

**AN ORDINANCE AMENDING AND REPLACING  
CHAPTER 14 - ANIMALS**

**Ordinance No. 101314**

THE VILLAGE OF ASHTON

COUNTY OF LEE

STATE OF ILLINOIS

Dated this 13<sup>th</sup> day of October, 2014

VILLAGE OF ASHTON, STATE OF ILLINOIS

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ORDINANCE NUMBER 101314

AN ORDINANCE AMENDING AND REPLACING CHAPTER 14 - ANIMALS

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ADOPTED BY THE VILLAGE BOARD  
OF THE VILLAGE OF ASHTON, ILLINOIS

DATED THIS 13<sup>th</sup> Day of October, 2014

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Published in pamphlet form by authority of the Village Board of the Village of Ashton, Lee County, Illinois, this 13th day of October, 2014

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STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF LEE            )

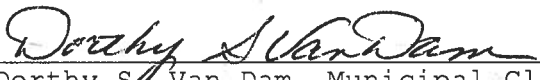
**CERTIFICATE**

I, Dorothy S. Van Dam, certify that I am duly elected and acting Municipal Clerk of the Village of Ashton, Lee County, Illinois.

I further certify that on October 13<sup>th</sup>, 2014 the Corporate Authorities of such municipality passed and approved an Ordinance entitled, AN ORDINANCE AMENDING AND REPLACING CHAPTER 14 - ANIMALS.

The pamphlet form of the Ordinance, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted on the municipal building, commencing on October 13, 2014, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Ashton, Illinois this 13 day of October, 2014.

  
Dorothy S. Van Dam, Municipal Clerk

**ORDINANCE NO. 101314**

**AN ORDINANCE AMENDING AND REPLACING CHAPTER 14 - ANIMALS**

**WHEREAS**, the Village Board of Trustees of the Village of Ashton, Lee County, Illinois, has determined that it is in the best interest of the Village to amend and replace Chapter 14 - Animals in the Village of Ashton Code of Ordinances;

**NOW THEREFORE**, be it ordained by the Village of Ashton as follows:

**ARTICLE I: IN GENERAL**

**Sec. 14-1. Animal warden.**

- (a) The village police officer and all full-time village employees are deemed to be the animal warden, whose duty it shall be to enforce this chapter.
- (b) The president and board of trustees from time to time shall fix the salary or fees to be paid to the animal warden.

**Sec. 14-2. Duty of all animal owners to be responsible owners.**

It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this section are complied with.

**Sec. 14-3. Cleanliness**

- (a) No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome
- (b) Any person owning, keeping, possessing or harboring any dog, cat or other pet shall promptly remove and dispose of all feces left by the animal on any public property and on any private property not owned by such person or lawfully occupied by the person

**Sec. 14-4. Cruelty prohibited.**

Whoever, within the limits of the village, shall be guilty of cruelty to any animal in any of the ways mentioned in this section shall be guilty of a violation of this Code.

- (a) By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating or cruelly killing any animal, or causing or knowingly allowing the same to be done.
- (b) By cruelly working any old, maimed, infirm, sick or disabled animal or causing or knowingly allowing the same to be done.
- (c) By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shelter or care.

- (d) By leaving any animal in an enclosed vehicle.
- (e) By abandoning any animal.
- (f) By carrying or driving or keeping, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.
- (g) By allowing or forcing any animal to fight with another animal.

**Sec. 14-5. Permitting animals to run at large.**

It shall be unlawful for any owner or keeper to suffer or permit any domestic animal to run at large in the streets, alleys or public places in the village or upon the private premises of any person other than the owner thereof. Animals must be on a leash with the owner, keeper, or any other person designated by the owner or caged/kenneled at all times when away from the principle residence or vehicle of said person(s). The running at large of any domestic animal in the village is hereby declared to be a nuisance. The mayor or any commissioner, officer or agent of the village is hereby authorized, and it shall be the duty of the chief of police and officers of the village, and of such other officers or persons as the mayor may from time to time designate, to abate said nuisance. Any owner or keeper of any animal declared a nuisance will be in violation of this section.

**Sec. 14-6. Noisy animals.**

It shall be unlawful to keep or harbor any animals or birds which disturb the peace by loud noises at any time of the day or night.

**Sec. 14-7. Removal of waste; disposal of waste and carcasses.**

It shall be unlawful for any person having animal matter which is in the process of decay so as to be offensive or dangerous to the public health to permit such animal matter to remain for more than 12 hours. All fecal waste from animals and fowl, including, but not limited to, dogs, cats and rabbits, must be removed daily. It shall be unlawful to:

- (a) So negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood.
- (b) Cause or suffer the carcass of any animal or any animal or vegetable matter such as slop, swill, suds, filth, garbage, or offal or noisome substance of any kind to be collected, deposited or remain in any place in the village.
- (c) Throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or the carcass of any animal, in any water, pond, spring, or well, or on land within the village.
- (d) Deposit any dead animal or other filthy, offensive or noisome substance upon any lot, street, alley, highway, park, or other place.
- (e) Corrupt or render unwholesome or impure the water of any drinking hydrant, spring, stream, pond, or lake, to the injury of others.
- (f) Keep, or suffer to be kept, in a foul, offensive, noisome or filthy condition any animal or bird pen, building yard, trailer, ground or premise.
- (g) Bury any deceased animal within the village.

**Sec. 14-8. Keeping certain animals prohibited**

It is unlawful to keep any horses, ponies, sheep, goats, swine, cattle, fowl, snakes, or pigeons, or any animal which is dangerous to mankind, within the village. Except, it shall not be unlawful for a licensed veterinary professional to keep any of the above animals within the village for purposes of veterinary care, so long as said animal is kept at a licensed veterinary facility.

**Sec. 14-9. Diseased animals.**

- (a) 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 of the animal warden.
- (b) It is made the duty of the animal warden to secure such disposition of any diseased animal and such treatment of affected premises as is necessary to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is entitled to act.

**Sec. 14-12. Hunting or killing animals.**

It is unlawful for any person to engage in killing or in hunting any animal, other than as prescribed by law in the village.

**Sec. 14-13. Kennels.**

No person shall maintain a kennel within the corporate limits of the village, unless said kennel is located on no less than five (5) acres of land, and said kennel is located at least two thousand five hundred (2,500) feet from the nearest residential or business building. This section shall not apply to an animal pound maintained by a political subdivision or a licensed veterinarian. For purposes of this section a kennel is to be defined as: An establishment where household pets, such as, dogs and cats, are bred, trained, boarded or groomed.

**Sec. 14-14. Maximum Number of Animals Permitted**

A maximum of four (4) dogs and six (6) cats of an age greater than six (6) months may be owned, kept or harbored in an individual residence. For the purposes of this section, an individual residence includes both single family dwellings and each individual dwelling unit within multi-unit housing structures. Owners and/or landlords of multi-unit housing structures, condominium associations or other such authorities, however, may further limit the number of animals in said structures and/or units.

ARTICLE II - DANGEROUS ANIMALS

**Sec. 14-30. Authority to kill attacking animals.**

The members of the police department or any other persons in the village are authorized to kill any animal of any kind when it is necessary for the immediate protection of any person or property.

**Sec. 14-31. Bites.**

- (a) When the village receives information that any person has been bitten by a dog or other animal, the village shall have such animal confined under the observation of a licensed veterinarian or the Lee County Animal Warden for a period of ten (10) days, except where the state department of agriculture, by regulation, permits such confinement to be reduced to a period of less than ten (10) days. Such veterinarian or Lee County Animal Warden shall report the clinical condition of the dog or other animal immediately, with confirmation in writing, to the administrator of the Illinois Animal Control Act within twenty-four (24) hours after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such dog or other animal, on appropriate forms approved by the state department of agriculture. At the end of the confinement period, the veterinarian shall submit a written report to the administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the state department of agriculture. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person, if the administrator, or other licensed veterinarian, adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the administrator, or another licensed veterinarian.
- (b) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the city promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the administrator, or his authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner.

**Sec. 14-32. Dangerous and vicious dogs**

- (a) *Dangerous dog.* Any individual dog, which when unmuzzled, unleashed, or unattended by its owner or a member of its owner's family, approaches any person upon streets, sidewalks or any public grounds or places in the city in a vicious or terrorizing manner shall be considered a dangerous dog. The determination that a dog is a dangerous dog, as defined in this section, shall be made by the village animal warden, the warden's duly authorized representative, or a law enforcement officer after an investigation has been conducted. The finding that a dog is a dangerous dog shall be made in writing, and a copy thereof shall be

delivered personally to the owner or person keeping the dog or delivered by first class mail through the U.S. Postal Service.

(b) *Vicious dog.*

(1) Any individual dog that when unprovoked, inflicts bites or attacks a human being or another domestic animal on either 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 of 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 which attacks a human being or domestic animal without provocation.

(5) Any individual dog which 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.

(c) *Found to be a vicious dog.* Shall mean:

(1) That the village animal warden, the warden's duly authorized representative, 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 this section and, based on that finding, the city animal warden or duly authorized representative 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 510 ILCS 5/15 and has entered an order based on that finding. A copy of the finding that a dog is a vicious dog shall be delivered to the owner or keeper of the dog.

(d) *Vicious and dangerous dogs.*

(1) a. It shall be unlawful for any person to keep, maintain or possess any dog which has been found to be a vicious dog at any location within the limits of the village, except for reasons related to impoundment as authorized in this section.

b. Any dog in the city which has been found to be a vicious dog shall be impounded by order of the village animal warden, the warden's duly authorized representative, or a law enforcement officer and shall be delivered over to a licensed veterinarian for humane destruction.

c. If the owner of a vicious dog has not appealed the impoundment order to the circuit court of the county in which the animal was impounded within seven (7) working days, the dog shall be humanely destroyed. A dog found to be a vicious dog shall not be released to the owner except upon final order of a court of competent jurisdiction.

d. If the incident giving rise to the impoundment has resulted in an injury to a person, upon impoundment by the police department, the chief of police, or his agent, shall notify the rabies control administrator of Lee County and shall transfer control of the dog as required by statute.

(2) Insurance for dangerous dogs required. Any person owning or keeping a dangerous dog in the village, must, within 30 days of a determination that the dog is dangerous, provide to the animal warden a certificate of insurance evidencing coverage in an amount not less than one hundred thousand dollars (\$100,000.00), providing coverage for any injury, damage, or loss caused by the dog. Said insurance must be kept for the dog while it is kept in the village.

(3) Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way, dispose of a dangerous or vicious dog registered within the village to any person within the village unless the recipient resides permanently in the same household and on the same premises as the registered owner of such dog.

(4) Animals born of dangerous or vicious dogs. All offspring born of a dangerous or vicious dog registered within the city must be removed from the city within eight (8) weeks of its birth.

(5) Confinement of dangerous dog. No person shall possess any dangerous dog unless said dog is confined in accordance with this section.

a. Confinement in a house. No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit the structure on its own volition. No such dog shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

b. Confinement in an exterior yard. No person shall allow a dangerous dog to go outside a confinement structure, house, or other structure unless said dog is securely restrained with a leash no longer than five (5) feet in length, and said leash is under the control of a person eighteen (18) years old or older. No person shall permit a dangerous dog to be kept on a leash unless a person is in physical control of the leash. No leash restraining any dangerous dog shall be attached to any inanimate object, including, but not limited to, trees, posts, stakes, and buildings.

(e) *Reporting requirements of owners.* Any person owning a dog defined as dangerous or vicious pursuant to this chapter shall report the incidence of any of the following events:

- (1) The sale, barter, exchange, gift, removal or death of said dog shall be reported within forty-eight (48) hours.
- (2) The escape from confinement of any dangerous or vicious dog shall be reported upon discovery of the escape.
- (3) The biting or nipping of any person or animal by a dangerous or vicious dog shall be reported upon occurrence.



(4) The birth of any offspring of a dangerous or vicious dog shall be reported within forty-eight (48) hours of the birth of the offspring.

(e) *Exceptions.* This section shall not apply to any police dogs, defined as a professionally trained dog used for law enforcement purposes and activities.

#### ARTICLE III: IMPOUNDMENT, REDEMPTION, VIOLATIONS

##### **Sec.14-51. Duty of animal warden to impound animals running at large**

It shall be the duty of the animal warden to impound any animal running at large within the village by delivering the animal to a licensed veterinarian within the village.

##### **Sec. 14-52. Records of impoundment.**

Immediately after impounding any animal under this section, it shall be the duty of the animal warden to enter upon a book kept by him/her for such purpose the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been licensed, tagged, or otherwise identified.

##### **Sec. 14-53. Public notice of impoundment; disposition of unredeemed animals.**

- (a) Public notice of the impounding of an animal under this chapter shall be given by posting one copy of the description of such animal, date of impounding, and location of impoundment at the Ashton Village Hall.
- (b) Any such animal not redeemed by the owner thereof within seven (7) days after posting of such notice by the animal warden is declared to be a public nuisance. The veterinarian is thereafter authorized to kill or destroy such animal.

##### **Sec. 14-54. Mailing of notice to owner.**

It shall be the duty of the animal warden to cause notice to be served by mail upon the registered owner of any animal with identification impounded under the provisions of this chapter. Such notice shall be mailed at least two days prior to the posting of the notice of impounding provided for in section 14-53.

##### **Sec. 14-55. Redemption.**

The owner of any animal impounded under this chapter may redeem the animal by payment of \$25.00 plus any penalties imposed as set forth in **Sec.14-56**, to the village clerk and presentation of the receipt therefor to the veterinarian housing such animal, and, in addition, payment of the reasonable charges incurred in the housing and care of such animal.

##### **Sec. 14-56 Violations, penalty.**

Failure to perform any act required, or the performance of any act prohibited by this section, shall be designated a village ordinance violation. Any person found to have committed a violation shall be assessed a monetary penalty of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00). Each day during which a violation continues shall be deemed a separate offense for which a separate penalty may be assessed. In addition to the penalties assessed above, any person found to be in violation of Article II of this section shall be subject to immediate seizure and impoundment of the dog at issue.

**BE IT FURTHER ORDAINED**, by the President and the Village Board of Village of Ashton, Illinois.

SECTION ONE

That the provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION TWO

That all ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION THREE

That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION FOUR

That this Ordinance shall be in full force and effect from and after its passage and approval, upon publication as required by law.

Passed on the 13<sup>th</sup> Day of October, 2014

<u>5</u>	Ayes
<u>0</u>	Nays
<u>1</u>	Absent
<u>0</u>	Abstain

Approved:



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DONALD ROSS, President  
Village of Ashton

Attested:



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DOROTHY S. VAN DAM  
Village Clerk of the Village of Ashton