) Any resident who is charged for services shall have the right to contest such charge by appealing the same to the Board of Trustees within 15 days of receipt of an invoice therefrom. In the event the Board of Trustees determines the resident is personally responsible for the charges passed through to the resident, the resident shall pay such charges promptly upon such determination by

the Board of Trustees. The decision by the Board of Trustees shall be final and binding upon the resident.

**§91.41 ENFORCEMENT OFFICIALS EXEMPT FROM LIABILITY.**

Village officials and/or employees, law enforcement officers, and/or other person(s) authorized to enforce the provisions of this Chapter shall not be held liable for the injury, death or disease which may occur to any dog, cat or other domestic animal as a consequence of the enforcement of the provisions of the Chapter.

**§91.42 PROTECTION OF PUBLIC HEALTH AND SAFETY.**

The provisions of this Chapter are intended to protect the public health and safety and, therefore, shall be effective and enforceable immediately.

(Ord. 91-16, passed 6-25-91)  
(Amd. Ord. 2012-06, passed 3-19-12)  
(Amd. Ord. 2013-15, passed 3-25-13)