

ORDINANCE NO. 817

AN ORDINANCE IN RELATION TO ANIMALS
AMENDING ARTICLE 2 OF CHAPTER 3 INCLUDING SECTION 3-2-1
THROUGH 3-2-17

WHEREAS, there exists in the City of Nokomis, Illinois, a serious problem in regard to animals running at large and animals that have not been vaccinated against rabies; and

WHEREAS, the Corporate authorities deem it necessary to invoke the police powers of the City for the protection of the residents in the City of Nokomis against such occurrences; and

WHEREAS, the regulations established by this Ordinance are necessary for the safety, comfort, health and welfare of the residents of the City of Nokomis;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS AS FOLLOWS:

Section 3-2-1: The Chief of Police of the City of Nokomis, Illinois or such other official as may be designated by the City Council, shall have the duty of enforcing this Ordinance and any other rules and regulations relating to animals in the City of Nokomis, Illinois.

Section 3-2-2: DEFINITIONS. Whenever used in this Ordinance, unless a contrary intention is clearly evident, the following terms are used as herein defined:

- A. "ANIMAL" includes all male and female members of the canine family, of the cat family, raccoon, rabbits or other animals allowed as pets in the City of Nokomis, except for caged birds, fish, reptiles, gerbils, hamsters, mice and other similar small animals kept in cages or glass or metal enclosures, so long as said animals are kept in residential premises or homes.
- B. "OWNER" means any person having a right of property in an animal, or who keeps or harbors an animal, or has such animal in his or her care, or acts as its custodian, who normally permits an animal to remain on or about any premises occupied by such person. Persons operating a retail business selling animals covered by this Ordinance are excluded from the provisions of this Ordinance if the primary purpose of said business is the sale of said animals, said business is located at an established place of business, and said person files an Illinois tax return as a result of said business.
- C. "HAS BEEN BITTEN" means has been seized with the teeth or jaws, so that the person or thing seized has been

nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

D. "INOCULATION AGAINST RABIES" means the injection, of an anti-rabies vaccination as from time to time approved by the Illinois Department of Agriculture.

E. "FIERCE OR VICIOUS ANIMAL" means an animal which has attacked or bitten any person or that has had a propensity to attack or bite persons which is known or ought reasonably to be known to the owner.

Section 3-2-3: RABIES VACCINATION. All animal owners shall cause each animal owned or kept by them which is four months or more of age and not confined at all times to an enclosed area upon the owners property to be vaccinated against rabies by a licensed veterinarian once per calendar year unless otherwise deemed not recommended by a licensed veterinarian.

Section 3-2-4: LICENSE. The City Clerk shall issue animal licenses and is authorized to collect a fee of \$5.00 for each license issued. Every animal owner shall obtain a license each year for each animal owned or kept in the City of Nokomis. License shall be valid for a period from January 1 until December 31 of the same year. If the animal owner acquires an animal after January 1, the license shall be required at the time that the animal is acquired. Nothing contained herein shall alter the existing requirement for each animal owner to obtain a license pursuant to previous Ordinance. The license fee shall be \$5.00 for the license year regardless of whether the license is issued for twelve months or for a shorter period of time. The City Clerk shall furnish the animal owner a license tag and a written receipt for each animal license issued. Every owner of a animal shall keep a collar around the animal's neck and shall keep the license tag firmly attached thereto unless otherwise not recommended by a licensed veterinarian. Replacement tags shall be available for \$1.00 per tag. The failure to obtain a license shall be punishable by a fine as provided by Section 3-2-9 of this Ordinance.

Section 3-2-5: ANIMALS PROHIBITED FROM RUNNING LOOSE AND IMPOUNDING. It is hereby declared to be a nuisance for any animal to run at large at anytime within the Corporate Limits of the City of Nokomis. An animal shall be considered to be running at large when it is not controlled by a leash having a maximum length of not more than ten feet, confined in an animal tight cage or enclosure, while confined within a vehicle being driven or parked on a street, or within the property limits of its owner. Such animals may be taken up by the Chief of Police, any policemen, dog catcher, designated pound keeper, or other such official or employee of the City as designated by the President of the City Council, and placed in a pound designated by the City. When animals are apprehended and impounded, the owner, if known, shall be given notice of not less than five days by the City Clerk or some other City official. Such

notice shall be mailed to the last known address of the owner. An affidavit or testimony of such official who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such animal. In the case the owner of any such impounded animal desires to make redemption thereof, he may do so on the following conditions:

- A. He must present evidence of compliance with Sections 3-2-3 & 3-2-4 of this Ordinance.
- B. He must pay for the boarding of the animal for the period for which it was impounded.
- C. He must pay an additional \$10.00 as a penalty for the first offense, \$20.00 for the second offense and \$30.00 for each subsequent offense. This penalty shall be in addition to other penalties invoked by this Ordinance or imposed by a Court.

Any animal not so redeemed by the owner within five days from the time it was impounded may be destroyed, offered for adoption, or otherwise disposed of by ~~the Chief of Police, any policeman or animal catcher, pound keeper or~~ licensed veterinarian.

Section 3-2-6: QUARANTINE OF ANIMALS THAT HAVE BITTEN SOMEONE. All animals that have bitten any person shall be quarantined by the Chief of Police, any policeman, animal catcher or designated pound keeper for a period of ten days after the date of the bite. The owner or keeper of such animals that have bitten someone shall keep the animal confined at all times during the quarantine period, either in an enclosure from which escape is impossible or on a leash or chain made of indestructible material. Any animal owner who fails to comply with this quarantine requirement after being notified to do so shall surrender such animal to the Chief of Police, any policeman, animal catcher or pound keeper who will keep the animal impounded at a designated pound. Such animal may be redeemed at the end of the ten day quarantine period by its owner or keeper after complying with the conditions for redemption as set forth in Section 3-2-5 of this Ordinance.

Section 3-2-7: INTERFERING WITH OFFICERS. No person or persons shall resist, interfere with, restrict or molest the City Clerk, Chief of Police, any policeman, dog catcher, pound keeper or other designated City official while engaged in the discharge of any duty provided for by the provisions of this Ordinance.

Section 3-2-8: FIERCE OR VICIOUS ANIMAL. Any fierce or vicious animal running at large in the streets or public places of the City, or upon private premises of any other person than the owner or keeper, is hereby declared a nuisance, and such animal shall be taken up and impounded in the manner provided by this Ordinance for the impounding of animals; provided, however, that if any fierce or vicious animal so found at large cannot be safely taken up and impounded, such animal may be slain by any policeman.

Section 3-2-9: PENALTY. Any person, firm or corporation filing any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Any fine levied by the Circuit Court of Montgomery County shall be in addition to the impoundment fee and penalties as provided for in the aforesaid Section 3-2-5. The bringing of an action pursuant to this Section for violation of said Section 3-2-5 shall not stay the provisions of said Section 3-2-5 in regard to disposal or impoundment of the animal if it is not redeemed. If the owner redeems the impounded animal pursuant to said Section 3-2-5 within the allotted time, such action shall not constitute an admission that the owner has violated this Ordinance for purposes of a prosecution and assessment of fine pursuant to this Section 3-2-9.

Section 3-2-10: DISPOSAL OF WASTE. Any owner, keeper, or person having an animal under their control shall be responsible for the removal and disposal of any waste material left by their animal upon any street, alley, sidewalk or public place within the City or upon private property other than that of the owner of keeper of such animal. Failure to promptly remove and dispose of such waste left behind by the animal shall constitute a violation of this Ordinance.

Section 3-2-11: DISPOSITION OF ANIMALS DEEMED NUISANCES. Any animal which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or 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 shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

Omit
~~Section 3-2-12: DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any fierce or dangerous dog or other animal or of any female dog, while in heat, to run at large within the limits of this City.~~

Omit
~~Section 3-2-13: 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~~

Section 3-2-14: UNCONSTITUTIONALITY CLAUSE. Should any Section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

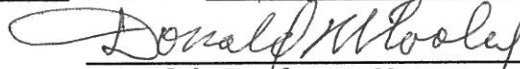
Section 3-2-15: REPEAL. All Ordinances or portions of Ordinances, including Section 3-2-1 et seq. entitled Dogs, in conflict with the provisions of this Ordinance are hereby repealed.

Section 3-2-16: EFFECTIVE DATE. This Ordinance shall take effect as provided by law and is adopted pursuant to procedures set

forth in the Illinois Municipal Code and to be published in pamphlet form.

Past and adopted by the City Council of Nokomis, State of Illinois, on the 11th day of December, 1995 by the following vote.

Approved this the 11th day of December, 1995.



Donald Tooley, Mayor

Attest: Mary Jean Scheller
Mary Jean Scheller, City Clerk

ORDINANCE 817

SECTION _____

STATE OF ILLINOIS)
) SS
COUNTY OF MONTGOMERY)
)
CITY OF NOKOMIS)

I, Mary Jean Scheller, City Clerk, of the City of Nokomis, Illinois, do hereby certify that above and foregoing Ordinance entitled:

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AMENDING ARTICLE 2 OF CHAPTER 3 INCLUDING SECTION 3-2-1
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was duly published in the Free Press-Progress, a public secular newspaper of general circulation published in said City on the 13th day of December 1995.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City of Nokomis, Illinois, this 19th day of December 1995.

Mary Jean Scheller
Mary Jean Scheller

(CORPORATE SEAL)