

## CHAPTER 5

### ANIMALS AND FOWL

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#### ARTICLE I. IN GENERAL

5-1-1. Cruelty. No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this article.

5-1-2. Dangerous animals. It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city; exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

5-1-3. Noises. It shall be unlawful to harbor or keep animals which disturb the peace by loud noises at any time of the day or night.

5-1-4. Strays. It shall be unlawful to permit any cattle, horse, swine, sheep, goats, or poultry to run at large in the city; any such animal running at large in any public place in the city shall be impounded.

5-1-5. Killing dangerous animals. The members of the Police Department or any other person in the city, are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

5-1-6. Diseased animals. No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or designated officer.

It is hereby made the duty of the Animal Control Officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

5-1-7. Housing.

(1) No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome. All coops, hutches, and enclosures in which any animals are kept must be kept in a sanitary manner and be regularly cleaned in order to prevent any accumulation of dirt, manure, or offal. All coops, hutches, and enclosures must be large enough to humanely accommodate the number of animals in the space.

(2) It shall be unlawful to keep any horses, ponies, cattle, sheep, mules, swine, goats, or turkeys within the corporate limits of the city.

(3) It is unlawful, and hereby declared to be a nuisance, for any person to keep any rooster on any premises owned, occupied, or controlled by him or her in the City.

(4) It is unlawful, and hereby declared to be a nuisance, for any person to keep on any premises owned, occupied, or controlled by him or her in the City any hens, ducks, pigeons, geese or other domestic fowl, unless:

- a. The number of fowls does not exceed eight (8); and
- b. The fowls are kept in an enclosure, no part of which is within 20 feet of any adjacent property, other than that of the owner, as measured from any property boundary to the nearest corner of the enclosure unless written consent is obtained from the adjacent property owner so affected; and

(5) Except as detailed above, any fowl permitted in this Ordinance shall only be allowed for personal and private use, enjoyment, and consumption. The fowl or their eggs must not be sold or used for business purposes or profit.

(6) Any violation of this Ordinance shall constitute a nuisance. Any violation shall be subjected to a \$25.00 per day fine and the City attorney is authorized to commence a court action to seek collection of any unpaid fines and may seek injunctive relief or court order to bar further violations of this ordinance. Notwithstanding the foregoing, every animal or fowl kept in excess of the limits detailed in this ordinance shall result in a \$25.00 per animal or fowl per day fine.

(Ordinance 18-C-5, amended July 16, 2018)

5-1-8. Animal slaughtering and carcasses. No person shall butcher, slaughter, or kill any animal within the City of Arcola in an area where the death of the animal could be viewed by an unsuspecting member of the public. This paragraph does not apply to veterinarian euthanizing an animal, does not apply within the confines of a veterinary office, and does not apply to educational classes taught within the confines of a school.

( Ordinance 16-C-2, amended June 06, 2016)

## ARTICLE II. DOGS

5-2-1. Definitions. As used in this article, the following terms mean:

- (1) “Animal” is any mammal, domestic or wild, other than man which may be affected by rabies.
- (2) “Animal control officer” is that person educated in the care, seizure, custody, and confinement of animals or his agent as hired by the City Council.
- (3) “Animal shelter” is a licensed facility, public or private used to confine and house animals seized, lost, abandoned or given over by owners.
- (4) “Cat” is any member of the animal species Felis Catus.
- (5) “Dog” is any member of the animal species Canis Familiaris.
- (6) “Euthanasia” is a death brought about by any method which produces rapid loss of consciousness to a painless death.
- (7) “Harborer” is any person who provides food and shelter for any animal on other than a periodic or temporary basis.
- (8) “Owner” is any person having right of property in any animal; who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.
- (9) “Person” is any individual, firm, corporation, partnership, association, trust, estate, or other legal entity.
- (10) “Pound” is that facility as designated by the City Council used to temporarily confine and house animals that have been seized.

5-2-2. Duty of Owner. The owner of any dog kept within the city shall obtain a Douglas County license and immediately attach the license tag to the collar or harness of the dog and the said tag shall be worn by the dog at all times. Upon request by the animal control officer or a city police officer, the owner shall provide proof of said license.

(1) No person shall own or harbor a dog within the city that does not have a current Douglas County license.

(2) Any dog, whether running at large or otherwise found within the city without a current Douglas County license tag shall be impounded.

5-2-3. Dogs Running at Large. It shall be unlawful for any person owning or possessing a dog to permit the same to run at large. For the purpose of this paragraph, “running at large” shall be defined to be the presence of a dog at any place except upon the premises of the owner. A dog shall not be considered to be

running at large if it is on a leash and under control of a person physically able to control it.

5-2-4. Tethering. The tethering of a dog for more than twelve (12) hours in any twenty-four (24) hour period or for any other period of time in conditions that threaten the health or well being of the dog is prohibited.

(Ordinance 07-C-3, Amended 12/18/07)

(1) No animal shall be tied or fastened by any rope, chain, or cord that is directly attached to the dog's neck. Restrained animals must wear a properly fitted collar or harness, not a choker type. The tying device shall be attached to the dog's collar or harness and shall be at least six (6) feet in length and have swivels on both ends to prevent device from tangling. The chain/tether size shall be in proportion to the size of the dog.

5-2-5. Keeping Barking Dogs. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, or yelps, to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance.

5-2-6. Petitions Complaining of Barking Dogs.

- (1) Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps is being kept by any person in the City, the police department shall notify the owner of said dog that a complaint has been received, and that the person should take whatever steps necessary to alleviate the howling, yelping.
- (2) If the warning given to the person alleged to be keeping a dog as set forth in (1) above is ineffective, then a verified complaint of at least one citizen may be presented to the police department, alleging that a dog which habitually barks, howls or yelps, is being kept by any person within the City. The police department shall inform the owner of such dog that said petition has been received and may cite the owner of the dog for the violation alleged in said petition.

5-2-7. Impounding Dogs. Whenever the animal control officer, assistant animal control officer, or any police officer shall find any dog running at large as defined in this ARTICLE, he shall, if possible, pick up and impound such animal. Whenever the owner of any impounded dog is known or when the impounded dog bears an identification tag or license tag, the animal control officer shall notify the

owner forthwith. The notice may be made verbally or by mailing notice to the last known address of the owner.

5-2-8. Reclaiming Impounded Dog. If the owner of any impounded dog desires to reclaim the animal, he may do so on the following conditions:

(1) For an impounded dog, the owner must present proof of current rabies inoculation or the owner must pay for the rabies inoculation of the dog.

(2) The owner must pay a minimum impounding fee of \$10 plus \$5 per day for each day, or part thereof, the dog is impounded.

(3) The owner must pay a running at large penalty of \$35 for the first impounding and \$70 for a second or subsequent impounding in one year.

(4) Any dog impounded shall be held for a minimum period of two days unless the owner reclaims him sooner in accordance with the provisions of this Section.

5-2-9. Dogs Not Reclaimed. The known owner or harbinger of an impounded dog shall have 48 hours from the time of notification in which to claim the animal upon the conditions set forth in this ARTICLE. Failure by the known owner or harbinger to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming and the animal control officer shall consign said animal to the Douglas County Pound, some other licensed animal shelter, or to a veterinary clinic. When the owner or harbinger of an impounded dog cannot be ascertained, the animal shall be impounded for no less than 72 hours. If a dog is unclaimed beyond this time, the animal control officer shall consign the dog to the Douglas County Pound, some other licensed animal shelter, or to a veterinary clinic.

5-2-10. Animal Bite – Reporting and Control. Anyone having knowledge or reason to believe that any animal in the City has bitten a person shall report within 24 hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the animal control officer or to the police department. Whenever any dog has bitten a person, it shall be confined in such place as the animal control officer or police department may direct and for such period of observation as may be necessary unless such dog is too vicious and dangerous to be impounded safely, in which case it may be killed and its head shipped to the state laboratory for rabies examination. The owner of the dog shall provide victim/police with the dog tag number, type of dog, show proof of license and shots. The dog owner will consult with a local veterinarian to have proper testing completed to insure the said dog is clean of rabies or other diseases, at the owner's expense.

5-2-11. Compensation for Animal Control Officer. The animal control officer shall receive compensation from the City in such sums as may be set from time to time by the City Council.

5-2-12. Powers of Police and Animal Control Officer. Nothing in this ARTICLE shall be interpreted as interfering with, or restricting, the power of the City Police or animal control officer to take whatever action may be reasonably necessary to protect persons and property from the depredations of any dogs which may be running at large within the City, nor shall this ARTICLE be interpreted as preventing the necessary killing of any dog by the City Police or the animal control officer in the course of his apprehension of such dog where such dog is found running at large and fiercely, dangerously and viciously resists the efforts of the animal control officer or police officer to pick up and impound the animal.

### ARTICLE III. KEEPING OF NUMEROUS DOGS

5-3-1. Nuisance. The keeping of more than four dogs in the city 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 and is therefore declared to be a public nuisance.

5-3-2. Number of Dogs Limited. Except for dogs housed within a veterinary hospital, it shall be unlawful for any person or persons to keep or maintain or permit the keeping of, on any premises, owned, occupied or controlled by such person or persons, more than four dogs within the City, with the exception that a litter of pups or portion of a litter may be kept for a period of time not exceeding five months from birth.

### ARTICLE IV. VETERINARY HOSPITALS

5-4-1. Definition. The term “veterinary hospital” is hereby defined to mean any institution, place or enclosure used for the harboring or reception for care and treatment of two or more horses, dogs, cats, or other animals.

5-4-2. License fee. No person shall engage in the business of a veterinary hospital without first having obtained a license therefor. The annual license fee for each veterinary hospital shall be \$ 0.

5-4-3. Application. An application for a veterinary hospital license shall be made in conformity with the general requirements of this code relating to application for licenses.

The health officer or such other person as is designated by the Mayor shall cause an investigation to be made of the premises named and described in the application for the purposes of determining the fitness and suitability of said premises for such business from a sanitary standpoint.

5-4-4. Attendant. It shall be unlawful to operate any veterinary hospital unless such hospital has at least one licensed veterinarian in attendance at all times.

5-4-5. Inspection. All veterinary hospitals shall be kept free and clean from decaying food and from filth of any kind. All parts of such buildings, premises or enclosures shall be disinfected from time to time and shall be kept in a sanitary condition. The health officer or other person designated by the Mayor shall periodically inspect each such place of business to determine whether the provisions of this code regulating health and sanitation applicable thereto are being complied with.

## ARTICLE V. CATS

5-5-1. Nuisance. The keeping of more than four cats in the city 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 and is therefore declared to be a public nuisance. "Cat" shall mean any feline, regardless of sex.

5.5.2. Number of Cats Limited. Except for cats housed within a veterinary hospital, it shall be unlawful for any person or persons to keep or maintain or permit the keeping of, on any premises, owned, occupied or controlled by such person or persons, more than four cats within the City, with the exception that a litter of kittens or portion of a litter may be kept for a period of time not exceeding five months from birth.

5-5-3. Keeping Crying Cats. It shall be unlawful for any person knowingly to keep or harbor 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 annoy persons in the neighborhood who are of ordinary sensibilities. Such cats are hereby declared to be a public nuisance.

5-5-4. Petitions Complaining of Crying Cats.

- (1) Whenever any person shall complain to the police department that a cat which habitually cries or howls is being kept by any person in the City, the police department shall notify the owner of said cat that a complaint has been received, and that the person should take whatever steps necessary to alleviate the crying or howling.
- (2) If the warning given to the person alleged to be keeping a cat as set forth in (1) above is ineffective, then a verified complaint of at one citizen may be presented to the police department, alleging that a cat that habitually cries or howls is being kept by any person within the City. The police department shall inform the owner of such cat that said petition has been received and may cite the owner of the cat for the violation alleged in said petition.

5-5-5. Diseased Cats. No cat afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or designated officer. It is hereby made the duty of the Animal Control Officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act. Upon determining that a cat is sick or diseased, the Animal Control Officer shall transport said cat to the local veterinary clinic for examination. The veterinary clinic will then treat each case appropriately.

(Ordinance 07-C-2, Amended 05/07/07)