

Chapter 14

ANIMALS

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ARTICLE I. IN GENERAL***Sec. 14-1. Purpose.**

It is the purpose of this chapter to protect animals from neglect and abuse, to protect residents from annoyance and injury by animals, to assure that animal owners are responsible and in control of their animals at all times, to assist in providing housing for animals in the custody of the Village, to cover the cost of licensing and caring for animals and to establish a program to discourage the excessive multiplication of animals.

(Ord. No. 2008-26, § II, 3-17-2008)

Sec. 14-2. Definition.

The word "animal" as used in this chapter shall be taken and is defined to mean any living vertebrate, domestic or wild, but does not include human beings.

(Ord. No. 2008-26, § II, 3-17-2008)

Sec. 14-3. Cruelty to animals.

(a) It is unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.

(b) No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(Ord. No. 2008-26, § II, 3-17-2008)

***Editor's note**—Section I of Ord. No. 2008-26, adopted March 17, 2008, repealed §§ 14-1—14-5, which pertained to similar subject matter and derived from the 1977 Code; Ord. No. 95-50, adopted June 5, 1995; Ord. No. 99-102, adopted August 16, 1999; and Ord. No. 2002-47, adopted May 20, 2002. Section II of Ord. No. 2008-26, enacted new provisions to read as herein set out.

Sec. 14-4. Caring for animals and sanitation.

(a) It is unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

(b) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

(c) No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

- (1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
- (2) Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

(d) No person owning, harboring or keeping an animal within the village shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

(e) No person owning, harboring, keeping or in charge of any animal shall cause unsanitary dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities. (Ord. No. 2008-26, § II, 3-17-2008)

Sec. 14-5. Disturbing the quiet.

It shall be unlawful for any person to own, keep, have in his possession or to harbor any animal which, by frequent or habitual barking, howling, yelping, bawling or other loud noise, shall cause annoyance of any family or person, or shall disturb the peace or quiet of any person, neighborhood or place within the village.

(Ord. No. 2008-26, § II, 3-17-2008)

Sec. 14-6. Dangerous animals.

It is unlawful to keep or harbor in the village any animal or poisonous or other dangerous reptile, which is undomesticated or wild and is dangerous to mankind. It is also unlawful for any person to keep or harbor any vicious animal in the village, or any animal which is dangerous because of a propensity to injure persons.

(Ord. No. 2008-26, § II, 3-17-2008)

Sec. 14-7. General restrictions on keeping.

A minimum of five acres in total area shall be required to keep, maintain, tether, confine or house sheep, horses, cattle, goats, swine, chickens, roosters, ducks, or similar domestic animals anywhere in the village unless otherwise provided in this Code or by ordinance. The shelter for such animals in any structure, whether temporary or permanent, must be set back from all property lot lines a distance of at least 200 feet. This provision shall not apply to rabbits, chickens, ducks or such animals that are kept as pets and are housed in an enclosure or cage. However, it shall be unlawful to keep more than four (4) rabbits, chickens, ducks or such animals at any one time as pets.

(Ord. No. 2008-26, § II, 3-17-2008)

Sec. 14-8. Penalty.

A violation of any provision of the chapter shall be punishable in accordance with Village Municipal Code section 1-11. Further, all remedies prescribed in the Village's Municipal Code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions.

(Ord. No. 2008-26, § II, 3-17-2008)

Secs. 14-9—14-29. Reserved.**ARTICLE II. DOGS*****Sec. 14-30. County animal and rabies control ordinance adopted.**

This article hereby adopts the provisions of the Lake County Animal and Rabies Control Ordinance.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-31. Registration of dogs.

(a) A rabies tag shall be obtained where required by the Lake County Animal and Rabies Control Ordinance and the county shall have the express authority to license and register every dog owned by any person who owns, keeps or harbors a dog within the village. Every person who owns, keeps or harbors a dog within the limits of the village shall, within 30 days of acquisition of the dog and annually thereafter shall register with the county and obtain a license tag as evidence of such registration. License tags shall be displayed and/or attached to the collar of the registered dog at all times.

(b) Every person who owns, keeps or harbors a dog within the limits of the village which has been adjudicated or classified as a dangerous dog or other similar designation by another municipal or governmental authority, shall within 14 days of acquisition of the dog and annually thereafter, shall register with the village and obtain a certificate of registration as set forth in sections 14-37 and 14-38 of this chapter.

(Ord. No. 2008-88, § I, 11-17-2008)

***Editor's note**—Ord. No. 2008-88, adopted Nov. 17, 2008, amended art. II in its entirety to read as herein set out. Former art. II consisted of §§ 14-31-14-38, pertained to the same subject matter and derived from the 1977 Code; Ord. No. 95-50, adopted June 5, 1995; Ord. No. 99-102, adopted Aug. 16, 1999; and Ord. No. 2002-47, adopted May 20, 2002.

Sec. 14-32. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Dangerous dog* means any dog that, according to the records of the chief of police or designee,
- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being without provocation on public or private property; or
 - (2) Has more than once severely injured or killed a domestic animal without provocation while off the owner's property; or
 - (3) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and investigated by authorities; or
 - (4) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting. No dog shall be deemed a dangerous animal if it is a dog owned by a law enforcement agency.
- (b) *Dog* means any animal, male or female, of any kind, age and description, of the canine species which is more than four months of age.
- (c) *Dog at large* means any dog found upon any public street, sidewalk, alley, parkway, or any unenclosed place unless such dog is firmly held on a leash by a person who is physically capable of controlling that animal.
- (d) *Has been bitten* means has been seized with the teeth or jaws of an animal so that the person or animal seized has been nipped or gripped or has been wounded or pierced and includes contact of saliva with any break or abrasion of the skin.
- (e) *Leash* means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.
- (f) *Owner* means any person over the age of 18 who keeps or harbors a dog, cat, dangerous snake, dangerous reptile or other animal or who has it in his care or acts as its custodian or who knowingly permits it to remain on or about any premises owned or occupied by him for a period of 30 days.
- (g) *Patient* means any person who has been bitten by an animal.
- (h) *Person* means any individual, firm, corporation, partnership, business entity, society, association, municipal corporation or political subdivision.
- (i) *Proper enclosure* means a structure of at least five feet in height, but no higher than six feet in height with secure sides, top and bottom forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dog in conjunction with other measures which may be taken by the owner or keeper. Such enclosure shall be located a minimum of 20 feet from any lot line and shall be securely closed and locked whenever the dog is enclosed within the structure. Such enclosure shall have a self-closing and self-latching gate and shall be securely locked, in a manner that ensures that only authorized persons may open it with a key, code or similar security device and the enclosure shall be so designed, installed and maintained with secure sides, top and bottom designed to prevent the dog from escaping from the enclosure.
- (j) *Provocation* means that the threat, injury or damage caused by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner

of the dog, or was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

- (k) *Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring multiple sutures or cosmetic surgery or breaking of skin.
- (l) *Unprovoked* means that the victim, who has been conducting himself or herself peacefully and lawfully, has been bitten, chased in a menacing fashion, or attacked by a dog.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-33. Dog bites.

The police department shall cause to be investigated reports of animal bites. If an animal has bitten a person, the police department shall notify the owner of the animal and instruct the owner of the animal to deliver it promptly to a licensed veterinarian, who shall confine or cause to be confined such animal as provided in the Animal Control Act [510 ILCS 5/1 et seq.]. If the owner is not known, the police officer shall take such animal promptly to a licensed veterinarian to be confined as provided in the Animal Control Act [510 ILCS 5/1 et seq.].

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-34. Right of entry to seize dogs.

An authorized village official may enter upon the premises of an owner of any dangerous, mad, fierce or vicious dog or any dog suffering from rabies, for the purpose of seizing it. Knowledge by such village official of one or more of such facts, the warrant of a citizen of the village stating same, or the certificate of a licensed veterinarian that such dog is suffering from rabies shall authorize a village official to enter premises and impound such dog.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-35. Dogs at large; impoundment.

(a) No person shall permit any dog to run at large within the municipality. Any dog found upon any public street, sidewalk, alley, parkway, or any unenclosed public place shall be deemed running

at large unless such dog is firmly held on a leash by a person who is physically capable of controlling the animal or is in an enclosed vehicle.

(b) Unrestrained dogs may be taken and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days unless reclaimed by their owners. If by a license tag or other means the owner can be identified, the village may upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners shall be turned over to the Lake County Animal Warden for disposition.

(c) An administrative fee as set forth in the Lake County Animal and Rabies Ordinance shall be charged to any person reclaiming an impounded animal. This administrative fee shall be in addition to any fine imposed for violation of a village ordinance and any fee charged by the facility where the animal is impounded.

(d) In addition to, or in lieu of, impounding an animal found at large, the police department may issue to the owner of such dog a notice of violation in accordance with the ordinances of the village. (Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-36. Determination of a dangerous dog.

(a) *Investigation.*

(1) The police department shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any enforcement officer, desiring to have a dog classified as dangerous. The address of where the dog resides shall be provided to the police department. No dog that is the subject of an investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification.

(2) Where there is reason to believe that a dog is a dangerous dog, the chief of police or designee is authorized to impound and hold such dog, at the owner's expense,

pending the investigation and final resolution of any appeals. Where the dog has caused severe injury or death to any person, the chief of police or designee is required to impound and hold such dog, at the owner's expense, pending the investigation and final resolution of any appeals. Moreover, in no event shall a dangerous dog be released to its owner before the chief of police or designee approves the proper enclosure. If the dog is not impounded, it must be confined to the owner's home or the proper enclosure.

- (3) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(b) *Hearing.* Upon complaint filed by any person, an administrative hearing shall be conducted by a hearing officer pursuant to the procedures set forth in Chapter 2, Section 2-300 et. seq. of this Code. The hearing officer shall have the power to conduct a hearing and to determine that any dog is a dangerous dog. The owner or custodian of the dog shall have the right to participate in the public hearing, to present testimony, and to cross-examine witnesses. Such determination shall be made after notice of the hearing is served upon the owner or custodian of the dog as determined by dog license records. In the event that the dog is not licensed, then notice is only required if the owner or custodian of the dog has filed a written acknowledgment of ownership or custody with the chief of police or designee of the village. The hearing officer shall also have the power to issue a fine or other relief for violation of any village ordinance with respect to the violation of Chapter 14 of the Gurnee Municipal Code.

(c) *Determination.*

- (1) After the investigation, the hearing officer shall make a determination as to

whether there is sufficient cause to classify the dog as dangerous. The hearing officer shall provide written notification to the owner stating that his or her dog has been declared a dangerous dog, describing the basis for such declaration by specific behavior and date(s) of occurrence, setting forth all applicable orders and restrictions imposed, and informing the owner of his or her right to appeal such determination.

- (2) Where a dog is declared to be a dangerous dog, and the dog has caused severe injury to any person, the hearing officer may order the humane destruction of the dog, depending on the severity and circumstances of the injury. Where a dog is declared to be dangerous and the dog has caused the death of a person, the hearing officer shall order the humane destruction of the dog. In all cases where a dog is declared to be dangerous and is not humanely destroyed, the hearing officer shall order the owner to comply with the requirements as set forth in sections 14-37 and 14-38 herein.

(d) *Appeal.* All final decisions of the hearing officer shall be subject to administrative review in the Circuit Court of Lake County. (Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-37. Certificate of registration requirement for dangerous dogs.

(a) Within 14 days after a dog has been classified as dangerous by the hearing officer, the owner of the dog must obtain a certificate of registration for the dog from the village and the certificate shall be renewed annually. The chief of police or designee is authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the chief of police or designee the following information:

- (1) The name, address and telephone number of the dog's owner.
- (2) The address where the dog is kept, if different than the owner's address.

- (3) A complete identification of the dog including the dog's sex, color and other distinguishing physical characteristics, and a colored photograph of such dog.
 - (4) Proof of compliance with village and county dog licensing requirements.
 - (5) Proof of rabies vaccination.
 - (6) Proof of financial responsibility.
 - (7) History of prior unprovoked attacks by such dog which resulted in serious physical harm or death to any person or animal.
- (b) Prior to the issuance of a permit certificate of registration by the chief of police, the owner of such dangerous dog shall meet the following requirements:
- (1) The dog must be confined to the owner's home or in a proper enclosure.
 - (2) Posting of the premises with a clearly visible warning sign, in letters not less than two inches high, at all entry points that informs the public of the presence of a dangerous dog on the property. The sign must be visible and legible from the public way and from 50 feet away from the proper enclosure required. In addition, each such notice shall conspicuously display a warning symbol that informs children of the presence of a dangerous dog;
 - (3) Permanent identification of the dog, by means of microchipping.
 - (4) The dog shall be spayed or neutered, at the owner's expense.
 - a. The provisions regarding the neutering, spaying of dangerous dogs shall not apply to any dog that is to be trained and actively used by law enforcement agencies for law enforcement and rescue activities; any guide, signal or service dog; any dog documented and certified by a licensed veterinarian as not being a proper subject for spaying and neutering due to health or age reasons; and all dogs owned by certified and licensed breeders or hobby/show breeders.
- (5) Within 14 days of the declaration that the dog is a dangerous dog, the owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the owner's dog, in an amount not less than \$300,000.00 for a dangerous dog.
 - (6) The owner and the dog must complete a course of dog obedience training approved by the chief of police or designee.
 - (7) Sign a waiver agreeing to the following:
 - a. To provide access to property and the dog for no less than two inspections annually by the police department to verify compliance with the provisions of this article; and
 - b. It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle; and
 - c. The owner shall immediately notify the police department when a dog that has been classified as dangerous:
 1. Is loose or unconfined.
 2. Has bitten a human being or attacked another animal.
 3. Is sold, given away, or dies.

4. Is moved to another address. Prior to the dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the chief of police or designee. The new owner must comply with all of the requirements of this article if the dog is moved from one location to another within the Village of Gurnee. If the dog is moved to another jurisdiction, the governing law enforcement authority in the jurisdiction must be notified by the owner of a dog classified as dangerous that the dog is in that jurisdiction.

- (8) It shall be unlawful for any person to keep or maintain within the village a dangerous dog unless a certificate of registration issued under this article is then and there in full force and effect.
- (9) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-38. Certificate—Fee.

The certificate of registration required by section 14-37, if issued, shall be issued for one year upon payment of a fee of \$250.00 to the village and will be deemed to have expired one year from the date it was issued.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-39. Certificate—Denial.

(a) The certificate of registration required by section 14-37 shall be denied in the event that:

- (1) The requested information and proof of compliance with the regulations of section 14-37 are not supplied on the application; or the additional requirements of section 14-38 are not met.
- (2) Material information on the application is not correct.
- (3) A dangerous dog certificate of registration previously issued to the owner has been revoked.

- (4) There is substantial proof that the dog, while unprovoked, has previously caused physical harm or death to any person or domestic animal.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-40. Certificate—Revocation.

(a) The chief of police or designee may revoke any certificate of registration for a dangerous dog upon the following conditions:

- (1) Failure to abide by the requirements as set forth in this chapter.
- (2) There is substantial proof, after an investigation, that the dog, without provocation, has caused physical harm or death to any person or domestic animal.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-41. Certificate—Notice of revocation.

Upon revocation of a certificate of registration by the chief of police or designee, the owner shall be notified of such revocation and the reasons for same and shall be advised of the right to appeal that decision. Such notice shall be effective upon delivery of a copy of same to the address indicated on the certificate of registration, or upon the posting of same upon the property of the owner by the chief of police or designee who shall make [an] affidavit to that effect. Such revocation shall be effective and the certificate of registration shall stand revoked ten days after the service of such notice, unless appeal is taken.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-42. Attack or bite by dangerous dog/owner penalties.

(a) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the dangerous dog shall be immediately confiscated by the chief of police or designee, placed in a rabies quarantine, if necessary, for the proper length of time, or impounded and held for ten days after the owner is given written notification and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request an administrative hearing as set forth in section 14-36 to request relief from the issuance of

a written notification of humane destruction. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. If the owner does not pay these fees, he cannot reclaim the dog.

(b) If the owner files a written request for an administrative hearing, the dog must be held and may not be destroyed while the hearing is pending. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any hearing procedure. If the owner does not pay these fees, he cannot reclaim the dog. (Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-43. Exemption.

The provisions of this chapter shall not apply to the following:

- (1) Licensed veterinary hospitals where a dangerous dog is kept for treatment.
- (2) K-9 or other dogs owned or used by any police department which are used in the performance of police work.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-44. Penalties for violations.

Any owner who fails to comply with any of the requirements of article II of this chapter shall be punished by a fine of not less than \$25.00 nor more than \$1,000.00. In addition to the penalties set forth above, the chief of police or designee may order an owner who violates this chapter to attend with his or her dog a designated course of dog obedience training.

(Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-45. Same—Nuisance; injunction.

The violation of any section of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the village attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation or repetition of any violation of this

article. Such application for injunctive relief may include other appropriate relief including reasonable attorney's fees for bringing such action. (Ord. No. 2008-88, § I, 11-17-2008)

Sec. 14-46. Costs.

Any reasonable costs incurred by the village in seizing, impounding and for confining any dangerous dog shall be charged against the owner, keeper or harbinger of such dog and shall be collected by the village. Such charge shall be in addition to any fine or penalty provided for violations of this article.

(Ord. No. 2008-88, § I, 11-17-2008)