

VILLAGE OF EASTON
ORDINANCE # 409

AN ORDINANCE RELATING TO THE CONTROL OF
ANIMALS RUNNING AT LARGE IN THE VILLAGE

Be it ordained by the Village Board of Trustees of the Village of Easton, Illinois, Mason County, Illinois as follow to-wit:

SECTION 1: Definitions. The following definitions shall apply in the interpretation and enforcement of the ordinance:

- (1) "At large" shall mean any animal that is off the premises of its owner's real property and not restrained by a competent person, except in the case of bloodhounds or other dogs used for tracking in conjunction with police activities, and dogs of the Canine Corps of any police force, and Federal Law Enforcement Agency, or the Armed Forces of the United States while being used for official purposes.
- (2) "Competent person" shall mean any human being that is capable of controlling and governing the animal in question, and to whose commands the animal is obedient.
- (3) "Animal" shall mean every living creature, other than man, which may be affected by rabies.
- (4) "Cat" means *Felis catus*.
- (5) "Dog" means all members of the family *Canidae*.
- (6) "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.
- (7) "Restraint" shall mean the animal in question is:
 - A. Controlled by a line or leash not more than six (6) feet in length which is being held by a competent person; or
 - B. When at "Heel" of a competent person; or
 - C. When within a vehicle being driven, parked, or stopped.
- (8) "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 a dog or other animal under control.

- (9) "Dangerous Dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.
- (10) "Vicious Animal" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons. Behavior which includes the bearing of teeth and lunging in a menacing manner at persons and/or pets other than the competent person in control of said animal.
- (11) "Wild Animal" shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.
- (12) "Enclosure" means a fence or structure of at least 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 that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The 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. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.
- (13) "Has been bitten" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.
- (14) "Impounded" means taken into custody of the public animal control facility in the village, town or county where the animal is found.
- (15) "Pound" or "animal control facility" may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs, cats or other animals.

SECTION 2: Animal running at large. It shall be unlawful for any person to own, keep, harbor, or possess an animal which is running at large in the incorporated limits of the Village or Easton, Mason County, Illinois. It shall not be a defense that the Defendant did not allow or permit such animal to run at large.

SECTION 3: Abandoning animals within the village. It shall be unlawful for any owner or person in control of any animal to abandon such animal within the incorporated limits or the Village of Easton, Mason County, Illinois.

SECTION 4: Keeping of Barking Dogs and Crying Cats.

- A. Harboring: It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or 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 dogs and cats are hereby declared to be a public nuisance.
- B. Petitions of Complaint: Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the barking, howling, yelping or crying.

SECTION 5: Manner of Keeping.

- A. Pens, Yards, or Runs. All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.
- B. Fences. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.
- C. Any snake or reptile that is a pet must be kept in an appropriate cage or aquarium at all times. Any snake or reptile that is a pet will not be allowed outside of the owner's residence.

SECTION 6: Cruelty to Animals Prohibited.

- A. Cruelty to Animals Prohibited. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury, or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper removal and disposal.

- B. Food and Shelter. It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, water, shade or shelter, or to cruelly or unnecessarily expose any such animal to hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

SECTION 7: Exhibiting Wild, Dangerous or Vicious Animals.

- A. It shall be unlawful for any person to keep or permit to be kept on his premises any wild, dangerous or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- B. It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.
- C. It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or with persons who enter the premises with the actual or implied permission of the owner or occupant.
- D. The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

SECTION 8: Unallowable Animals within Village Limits.

- A. No fowl, such as pigeons, doves, chickens, ducks or any wild birds may be kept in the Village limits.
- B. No farm animals are allowed in the Village limits, except for festivals and parades.
- C. No animal or bird that is on the endangered species list may be kept as a pet in the Village limits.
- D. No hoarding of any animal is allowed.
- E. No animal that is known to be dangerous, poisonous or vicious may be kept in the Village limits.

- F. Any dog or cat that is not licensed and properly tagged shall not be kept within the Village limits.

SECTION 9: Injury to Property.

- A. Unlawful. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.
- B. Waste Products Accumulations. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

SECTION 10: Impounding animals. Any animal may be impounded by the said Village authorities if any of the following exist:

- A. An animal found running at large as described in SECTION 2.
- B. An animal which has been abandoned as in SECTION 3.
- C. A dog which is considered to be a public nuisance as described in SECTION 4.

SECTION 11: Redemption of impounded animal. If any animal is impounded from the Village of Easton, the notice of such and the method of redemption shall be in accordance with the Illinois Animal Control Act.

SECTION 12: Animal not redeemed. An animal which has not been redeemed by its owner after notice has been given pursuant to the Illinois Animal Control Act may be:

- A. Adopted by another party at the discretion of the administrator upon payment of the required adoption fees and/or inoculation fees.
- B. Humanely dispatched by the Animal Control Administrator, provided that the animal has been held at the Animal Shelter for at least seven (7) days.

SECTION 13: Violations and punishment. Any first or second violation of any Section of this ordinance is a petty offense and a fine of not less than one hundred fifty (150.00) dollars nor more than two hundred fifty (250.00) dollars shall be levied on conviction. A third offense of any Section of this ordinance shall be a Class C Misdemeanor.

SECTION 14: Construction with Animal Control Act. The provisions of this ordinance shall be construed in accordance with the Illinois Animal Control Act, and the provisions of said Animal Control Act not set forth verbatim in this ordinance shall also be enforced in accordance with the Animal Control Act.

It was moved by Trustee Tom Lowers, that the foregoing Ordinance 409 be adopted. Said Motion being seconded by Trustee, Charlene Fangmeier, that the foregoing Ordinance 409 be adopted.

Those voting "Aye", Trustees:

Charlene Fangmeier, Dona Hudgins, Lisa Lynn, Tom Lowers and Veronica Armbrust

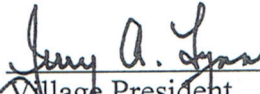
Those voting "Nay", Trustees

None

Those Absent Greg Lynn

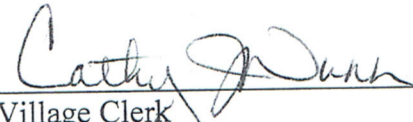
The Village Board of the Village of Easton, Mason County, Illinois is composed of the President and six (6) Trustees.

This Ordinance was passed by the Village Board on April 12, 2010, and shall be in full force and effect after the passage and publication as required by law.



Village President

ATTEST:



Village Clerk