

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

3-1-1 **DEFINITIONS.**

“At Large”. Any dog shall be deemed to be at large when it is off the property of his owner and not under the control of a responsible person.

“Cat” shall mean any feline, regardless of age or sex.

“Department of Agriculture” means the Department of Agriculture of the State of Illinois.

“Dog” shall mean any canine, regardless of age or sex.

“Inoculation Against Rabies” means the injection subcutaneously or otherwise as approved by the Department of Agriculture of the State of Illinois of canine anti-rabic vaccine, approved by the Department of Agriculture.

“Owner”. for the purpose of this Code, the word “owner” means a person having a right of property in a dog or cat or who keeps or harbors a dog or cat, or who has a dog or cat in his care, or who acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises occupied by him.

“Restraint”. A dog or cat is under “restraint” within the meaning of this Code if it is controlled by a leash; at “heel” beside a responsible person or obedient to that person’s commands; within a vehicle being driven or parked on the streets, or within the property limits of his owner or keeper.

“Shade” shall mean protection from the direct rays of the sun during the months of June through September.

“Shelter” as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

“Vicious Animal” shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

“Wild Animal” shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

3-1-2 **INJURY TO PROPERTY.**

(A) **Unlawful.** It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up,

crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) **Waste Products Accumulations.** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement to a receptacle located upon property owned or possessed by such person. This Section shall not apply to a person who is visually or physically handicapped.

3-1-3 MANNER OF KEEPING.

(A) **Pens, Yards, or Runs.** All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) **Fences.** Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

3-1-4 ANIMALS IN PUBLIC PLACES. No dog, cat or other animal shall be permitted in any swimming area open to the public in the Village. No dog, cat or other animal shall be permitted in Village parks except when in compliance with the provision of Section 28-1-7 of the Village Code.

3-1-5 KEEPING BARKING DOGS AND CRYING CATS.

(A) **Harboring.** It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or any person in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) **Petitions of Complaint.** Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

3-1-6 CRUELTY TO ANIMALS PROHIBITED.

(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to

such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold, or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this Section shall comply with Section 3-2-1.

3-1-7 RESTRAINT OF ANIMALS. The owner or keeper of a dog or cat shall keep the animal under restraint at all times and shall not permit such animal to be at large, off the premises of the property of the owner or keeper, unless the animal is under complete control as defined in Section 3-1-1.

3-1-8 IMPOUNDMENT OF DOGS OR CATS RUNNING AT LARGE OR UNLICENSED DOGS: CITATION OF OWNER OR KEEPER.

(A) It shall be the duty of such employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in such place as may be designated and set apart for that purpose, any dog or cat found running at large or unlicensed dog in the Village, contrary to any of the provisions of this Chapter or other regulations of the Village.

(B) When dogs or cats are found running at large or dogs are found unlicensed and their ownership is known to the designated employee(s), such dogs and cats may be impounded at the discretion of such employee(s), but the employee(s) may cite the owner of such dog or cat to answer charges of violation of this Chapter.

(C) Any dog or cat permitted to run at large within the Village is hereby declared to be a nuisance.

(D) Any impounded dog or cat which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper.

(E) The Village Board shall establish a reasonable fee by motion for each day that a dog or cat is housed in the pound.

3-1-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT. In case of impounding and where the owner or keeper of such dog or cat is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog or cat and shall cite the owner or keeper of such dog or cat to answer charges of violation of this Chapter.

3-1-10 **OBSTRUCTING POUND MASTER.** Any person(s) who shall bring any dog into the Village for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the pound master or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the Village, upon conviction of any part of this Chapter shall be fined according to **Chapter 1 - Administration** of this Code.

3-1-11 **IMPOUNDMENT.** Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog or cat found running at large.

3-1-12 **VILLAGE POUND DESIGNATED.** The Village Board shall designate a Village Pound.

3-1-13 **DISPOSITION OF DOGS OR CATS DEEMED NUISANCES.** Any dog or cat which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog or cat shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

3-1-14 **ANIMALS IN VILLAGE.**

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter, no person shall keep within the Village, any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock.

(B) **Exceptions.** This chapter shall not apply to areas of the Village that are zoned agricultural, nor shall this Chapter apply to livestock brought into the Village for the purpose of being shipped out of the Village.

(C) **Health Hazard.** The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

3-1-15 **LIMITATION ON NUMBER OF DOGS AND CATS KEPT.**

(A) **Nuisance.** The keeping of an unlimited number of dogs and cats in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an

unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms “dog” and “cat” shall be construed as provided in **Section 3-1-1**.

(B) **Limitation; Exception.**

- (1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** and/or cats within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.
- (2) The provisions of this Section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) **Kennels.** In the areas where kennels are permitted, no kennel shall be located closer than **two hundred (200) feet** to the boundary of the nearest adjacent residential lot.

3-1-16 **KEEPING WILD OR VICIOUS ANIMALS.**

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal or pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which if found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this Section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area which has been deemed to be homeless.

(Ord. No. 95-17; 09-18-95)

ARTICLE II - DOGS

3-2-1 **DOGS TO BE INOCULATED.** Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog **four (4) months** or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

3-2-2 **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.** The inoculation of dogs required by Section 3-2-1 shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and the owner shall deliver such certificate to the Madison County Rabies Control Department in exchange for a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

3-2-3 **DURATION OF INOCULATION.** The inoculation performed under the provisions of **Section 3-2-2** shall be effective until the expiration of such period of time as may be promulgated by the Department of Agriculture.

3-2-4 **SPECIFICATIONS FOR TAG.** The tag issued under the provisions of **Section 3-2-2** shall be in such form as shall be determined by the Department of Agriculture.

3-2-5 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or Village employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of **Section 3-2-2**, showing the inoculation against rabies of any dog owned or controlled by him.

3-2-6 **IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.** Any dog, not showing evidence of current inoculation, which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **ten (10) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be

detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the **ten (10) days** no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled.

If evidence of inoculation can be shown, then the dog may be kept at home.

3-2-7 DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of the Village.

3-2-8 FEMALE DOG WITH OTHER DOGS. No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

(Ord. No. 95-17; 09-18-95)

ARTICLE III - LICENSES AND FEES

DIVISION I - DOG LICENSE

3-3-1 **DOG LICENSE REQUIRED.** No person shall own, keep or harbor within the Village, any dog over the age of **three (3) months** unless such dog is registered with the Village Clerk. The Village Clerk shall keep a record of all licenses issued and shall file such report with the Chief of Police and Village Board. No license shall be issued unless the owner has proof of the dog's inoculation for the current year.

3-3-2 **FEES.** Every person owning, keeping, or harboring any dog over the age of **three (3) months** shall pay to the Village Clerk on or before **May 1st** of each year an annual license fee of **Two Dollars (\$2.00)** per dog. The Village Clerk shall record the name of the person and shall furnish to the applicant a metal tag upon which will be stamped the words "**Bethalto Dog Tax**", together with whatever information the Village Board requires. (**Ord. No. 95-1; 02-06-95**)

3-3-3 - 3-3-4 RESERVED.

DIVISION II - KENNEL LICENSE

3-3-5 **LICENSE ESTABLISHED.** It shall be unlawful for any person to establish, maintain or operate within the corporate limits any kennel farm without first having obtained a license as herein provided. This Division shall not apply to animal hospitals or to other establishments operated by a licensed veterinarian where no outside pens are located.

3-3-6 **KENNEL LICENSE.** Any person keeping or harboring more than **three (3) dogs** and/or cats on any premises within the Village shall be deemed to be operating a kennel, and they shall be located in the proper zone districts.

(A) Every person operating a kennel as aforesaid shall clean same daily and use a standard qualified disinfectant daily and shall maintain said kennel in a sanitary condition at all times. Such person shall further see that the dogs and/or cats harbored therein are kept in a clean and sanitary condition.

(B) Upon complaint to the Police Department, they shall immediately make an inspection of any kennel or pen and report their findings thereof to the Village Board.

(C) Every person keeping, harboring, or maintaining more than three (3) dogs and/or cats as aforesaid shall pay an annual license fee of **Twenty Dollars (\$20.00)**, but will not be liable for any dog license fee.

(D) Any person desiring a license for a kennel farm shall file an application with the Village Clerk and deposit the annual license fee. Such application shall furnish a diagram showing the location, size and type of construction of all pens, structures, runways or other enclosures in which dogs will be kept or allowed to run. Upon receipt of such application the Clerk shall refer the same together with such diagrams to the Chairman of Public Safety Committee for investigation and the Clerk shall not issue any such license until said application has been certified as being approved by said Committee, that all provisions of this Chapter are complied with.

(E) Before each such license shall be renewed annually the applicant shall make a statement or new diagram of any changes or extensions in the kennels and all renewal applications shall be subject to the same inspection as above provided. **(See Zoning Code (Ord. No. 232; 09-04-51))**

3-3-7 **LOCATION.** Except for kennel farms in existence and operation at the effective date of this Article, no kennel farm shall be established, re-established, relocated or extended in space, in any area without first securing a zoning occupancy as prescribed in **Chapter 40** of this Code.