

## CHAPTER 3

### ANIMALS

**3-1-1**        **DEFINITIONS.** As used in this Code, the following words and terms shall have the meanings herein ascribed to them:

- (A)    **DOG.** Includes all animals, regardless of sex, of the canine species.
- (B)    **PERSON.** Any individual, association of individuals, or any corporation.

**3-1-2**        **LICENSE, COLLAR AND TAG.** Every person who owns, keeps or harbors a dog within the limits of the Village shall provide such dog with a collar made of substantial material to which a license tag shall be securely fastened. No dog shall be permitted to be kept or to remain within the Village unless the person who owns, keeps or harbors the same shall have caused such dog to be licensed with the County of Sangamon, Illinois, and provided with a collar and tag as herein required.

**3-1-3**        **RUNNING AT LARGE.** It shall be unlawful to permit any dog or cat to run at large in the Village. Dogs which are on any street, alley or sidewalk or other public place without being held securely on a leash shall be deemed to be running at large, and dogs or cats which are running at large shall be taken up and impounded.

**3-1-4**        **DISTURBING THE PEACE.** It shall be unlawful for the owner or persons in charge or control of any dog or cat, or for any person who has the authority or power to prevent the same, to suffer or permit any such dog or cat by barking, howling, crying or other distracting or loud or unusual noise to disturb the peace or quiet of any place or neighborhood or family or person in the Village. The disturbing of the peace or quiet of any such place or neighborhood or family or person in the Village by any such dog or cat is hereby declared to be a nuisance, and it shall be unlawful for any person to suffer or permit any such nuisance to exist.

**3-1-5**        **IMPOUNDMENT REGULATIONS.** The Village President, Sangamon County Animal Control, and any member of the Police Department of this Village shall have the power and authority to take up and impound any dog found running at large in the Village contrary to the provisions of this Section, or any dangerous or vicious dog or cat which shall have bitten any person. In the event that the Village President, Sangamon County Animal Control, or any such member of the Police Department of this Village is unable to

impound any such dangerous or vicious dog or cat without danger or injury to himself or herself, or reasonable apprehension of danger or injury to himself or herself, then such Village President, Sangamon County Animal Control, or member of the Police Department is hereby empowered and authorized to destroy such dog.

**3-1-6            RESERVED**

**3-1-7            DANGER OF RABIES, MUZZLES REQUIRED.** Whenever the Mayor, by proclamation, shall declare that danger from rabies is great, it shall be unlawful to permit any dog to go upon any public street, alley or sidewalk or other public place unless such dog is securely muzzled.

**3-1-8            DESTRUCTION OF DOGS.** Whenever it shall become necessary to destroy any dog, the method of destruction shall accord with the latest accepted practices from a human standpoint.

**3-1-9            ANIMALS PROHIBITED FROM VILLAGE.** Except in districts within the Village limits of the Village zoned A-1 Agriculture District, no person shall keep any cattle, horses, mules, goats, sheep, swine (except a miniature pig customarily used as a pet), chickens, turkeys, ducks, geese, other barn fowl, rabbits, mink, ferrets or other yard animals or snakes, except such as may be customarily used as a pet, within the Village limits.

## ARTICLE II - VICIOUS AND DANGEROUS DOGS

3-2-1        **DEFINITIONS.** As used in this Article, the following words shall have the following meanings and definitions:

(A)        **Vicious dog** means:

- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
- (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (4) Any individual dog that attacks a human being or domestic animal without provocation.
- (5) Any individual dog that has been found to be a "dangerous dog" upon **three (3)** separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B)        **Dangerous dog** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C)        **Enclosure** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be



securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(D) **Impounded** means taken into the custody of the public pound in the Village or town where the vicious dog is found.

(E) **Found to Be Vicious Dog** means:

- (1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of Subsection (A) and, based on that finding, the County Veterinarian, an Animal Control Warden has declared in writing that the dog is a vicious dog or
- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

**3-2-2 UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

**3-2-3 OWNER'S RESPONSIBILITY.** If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **seven (7) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden approves the enclosure as defined in this Article.

No owner or keeper of a vicious dog shall sell or give away the dog.

**3-2-4**            **DOG PERMITTED TO LEAVE PREMISES.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

**3-2-5**            **INJUNCTION.** The Animal Control Warden, the Village Attorney, or any citizen of the Village in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. (See 510 ILCS Sec. 5/17)

**3-2-6**            **LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.** If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. (See 510 ILCS Sec. 5/16)

**3-2-7**            **RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or

other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. (See 510 ILCS Sec. 5/17)

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)

(See also 510 ILCS Sec. 5/24)



## ARTICLE III – CONTROL OF ANIMALS

### 3-3-1 . DEFINITIONS

(A) ADMINISTRATOR: means a veterinarian licensed by the State of Illinois and appointed pursuant to the Illinois Animal Control Act, or his duly authorized representative.

(B) ANIMAL: All domesticated animals, including but not limited to dogs and cats.

(C) ANIMAL SHELTER: means an area, refuge, retreat, cover, asylum, protection, sanctuary, harbor, guard, haven, or a place that provides safety and security to lost, stray, abandoned animals which are being kept by someone other than the owner.

(D) CAT: All members of the family Feline.

(E) DANGEROUS DOG: means an individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(F) DOG: All members of the family Canidae

(G) DOMESTICATED ANIMALS: means a tamed, trained, captive, or housebroken domestic animal.

(H) DOMESTICATED ANIMALS/PRODUCTION AGRICULTURE: for the provisions of this ordinance will mean any domesticated animal used for the purpose of production agriculture.

(I) ENCLOSURE: means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(J) IMPOUNDED: means taken into the custody of the Sangamon County Animal Control or by local authorities when necessary.

(K) INOCULATION AGAINST RABIES: means the injection, subcutaneously or otherwise, of canine anti-rabic vaccine as approved by the Illinois Department of Agriculture.

(L) KENNEL: means a shelter for or a place where dogs or cats are bred, boarded, or trained.

(M) LEASH: means a cord, rope, strap, or chain, not to exceed six (6) feet in length, 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.

(N) NUISANCE ANIMAL: means any animal which by barking, howling, crying, or other distressing or loud, or unusual noise, disturbs the peace or quiet of any place, neighborhood, property, family, or person in the Village; or shall destroy or in any manner injure any animal, plant, shrub, or other property not on the premises of its owner or keeper.

(O) OWNER: means a person having the right of property in an animal, or who keeps or harbors an animal, or who has an animal in his/her care or who acts as its custodian or keeper, or who knowingly permits an animal to remain on or about any premises occupied by him/her.

(P) POUND: means any facility designated by the Village for the purpose of enforcing this Section and used as a shelter for seized, stray, homeless, lost, abandoned, or unwanted animals.

(Q) PUBLIC AREA: means any public street, alley, sidewalk, parkway or easement; and any municipal, school, park, recreational, or other public properties.

(R) RESTRAINT: means an animal is under restraint within the meaning of this Section if the animal is confined by a fence of sufficient height and security to prevent the animal from leaving the area so encompassed, under the control of a responsible person, or on a leash securely fastened to an inanimate object and of a length which prevents the animal from leaving the property of the animals owner or keeper.

(S) RUN LINE: means a system of tying a dog in place with either a rope or chain having a tensile strength of at least three hundred (300) pounds.

(T) UNDER THE CONTROL OF A RESPONSIBLE PERSON: means an animal is under control of a responsible person within the meaning of this Section if the animal is controlled by a leash held by a person of sufficient maturity and strength to restrain the animal at all times, in an automobile or other enclosed vehicle which confines the animal, or under the restraint within the property limits of the animals owner or keeper.



(U)

**VICIOUS DOG:** for purposes of this ordinance "Vicious Dog" means;

- (i) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property;
- (ii) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (iii) Any individual dog which attacks a human being or domestic animal without provocation;
- (iv) Any individual dog which has been found to be a "Dangerous Dog" upon three (3) separate occasions;
- (v) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a trained dog for law enforcement, guard duties, or civil defense;

(V)

**VILLAGE:** for the purpose of this ordinance will mean the Village of Thayer, Thayer, Illinois, Sangamon County.

**3-3-2**

**DOGS TO BE INOCULATED, CERTIFICATE TO BE ISSUED, AND REGISTRATION TAGS TO BE OBTAINED AND AFFIXED TO COLLARS.**

(A) Every owner of a dog four (4) months or more of age, shall cause such dog to be inoculated against rabies by a licensed veterinarian at such intervals as may hereafter be established by the Illinois Department of Agriculture. Evidence of such rabies inoculation shall be entered on a certificate approved by the Sangamon County Board and which shall be signed by the licensed veterinarian administering the vaccine. Such owner or keeper of such dog shall cause the dog to be registered with Sangamon County, who shall issue a serially numbered tag evidencing such inoculation that shall be attached at all times to a collar or harness worn by the dog.

(B) At any reasonable time upon request of any member of the Police Department, Village Health Officer, Sangamon County Animal Control Officer, or other Village Official, the owner or keeper of any dog shall exhibit his/her certificate issued under the provisions of 3-3-2 (A) of this Section showing inoculation against rabies of any dog owned or controlled by him/her.

**3-3-3**

**CONTROL OF ANIMALS.**

The owner or keeper of an animal shall keep the animal under control 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 the control of a responsible person as defined in 3-3-2(A) of this Section.

**3-3-4**            **RUNNING AT LARGE.**

No animal shall run at large at any time within the corporate limits of the Village with or without a registration tag and name tag fastened to the animals collar or harness. Any animal running at large at any time within the Village shall be taken up by the Police Department Officers, dog catcher, Sangamon Animal Control Officer, or any other agents of the Administrator, and placed in a Pound designated by the Village or Administrator.

**3-3-5**            **PUBLIC PLACES.**

No dog or cat, unless under the control of a responsible person, shall be upon any school ground, public park, or municipal property within the Village, or upon a path or sidewalk extending through or within such areas. This probation shall not apply to dogs properly trained and in service as an aid to a disabled person, law enforcement officer, or civil defense agent.

**3-3-6**            **RESTRICTED AREAS.**

No dog or cat shall be permitted even on a leash or if carried, to enter any places or areas where food is sold, stored, prepared, or served for human consumption, except for dogs properly trained and in service as an aid to a disabled person, law enforcement officer, or civil defense agent.

**3-3-7**            **POUND.**

The Village may designate a suitable place from time to time for the impounding of seized dogs, cats, and other nuisance animals. In the absence of any different designation, the place of impoundment shall be the Sangamon County Animal Pound

**3-3-8**            **NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.**

In the case of impounding and where the owner or keeper of such animal is disclosed by any tax, license, or name tag worn by the animal, or is otherwise known to the officers impounding same, the Police Department, Animal Control Officer, Public Health Officer, shall at once or as soon as possible, give notice to such owner or keeper, by mail, or in person, or by an affixed notice to the residence of the known owner or keeper, informing the owner or keeper of the impounding of his/her animal and shall cite the owner or keeper of such animal to answer the charges of violation of this Section.



3-3-9

REDEMPTION OF IMPOUNDED ANIMALS.

Any animal impounded under the provisions of this Section, except such as may have bitten any person or constitute a nuisance as specified in 3-3-11 and 3-3-12 of this Section, shall unless sooner redeemed, be held for the period of three (3) days in order to afford opportunity to the owner or keeper thereof to redeem the same. The owner of any animal so impounded may claim the same within three (3) days and have the same released upon compliance with 3-3-2 of this Section, and upon paying the Village Official an apprehension charge of \$100.00 (one-hundred dollars) for the first offense within a 12 month period; \$150.00 (one-hundred fifty dollars) for the second offense within a 12 month period; and \$200.00 (two hundred dollars) for the third offense within a 12 month period. On the fourth offense within a 12 month period for any particular animal, the animal shall be humanely destroyed or otherwise disposed of by the Pound Keeper.

In addition to the aforementioned apprehension charges, in order to redeem an impounded animal, the owner or keeper thereof shall also obtain a release from the Village Health Officer or Village Official stating that the apprehension charges have been paid to the Village, the owner or keeper shall also pay;

- (A) the expenses for the board of the animal for the period during which it was impounded.
- (B) all fines and cost in addition to the apprehension charge which may be levied against him/her for a violation of other provisions of this Section.
- (C) all charges or assessments imposed by the Sangamon County Animal Control Authorities as a result of the animal being impounded which shall be treated as pass through costs to the owner of the animal.

If a dog is impounded and has not been inoculated against rabies for the current year, the owner or keeper thereof shall also advance the fee required to have such dog inoculated by a duly licensed veterinarian as he shall elect and the pound keeper shall forthwith cause the dog to be duly inoculated against rabies. No dog shall be released without having been inoculated for the current calendar year or in accordance with the requirements of the Illinois Department of Agriculture. Upon payment of required charges, the dog shall thereupon be released to the owner or the keeper thereof.

3-3-10 DOGS EXHIBITING SIGNS OF RABIES; IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS; PREVENTION OF SPREAD OF RABIES.

Although the Illinois Animal Control Act vests authority in municipalities and other political subdivisions to regulate dogs and other animals, the Village is not equipped to confine, observe, or otherwise deal with animals which display clinical signs of rabies or which have



bitten persons, or to take action which may extend beyond the corporate limits of the municipality in the event of an outbreak of rabies. Therefore, with respect to the matters addressed in Section 12, Section 13, and Section 14 of the Illinois Animal Control Act (IL. Rev. Stat. 1987 Chapter 8, Paragraphs 362, 363, and 364), pertaining to notification of authorities when a dog or other animal exhibits clinical signs of rabies; the capture, confinement, observation, and testing of animals which have bitten persons; and actions which may be taken in the event of an outbreak of rabies, this ordinance contains no terms other than those statutory provisions. According to the citizens and officials of the Village shall defer to and utilize the services of the Sangamon County Animal Control Office with regard to the matters described in this Section 3-3-10.

**3-3-11        DISPOSITIONS OF CERTAIN VICIOUS ANIMALS AND ANIMALS DEEMED NUISANCES.**

Any animal which is a nuisance, and any vicious dog, may be taken up and impounded and may be redeemed or disposed of in a manner provided for under 3-3-9 of this Section; except, any vicious dog which has bitten more than one person may be humanely destroyed providing circumstances warrant.

**3-3-12        KILLING OF DANGEROUS OR VICIOUS ANIMALS.**

Members of the Village Police Department are authorized to kill any dangerous or vicious animal when it is judged by them as necessary for the protection of persons or property. The classification of dangerous or vicious animal may be judged by the Police Department, Chief of Police, Animal Control Officer, Trustee of Police, Trustee of Public Health and Safety, or the Village President. Such animals may also be rendered helpless by tranquilizing and impounded.

**3-3-13        MITIGATING CIRCUMSTANCES.**

In determining whether a vicious dog should be humanely destroyed as authorized in 3-3-11 of this Section, and when classifying an animal as a dangerous or vicious as provided by 3-3-12 of this Section, the officials charged with administering and enforcing this Ordinance shall take into consideration all circumstances known to them, including extenuating factors and circumstances brought to their attention by the owner or the keeper of the animal, included but not limited to, whether or not the animal was provoked. It shall be deemed a mitigating circumstance if the animal otherwise classified as "vicious" has bitten, attacked, or menaced a trespasser on the property of its owner or keeper, or has harmed or menaced anyone who has tormented or abused it, or if the animal is a professionally trained dog for law enforcement or guard duty purposes. No vicious dog shall be destroyed pursuant to the authority of 3-3-11 of this Section, unless its owner or keeper has had at least three (3) days within which to make known any extenuating or mitigating circumstances.

3-3-14

ANIMAL WASTE.

(A) It is unlawful for a dog or cat owner or keeper to permit any such dog or cat to urinate upon any public area or private premises not that of the owner or the keeper.

(B) It is unlawful for a dog or cat owner or keeper to permit such dog or cat to defecate or deposit excreta upon any public area or private premises not that of the owner or keeper.

(C) 3-3-14 (B) of this Section shall not apply to public areas if such solid waste is completely and immediately removed by the owner or the keeper.

(D) 3-3-14 (A), (B), and (C) also applies to all other domesticated animals with the exception of domesticated animals used for production agriculture contained in an area that is Zoned "A1" agriculture and are not permitted onto public or private properties other than the property of the owner or keeper.

(E) No owner or keeper of domesticated animals within the Village shall allow animal waste to accumulate to the extent that the animal waste has created an odor or "air contaminant" that is offensive, nauseous, irritating or noxious to humans or other animal life. Odors or "air contaminants" that are offensive, nauseous, irritating or noxious to humans or other animal life will be considered a public nuisance and therefore be subject to Chapter 25, Article \_\_\_\_\_ "Abatement of Nuisances" of this Ordinance. (65 ILCS 5/11-19-1)

3-3-15

CRUELTY TO ANIMALS.

(A) No owner or keeper shall fail to provide his/her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any combat between animals. No animal shall be left unattended in any vehicle without proper and sufficient ventilation.

(C) No owner or keeper of an animal shall abandon it.

3-3-16

NUISANCES AND DISTURBANCES.

It shall be unlawful to own or harbor any animal which disturbs the peace by loud noises at any time of the day or night. Written notice to abate shall be provided to the owner or keeper, and if nuisance or disturbance is not abated then penalty shall therefore apply for each day the offense continues.



**3-3-17            ENFORCEMENT OFFICERS.**

The Village may employ one or more competent persons, as deemed necessary, to aid the Police Department in enforcing the provisions of this Section. Such persons may be vested with police powers and shall receive for there services as hereinafter provided, such compensation as the Village Board of Trustees, may from time to time determine by resolution.

**3-3-18            INTERFERENCE WITH ENFORCEMENT OFFICERS.**

No person or persons shall resist or molest the Village Police, Village Health Officer, Animal Control Officer, or any agents of the Administrator while engaged in the discharge of any duty placed upon him by any of the provisions of this Section, and no officer or other person shall entice or decoy any animal out of a house or enclosed lot, nor bring or cause to be brought or enticed, any animal from without the Village limits into the same for the purpose of impounding such animal.

**3-3-18A         RIGHT OF ENTRY; INSPECTIONS; APPREHENSION OF DOG OR OTHER ANIMALS; REFUSAL OF OWNER OR KEEPER TO DELIVER DOG OR OTHER ANIMAL.**

This Ordinance, for the purpose of carrying out the provisions of the Illinois Animal Control Act and this Ordinance and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a stray dog or other animal, a dangerous or vicious dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefore, the owner or keeper of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner or keeper shall be in violation of the Illinois Animal Control Act and this Ordinance.

**3-3-19            ALTERNATE RESOLUTION OF OFFENSE.**

In lieu of service of Notice To Appear to answer charges of violation of this Section, any Village Police Officer may serve a citation on anyone who is accused of violation of this Section. Such citation shall allow the person served the opportunity to pay a fine (ranging in accordance with 3-3-21 Penalties) in the amount of \$50.00 (Fifty Dollars) to the Village Health and Welfare Officer, or other designated Village Official within five (5) days following the date of service thereof, as penalty for violation of this Section, instead of facing arrest or formal written charges in a Notice To Appear. Such payments shall be in addition to any redemption fees or impoundment charges that may have been incurred. Failure to timely pay the amount specified in the citation may result in the issuance of a Warrant For Arrest or a Notice To Appear to answer such charges in a court of law.



**3-3-20**            **ADDITIONAL VIOLATION.**

Any violation of the Animal Control Act of the State of Illinois (510 ILCS 5/1 et seq) as amended from time to time, shall be deemed a violation of this Section, including but not limited to the requirements relating to dog and other animal bites. The Village Board hereby adopts the Animal Control Act, 510 ILCS 5/1 et seq, and incorporates the same herein in its entirety. However, as to any provisions which are in conflict with the Animal Control Act of the State of Illinois, this Village Ordinance shall control.

**3-3-21**            **PENALTIES.**

Penalty for conviction of violation of any section of this Ordinance shall not be less than \$50.00 (fifty dollars) nor more than \$250.00 (two hundred fifty dollars) for each such offense, plus the cost of enforcement actions incurred by the Village which includes, but is not limited to attorneys fees and police and Animal Control Officers cost. If notification is received by the Chief of Police or other designated Village Officials prior to impoundment that a particular animal is lost or a runaway, then said circumstances shall be deemed mitigating factors in assessing any penalties and fines, to the extent of complete wavier of penalties and fines, but cost of apprehension and expenses of board of any animal impounded may not be mitigated or waived by any such prior notice.

**3-3-22**            **COLLAR OR HARNESS/IDENTIFICATION.**

Owners or keepers of dogs and cats shall cause their dogs and cats to wear a harness or collar and a metallic or other suitable tag inscribed with the name, address, and phone number if any of the owner or keeper.

**3-3-23**            **VICIOUS DOGS TO BE IN AN ENCLOSURE OR ON A RUN LINE.**

(A) The owner/s or keeper/s of a dog that is deemed "vicious" shall cause such vicious dog to be confined within an enclosure of a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children or other persons, and suitable to confine a vicious dog. Such enclosure shall be securely enclosed and locked and design with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. Such enclosure shall be posted "BEWARE OF VICIOUS DOG".

(B) A vicious dog confined to a run line must be secured to a chain or cable having the tension strength of three hundred (300) pounds, such vicious dog must remain a minimum of twenty five (25) feet away from any public right away.

(C) A vicious dog on a run line must be under the direct control and supervision of the owner or keeper of the vicious dog at all time while such vicious dog remains on the run line. In the absence of the owner or the keeper the vicious dog must be returned to the enclosure.

(D) A vicious dog on a run line must remain muzzled at all time while on the run line.

(E) The only times that a vicious dog may be allowed off of a run line, or out of an enclosure;

1. If it is necessary for the owner or keeper to obtain veterinary care for the vicious dog.
2. In order for the owner or keeper to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

(F) Any dog which has been found to be a vicious dog and which is not confined to an enclosure or on a run line and muzzled shall be impounded by the law enforcement authority and shall be turned over to the Sangamon County Animal Pound for destruction by lethal injection by a licensed veterinarian.

**3-3-24 DUTIES OF CHIEF OF POLICE/POLICE OFFICERS AND ADMINISTRATOR AND AGENTS.**

Except as to the regulations concerning inoculation against rabies, the Chief of Police, Police Officer or other designated Village Official is charged with the duty of enforcing the provisions of this article.

**3-3-25 DUTIES OF THE VILLAGE CLERK.**

It shall be the duty of the Village Clerk to determine that all fees herein provided or otherwise provided by law to be paid are properly accounted for to the Village Treasurer.

**3-3-26 ANIMAL OWNER(S) OR KEEPER(S) ARE LIABLE FOR DAMAGES CAUSED BY THE ANIMAL(S).**

The owner or keeper of an animal are liable to a person for all damages caused by the animal to persons or properties not that of the owner or keeper.

**3-3-27 KENNELS.**

Kennels as defined in this Section are subject to the Village of Thayer Zoning Ordinance, however they are subject to the provisions of this Ordinance in regard to animal control.

**3-3-28 ANIMAL SHELTERS.**

No person/s shall operate an "Animal Shelter," as defined in 3-3-1 of this Section, within the Village limits to harbor or protect lost, stray, unhealthy, abandoned, injured animals which are being kept by someone other than the owner or keeper.

**3-3-29 SEVERABILITY CLAUSE.**

If any section , paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

**(Thayer Ordinance #96-14, dtd August 12, 1996)**

**3-3-30 FEMALE BREEDING DOGS.**

The maximum number of female dogs owned and maintained within the Village limits of the Village of Thayer, Thayer, Illinois, for breeding purposes by a Village residential unit or address within the Village, shall be two (2).

**(Thayer Ordinance #2007-02, dtd April 19, 2007)**