

COPY

ORDINANCE NO. 3  
SERIES 2004

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF DOGS WITHIN THE VILLAGE OF JOY, MERCER COUNTY, ILLINOIS, FOR THE PURPOSE OF IMPROVING THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS.

BE IT ORDAINED by the President and Board of Trustees of the Village of Joy, Mercer County, Illinois:

SECTION 1

DEFINITION: For the purpose of this Ordinance, certain terms and words are here within defined as follows:

A "Village" Village of Joy, Mercer County, Illinois.

B "Dog" or "pup" All animals of the canine species, both male and female.

SECTION 2

RUNNING AT LARGE:

A It shall be unlawful to permit any dog to run at large within the Village. Any dog found upon any public street, sidewalk, ally, parkway, or any unenclosed place shall be deemed running at large unless such dog is firmly held on a leash or is in an enclosed vehicle.

B Any dangerous, ferocious dog or dog sick with or liable to communicate hydrophobia in the Village shall be confined by its owner or custodian and shall not be released from confinement by the owner or custodian even though said dog is leashed and within the immediate supervision and control of said owner or custodian, unless such dog shall be securely muzzled.

(C) At any other time, when by proclamation of the Village President, duly posted in at least three (3) public places, danger of hydrophobia shall be declared to exist in the Village, all dogs in the Village shall be confined by their owner or custodian and shall not be released from confinement by the owner or custodian even though said dog is leashed and within the immediate supervision and control of said owner or custodian, unless said dog shall be securely muzzled by a full basket muzzle.

(D) Any dog found running at large in the Village contrary to any of the provisions of this Section is hereby declared to be a nuisance and shall be apprehended and confined to a dog shelter, which shelter shall be maintained either by the Village or by any other authority duly authorized, designated, and approved by the Board of Trustees and the President of the Village to provide adequate and humane care for the confinement of dogs found running at large in violation of this Ordinance.

(E) The owner, keeper, possessor or custodian of any dog who shall permit the same to go at large in the Village contrary to any provision of Section 2 of this Ordinance shall be subject to the penalties provided in Section 6 of this Ordinance upon conviction in any proper Court.

SECTION 3  
IMPOUNDING:

(A) Duties of Poundkeeper: The poundkeeper is hereby charged with the duties of impounding in a dog shelter all dogs running at large in violation of this Ordinance. He shall be a

special police officer and shall be and is hereby authorized to make all necessary arrests in carrying out the provisions of this Ordinance and shall be paid a fee as determined by the Board of Trustees and approved by the President.

(B) Public Notice: Immediately after impounding any dog hereunder, it shall be the duty of the poundmaster to enter upon the records of the pound in a book to be kept by him for such purposes the approximate location where the dog was apprehended, the date of impounding, a description of the dog impounded and the name of the owner or custodian of such dog, if known, or the fact that the owner or custodian is unknown. Further, the poundmaster shall immediately after impounding any dog hereunder provide to the Village Clerk, the approximate location where the dog was apprehended, the date of impoundment and the name of the owner or custodian of such dog, if known, or the fact that the owner or custodian is unknown. The Village Clerk shall immediately upon receipt of this information post in the Village Hall a copy of the description of the dog, the approximate location where the dog was apprehended, the date of impoundment and the location of the pound. In addition the poundmaster shall within seven (7) days after apprehension and impoundment of any dog cause written notice of such impoundment to be mailed by certified mail to the owner(s) or custodian(s) of the dog, if known, with a duplicate copy of said notice to be simultaneously mailed to the Village Clerk. If at the expiration of five (5) days after

receipt by any of the owner(s) or custodian(s) of the notice of impoundment, or if at the expiration of five (5) days after posting of the notice of impoundment by the Village Clerk, when the owner(s) or custodian(s) of the dog is unknown, the dog is not redeemed by the owner(s) or custodian(s), the dog is hereby declared to be a public nuisance and the poundmaster may immediately destroy the dog in a humane fashion or a suitable home may be found.

(C) Dogs Impounded: Redemption: The owner(s) or custodian(s) of any dog impounded hereunder may redeem the same by paying all costs and charges assessed for the taking up, impoundment and keeping of the dog, if any, that have accrued up to the time of making the redemption, and when the same are paid to the poundmaster it shall be his duty and he shall release the dog from said pound and deliver him to the owner(s) or custodian(s) thereof. Upon redemption of any dog the poundmaster shall notify the Village Clerk of the date of redemption and the name of the owner(s) or custodian(s) of the dog. Similarly, the poundmaster shall notify the Village Clerk upon the humane destruction of any dog or the placement of any dog in a suitable home, and the Village Clerk shall maintain a permanent record of such information.

#### SECTION 4

VILLAGE PRESIDENT'S POWERS; "MAD DOG": The Village President may at any time on an alarm of "mad dog", prohibit by public proclamation by notice in a newspaper of general

Circulation within the Village of by posting notice in at least (3) public places within the Village all dogs from running at large within the Village all dogs from running at large within the Village limits and may likewise at any time appoint special police with special authority to kill any dogs running at large after proclamation is given as herein provided; and such provision shall continue for a period of sixty (60) days from the date of proclamation as specified therein unless sooner proclaimed by the President to be ended.

#### SECTION 5

##### 1. BITING DOMESTIC ANIMALS:

Whenever any dog or animal which could carry rabies bites a person, the owner or custodian of said animal shall immediately notify the Village Animal Control Officer or Police Officer who shall immediately seize the animal to have it impounded with a licensed veterinarian or County Shelter for a period of two (2) weeks. The dog shall be examined by a licensed veterinarian immediately after it has bitten anyone and again at the end of the two (2) week period. If at the end of two (2) a veterinarian is convinced that the dog is free from rabies the dog shall be released from quarantine or from the shelter as the case may be. It will then be determined by the Village Board if said animal is "Vicious" and handled according to SECTION 5-Paragraph 3. If the animal dies in the meanwhile, its head shall be sent to the State of Illinois, Department of Health, for examination for rabies.

##### 2. DANGEROUS DOG:

"Dangerous dog" means any individual dog when custodian is in attendance or not, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

A. Any individual dog which has been deemed "dangerous dog" upon three (3) separate occasions will be deemed "Vicious dog"

B. Owner of "Dangerous Dog"

- (1) Within 2 months of being deemed "Dangerous dog" shall be required to install a special enclosure within the yard with a fence minimum of five (5) feet in height. All gates equipped with locking mechanisms that may not be easily accessed by a child, and keep the animal within the "special enclosure", or fence at all times the animal is not within the owners residence, obtaining veterinary care, or court ordered appearances.
- (2) No person shall permit a dog to go outside a confinement structure, house, or other structure unless the dog is securely restrained with a leash no longer than Three (3) feet in length and tensile strength of Three hundred (300) pounds.
- (3) No person shall permit a dog to be kept on a leash unless a person is in physical control of the leash.
- (4) No leash restraining any dog shall be attached to any inanimate object including, but not limited to, trees, posts, stakes, and buildings.

### 3. VICIOUS DOG:

It shall be unlawful for any person to own, keep, harbor, care for, act as a custodian of, or maintain in his or her possession, any "Vicious" animal within the Village of Joy

"Vicious Dog" will be determined on individual cases by the Village Board, with recommendations of Animal Control Officer or Police Officer involved in case, or SECTION 5 paragraph 2 (A).

## SECTION 6

### 1. HUMANE TREATMENT OF ANIMALS:

No person or owner shall treat any animal cruelly in any manner, including but not limited to the following:

- (1) By overloading, overdriving, over working, torturing, tormenting, mutilating, or killing any animal, or cause or knowingly allow the same to be done;
- (2) By cruelly working any old, maimed, infirm, sick or disabled animal, or cause or knowingly allow same to be done;
- (3) By failing to provide any animal in his care or custody with proper food, water, air, and sanitary shelter to be sufficient to provide adequate bedding and protection from the weather, and space within sufficient for the animal to stand in and upright position, and lie down stretched out so that no part of its body need touch the sides of the shelter structure. Animals kept in an outside enclosure must have sufficient space for movement and exercise according to the animals size and weights;
- (4) By failing to provide necessary veterinary attention to sick animals in need which are in any persons care or custody;
- (5) By abandoning any animal where it may become a public charge or may suffer injury, hunger or exposure;
- (6) By leaving or confining any animal in a motor vehicle, trailer or other enclosure in such a manner that it places the animal in a life or health threatening situation due to exposure to heat or cold, sufficient ventilation or other protection from such heat or cold, or for a period of more than one (1) hour;

- (7) By wounding or killing, or attempting to wound or kill, or by knowingly poisoning or causing to be poisoned, any animal, with the exemption of rats and mice, and them only by using approved Department of Agriculture poison appropriate for rodents;
- (8) By tethering any animal to a fixed object unless such chains, ropes or leashes are so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and have convenient access to food, water, and shelter. Such tethering shall be located so as not to allow such animal to trespass on public property or private property belonging to others, nor in such a manner as to cause harm or danger to any human or domestic animals.

## 2. EXOTIC ANIMALS

No person shall own, keep or harbor within the Village including but not limited to:

- A. All snakes, reptiles or lizards that are poisonous or may cause harm to human or animal in nature.
- B. Any rodent weighing more than one (1) pound, with the exemption of guinea pigs.
- C. Any wolf, coyote, jackal, fox, wild dog, or hybrid thereof.
- D. Any lion, tiger, cougar, jaguar, panther bobcat, mountain lion, lynx, ocelot, leopard, any hybrid thereof or any other similar feline animal.
- E. This section shall not apply to properly zoned and constructed zoos, animal shelters, veterinary hospitals, pounds, federally licensed exhibits, circuses, animal refuge, scientific or research laboratories of educational or other licensed institutions.



SECTION 7  
ENFORCEMENT

1. ENTERING PREMISES TO SEIZE DANGEROUS ANIMALS

An officer may enter upon the premises of an owner if any dangerous, mad, fierce, vicious, or any animal suffering from rabies or improper care (defined in SECTION 6 paragraph 1) for the purpose of seizing it and if after request therefore, the owner of such animal or immediate member of the owner's family, shall refuse to deliver the animal to the officer, the owner will be in violation of the ordinance.

2. ENFORCEMENT EXEMPTION FROM LIABILITY

The division of animal control, employees or other persons authorized to enforce the provisions of the village ordinances shall not be held liable for consequence of the enforcement of the ordinances.

3. INTERFERENCE WITH ENFORCEMENT

It shall be unlawful for any person to obstruct, impede or interfere with the capture, impoundment or disposal of any animal In accordance with Village ordinances.

4. DESTRUCTION OF DANGEROUS ANIMALS

If any dangerous or vicious animal that cannot be safely taken and impounded. For the safety and or protection of any person or animal, such animal may be destroyed by any Police Officer.

SECTION 8  
PENALTIES

1. Penalty:

Any person in violation of any Section of this Ordinance shall be fined in a sum of not less than Seventy-five (\$75.00) Dollars, no more than Five Hundred (\$500.00) Dollars for any one offense.

A. Provisions of this Ordinance designating the duties of any officer or employee of the Village shall be so construed as to make such Village Officer or employee liable for any fine or penalty provided for a failure to perform such duty.

SECTION 9

VALIDITY: If any Section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or void,, such decision shall not offset the validity of any remaining portions of this Ordinance.

SECTION 10

CONFLICTING ORDINANCES REPEALED: All Ordinances or parts of Ordinances in conflict herewithin are hereby repealed.

SECTION 11

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

George D. Braucht  
Village President

ATTEST:

Queen Terrell  
Village Clerk

PASSED: 6-17-04

APPROVED: 6-17-04

PUBLISHED IN PAMPHLET FORM: \_\_\_\_\_