

ORDINANCE NO. 1, SERIES 2021

AN ORDINANCE AMENDING ORDINANCE NO. 8, SERIES 2019 ... REGULATING ANIMAL NUISANCES IN THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS.

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, the corporate authorities of each municipality may define, prevent, and abate nuisances (ILCS 5/11 – 60 – 2); and

WHEREAS, the President and Board of Trustees of the Village of Joy, County of Mercer, state of Illinois have determined that it is necessary and in the best interests of the Village to regulate animals within the Village under and pursuant to the provisions of the Illinois Municipal Code and the general police powers of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS:

SECTION 1

DEFINITIONS: Unless otherwise specified, the words and phrases herein defined are to be used in this ordinance in the sense given them as follows:

A. **Animal:** Any cat or dog, domestic or wild;

B. **Animal Control Officer:** Any person designated by the Village of Joy, Illinois, as a law enforcement and control officer who is qualified to perform such duties under the laws of this state;

C. **Animal Shelter:** Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law;

D. **Owner:** Any person, partnership, or corporation owning, keeping, or harboring one or more animals. **An animal shall be deemed harbored if it is fed or sheltered;**

E. **Public Nuisance:** Any animal or animals which:

1. Molests passerby or passing vehicles, or;
2. Attacks other animals, or;
3. Trespasses on school grounds or village property, or;
4. Is repeatedly at large, or;
5. Damages private or public property, or;
6. Barks, whines, howls, or makes any other noise in an excessive, continuous, or untimely fashion, or;
7. Is allowed by its owner to become a nuisance to people or other animals.

F. **Restraint:** Any animal secured by a leash or lead of less than six (6) feet or within the fenced real property limits of its owner;

G. **Running at Large:** Any animal which goes upon any public street, sidewalk, alley, or other public place, unless so designated by the Village Board as an off leash area, or upon any private property other than that of the owner of the animal, shall be deemed to be running at large unless the animal is firmly held on a leash under the complete control of a physically and mentally competent person, or is in an enclosed vehicle.

1. In addition, any animal found to be on the property of its owner shall be deemed to be running at large, unless:
 - a. It is then and there accompanied by and under the charge of a physically and mentally competent person; or
 - b. It is securely restrained by a leash, tether, fence, or other enclosure; or
 - c. An electronic pet containment system is then and there in place which effectively restrains the dog from leaving the property of its owner.

SECTION 2

RABIES VACCINATIONS:

A. Any person owning, keeping, harboring, or having custody of any animal six (6) months of age or older within the Village of Joy, Illinois shall have that animal vaccinated against rabies with the approved dosage of an approved anti-rabies virus (vaccine) properly administered by one legally authorized to do so; it shall be unlawful for any person to own or have in his possession any animal not so

vaccinated. Every animal must be so vaccinated immediately upon attaining the age of six (6) months, and every year thereafter on or before June 30.

B. The owner of any animal shall see that the animal wears a securely banded metal tag approved by the State Board of Health with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon, and to see that the collar and tag are worn by the animal at all times.

C. The failure to comply with this section shall constitute an ordinance violation, and the offender shall, on conviction thereof, be fined fifty dollars (\$50.00) for the first offense and seventy-five dollars (\$75.00) for each subsequent offense.

SECTION 3

ANIMALS DISTURBING THE PEACE – PROHIBITED: It is unlawful for owners to allow their animals to become public nuisances at any time during the day or night. In the event an animal is deemed a public nuisance, the owner of the animal shall be issued a citation by the Code Enforcement Officer or an authorized agent of the Village of Joy and be subject to the penalties described in Section 4.

SECTION 4

PENALTY: Any person found liable for violating any provision of this Ordinance shall be subject to a fine and penalties in accordance with the following schedule:

A. First violation shall result in an issuance of a warning;

B. A fine of not less than fifty dollars (\$50.00) nor more than one-hundred dollars (\$100.00) for the second violation;

C. A fine of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) for any subsequent violation within one year after the first violation.

D. Any animal deemed to be running at large after its owner has received a warning of violation shall be removed from the Village to the Mercer County Animal Control facility. All costs associated with such removal shall be the responsibility of the owner.

Each occurrence of a violation shall constitute a separate and distinct offense.

SECTION 5

ENFORCEMENT: Proceedings to enforce violations of this ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinances providing for Administrative Adjudication of Code Violations or by any other means provided by law.

SECTION 6

SEVERABILITY: The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

SECTION 7

REPEALER: All ordinances or portions of ordinances previously passed or adopted by the Village of Joy, Illinois that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 8

EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 17th day of February, 2021 and approved by the President of the Village of Joy, Mercer County, Illinois this 17th day of February, 2021.

Mark Heater, Village President

ATTEST:

Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)

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County of Mercer)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **“ORDINANCE NO. 1, SERIES 2021, AN ORDINANCE AMENDING ORDINANCE NO. 8, SERIES 2019 ... REGULATING ANIMAL NUISANCES IN THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS”**, which was adopted by the President and Board of Trustees of said Village on the 17th day of February, 2021 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 17th day of February, 2021.

Clerk of the Village of Joy, Illinois

(CORPORATE SEAL)