

**CHAPTER 9**

**ANIMALS**

## CHAPTER 9

### DIVISION 1

#### ANIMALS

- 9-1-1 DEFINITION For purposes of this Article:  
The word “Dog” as used in this Ordinance, shall be held and construed to mean all animals of the canine species, both male and female.  
The word “Cat” as used in this Ordinance, shall be held and construed to mean all animals of the feline species, both male and female.  
Amended 12/07/2016
- 9-1-2 OWNERSHIP  
The word “Owner” as used in this Ordinance, means any person having a right of property in a dog or cat or who keeps or harbors a dog or cat, or who has it in his care, or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises occupied by him.  
Amended 12/07/2016
- 9-1-3 CONFINEMENT  
All owners shall keep their dogs confined at all times to an enclosed area, except when on leash and it shall be unlawful for any person to permit or suffer a dog to run at large within the City.
- 9-1-4 CATCHER PROVISIONS  
Any police officer, dogcatcher or other person duly designated by the Mayor shall take and impound any dog found running at large within this City in violation of this Ordinance. Immediately upon impounding a dog, the person in charge of the pound to which the dog is taken shall give the owner, if known, a written notice informing him or her that the dog has been impounded. Thereafter, the dog shall be retained and properly cared for by the pound keeper for three days and at the expiration of said time if the dog has not been redeemed, it shall be destroyed by the pound keeper in a humane manner.
- A. The Saint Elmo Animal Control Officer shall be designated by the Mayor, and supervised by the Chief of Police. The Animal Control Officer will have the power to issue citations on violations of Chapter 9 of the City's Ordinance. The Control Officer shall be responsible for the picking up of stray and unwanted animals. The rate of pay shall be determined by the City Council.  
Revised 5/1/95
- 9-1-5 IMPOUNDMENT PROVISIONS  
Within the 3 day period after the dog has been impounded, the owner may recover possession of the dog by paying the pound keeper or person in

charge of the pound the sum of \$35.00 to cover the expenses of impounding and caring for the dog; provided, however, that payment of such fee shall not in any way relieve the owner from the penalty of violating any provisions of this Ordinance.

9-1-6

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 to 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.

- A. 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 or keeper of said dog that a complaint has been received and that the person should take whatever steps are necessary to alleviate and abate the barking, howling or yelping.
- B. If the warning given to the person alleged to be keeping the dog as set forth in (A) above is ineffective, and a second complaint is received within the City, then and in that event, the Police Department may issue a citation for violation of this ordinance.

9-1-7

PENALTY

It shall be unlawful to violate any provisions of this Ordinance and the penalty for such violation shall be a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) and not more than Five Hundred Dollars (\$500.00) for each offense.

Revised 7-6-98; Amended April 5, 2010; Amended October 5, 2011

## DIVISION 2

### ANIMALS AND FOWLS

#### 9-2-1 RUNNING AT LARGE - FOWL

It shall be unlawful to permit any geese, ducks, turkeys, hens, chickens, or other domestic fowl to run at large, or to be unpinned within the City. Any such fowl found at large within the City is declared to be a public nuisance and may be summarily taken up and destroyed.

Amended 12/07/2016

#### 9-2-2 RUNNING AT LARGE – DOMESTIC ANIMALS

It shall be unlawful to permit any cattle, swine, sheep, goats, horses, ponies, dogs, or cats to run at large within the City. Any such animal found at large within the City is declared to be a nuisance and may be taken up and impounded for a period of three (3) days. Owners of such animals, when known, shall be notified of the impoundment at the earliest reasonable opportunity within the aforementioned three-day period. Animals unredeemed after the expiration of the three-day period shall be transferred to the Fayette County Animal Control Officer.

Amended 12/07/16

#### 9-2-3 ABATEMENT OF NUISANCE

When a nuisance exists under this Division, notice to abate such nuisance shall be served upon the person permitting such nuisance. Failure to abate a nuisance after notice so to do shall be a violation of this Division. The failure to give any such notice, shall in no way bar any proceeding for the enforcement of this Division or the imposition of a fine for a violation hereof.

#### 9-2-4 IMPOUNDMENT PROVISION

Within the three day period after the animal has been impounded, the owner may recover possession of the animal by paying the pound keeper or person in charge of the pound the sum of \$35.00 to cover the expenses of impounding and caring for the animal; provided, however, that payment of such fee shall not in any relieve the owner from the penalty of violating any provision of this Ordinance.

Revised 2-3-92

#### 9-2-5 DAMAGE TO PROPERTY

It shall be unlawful for any owner or keeper of a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, boulevard, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flowerbed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon. This section shall not apply to an owner who is visually or physically handicapped.

Added 12-7-16

RABIES CONTROL9-2-6-1 DOGS

## A. Inoculation and Tag Required:

1. Each calendar year, or at such intervals as may hereafter be promulgated by the department of agriculture, every owner or keeper of a dog four (4) months or more of age shall cause such dog to be inoculated against rabies. Every dog shall have a second rabies vaccination within one year of the first. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.
2. The inoculation of dogs required by subsection A.1. of this Section shall be performed by a veterinarian duly licensed to practice his/her profession in the state. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.
3. The tag issued under the provisions of subsection A.1. of this Section shall be in such form as shall be determined by the Department of Agriculture.

B. Duration of Inoculation: The inoculation performed under the provisions of subsection A.2. of this Section shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

C. Exhibition of Certificate: At any reasonable time upon request of any member of the police department, the owner or keeper of any unmuzzled dog shall exhibit his certificate, issued under the provisions of subsection A.2. of this Section, showing the inoculation against rabies of any dog owned or controlled by him.

## D. Quarantine Provisions:

1. Dog that has Bitten a Person. All dogs as are shown to have bitten any person shall be quarantined by or at the direction of the Chief of Police or his delegate(s) for a period of ten (10) days after the date of the bite.

2. Quarantine shall be accomplished by impoundment during the quarantine period. Such quarantine dog must be redeemed at the end of the ten (10) day quarantine period by its owner or keeper only after complying with subsection A.1. of this Section and upon paying all impounding fees and costs.
3. Rabies Outbreak: Whenever the Chief of Police or his delegate(s) determines that danger from rabies exists in the City, a quarantine of all dogs within the City may be declared. During the period of quarantine, all dog owners or keepers shall keep their dog or dogs confined in an enclosure from which escape is impossible or on a leash or chain of indestructible material. In the event a dog or dogs are not confined, then they may be impounded by the Chief of Police or his delegate(s) for the period of the quarantine and may be recovered only after compliance with subsection A.1. of this section and upon paying all impoundment fees. The quarantine period may be terminated by the Chief of Police or his delegate(s) at any time after which it is determined there is no danger from rabies, and the termination of such quarantine period is mandatory after any six (6) month period during which time no rabies has existed in the City.

#### 9-2-6-2 CATS

- A. Vaccination and Tag Required: any person owning a cat shall have such cat vaccinated against rabies by a licensed veterinarian no less than once each year, and the owner shall cause to be securely fastened about the neck of the cat at all times a band or strap to which shall be securely fastened a metal rabies tag evidencing such current rabies vaccination.
- B. Unlawful Tampering with Tag.
  1. Removal of Tag: It shall be unlawful for any person to remove or cause to be removed, the collar or harness, or metallic rabies vaccination tag from any cat.
  2. Use of Another Cat's Tag: It shall be unlawful for an owner or keeper of a cat to permit or allow such cat to wear or to be displayed on such cat a rabies vaccination tag issued for another cat for a rabies vaccination.
- C. Rabies Suspects.
  1. Observation. When any person owning or keeping a cat has been notified by any person injured, or by someone in his or her behalf, or by someone with knowledge of said injury, that said person has been bitten or attacked by said cat, or when any person owning or

keeping a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner or keeper shall immediately place the cat under the care and observation of a licensed veterinarian with the expense thereof to be borne by the owner or keeper of such cat, and failure of the owner to submit said cat within twenty-four (24) hours after notice of said bite or attack to a licensed veterinarian constitutes a violation of this section. The owner or keeper of such cat shall cause said cat to be impounded for such care and observation for a period of ten (10) days.

2. Destruction of Rabid Cat. If the cat is determined by the licensed veterinarian to have rabies, then the owner or keeper shall cause such cat to be destroyed by the licensed veterinarian and shall permit the licensed veterinarian to dispose of the cat's remains as required by law.
  3. Release of Cat. Before any such cat shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such cat does not have rabies and has been properly inoculated for rabies. The impounded cat may then be released by a licensed veterinarian.
  4. No Rabies Tag. Any cat found within the City and not displaying a metal rabies tag which evidences a current rabies vaccination may be immediately humanely destroyed by any member of the City Police Department.
- D. Liability of Parent. The parent of any minor claiming to be an owner or keeper of any cat shall be deemed to be the owner or keeper of such cat and shall be charged for all penalties, fees, and fines imposed by this Section.

9-2-7

#### METHODS OF ENFORCEMENT

- A. Tranquilizer Gun. Any member of the City Police Department or its delegate(s) are authorized to use an animal tranquilizer gun or animal traps or cages in the furtherance of enforcing the provisions of this Chapter.
- B. Killing Dangerous Animal. The Chief of Police or his delegate(s) is authorized to kill any dangerous dog or any vicious dog or any animal or reptile of any kind when necessary for the protection of any person.
- C. Any member of the City Police Department or its delegate(s) may enter upon private premises, provided that the entry shall not be made into

any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous dog or a vicious dog or other animal, or an animal thought to be infected with rabies. If, after request thereof, the owner or keeper of the dog or other animal shall refuse to deliver the dog or other animal to the police officer or his delegate(s), the owner or keeper shall be in violation of this Chapter.

9-2-8

INTERFERENCE WITH ENFORCEMENT OFFICIAL PROHIBITED

It shall be unlawful for any person to resist or molest the Chief of Police or his delegate(s) while engaged in the discharge of his or her duties under this Chapter or in the enforcement of any of the provisions under this Chapter.

Amended 12/7/2016

9-2-9

PENALTY

Any persons or persons who shall violate any of the provisions of this division shall be subject to fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Revised 4/1/96; Revised 8/1/05; Amended 4/5/10; Amended 10/5/11; Amended 12/07/2016

9-2-10

NUISANCE

It shall be deemed a nuisance to maintain a kennel, as defined in Chapter 19 (Zoning), in which the number of animals or fowl exceeds the limit of four (4) except as otherwise authorized in said Chapter 19 (Zoning) of the Municipal Ordinance of the City of St. Elmo.

Amended 5/1/19



## DIVISION 3

### MISCELLANEOUS OFFENSE

9-3-1 STAKING OUT ON PUBLIC STREETS AND PRIVATE PROPERTY

It shall be unlawful to stake out horses, cattle, sheep, swine, or goats or other domestic animals upon the public property within the City for the purpose of pasturing the said animals, or for any other purposes.

9-3-2 RIDING ON SIDEWALKS

It shall be unlawful for any person to lead, ride or drive any horse upon any sidewalk or public berm within the City.

9-3-3 ANIMAL PENS

Within the corporate limits of the City, it is unlawful to keep, have, and maintain any kennel, pen, yard, structure or other facility designed, constructed or used for the keeping of any animal unless the same be kept and maintained in a clean, sanitary, and healthy manner.

9-3-4 ANIMAL FIGHTING PROHIBITED

It shall be unlawful for any person to cause, or permit any dogfight, cockfight, or other similar activity. No person shall keep or use for the purpose of fighting, or in any way be connected with or interested in the management of the fighting of, any bull, bear, dog, cock or other animal or fowl, or encourage, aid or assist therein, or permit or suffer any place owned or controlled by him to be used for such fighting.

9-3-5 CRUELTY TO ANIMALS

It shall be unlawful for any person to treat any animal in a cruel manner, by overloading, overworking, beating, torturing, tormenting, mutilating, frightening, teasing, or cruelly killing the same, or by working any maimed, infirm, sick or disabled animal, or by failing to provide any animal in his charge with adequate food, drink, and shelter, or by abandoning any animal, or by any other cruel act, or ordering or directing that any such act be done.

No person shall intentionally wound, maim, disfigure, or poison any domestic animal or kill or expose any poisonous substance with the intent to kill, any domestic animal which is the property of another.

9-3-6 KILLING - UNLAWFUL

It shall be unlawful to wound, kill, or capture or attempt to kill, wound or capture by the use of a gun, bow-and-arrow, stones, missiles, snare, trap, or otherwise, any bird, squirrel or domestic animal, within the limits of the City without the written consent of the Chief of Police being first received.

9-3-7 WILD OR DANGEROUS ANIMALS

It shall be unlawful to permit any wild or dangerous animal to run at large, or lead or exhibit it with chain, rope or other appliance, whether muzzled or un-muzzled, within the City without the written consent of the Chief of Police being first received.

9-3-8 DISEASED ANIMALS

No domestic animal having any contagious or infectious disease shall be permitted to run at large, or be exposed in any public place, within the City nor shall such diseased animal be shipped or removed from the premise of its owner, except under the supervision of the Mayor or person so appointed by him, or of the State Veterinarian. And Department of Health, in cooperation with the State Veterinarian shall be requested to secure disposition and treatment of said infectious animals so as to prevent the communication and spread of the contagion or infection.

9-3-9 PENALTY

Any person violating any of the provisions of this division shall, upon conviction thereof, be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Revised 7-6-98; Amended April 5, 2010; Amended October 5, 2011

## DIVISION 4

### VICIOUS AND DANGEROUS DOGS

9-4-1

#### DEFINITIONS

For purposes of this Article:

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, or
- (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, or
- (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, or
- (4) Any individual dog which attacks a human being or domestic animal without provocation, or
- (5) Any individual dog which has been found to be “a dangerous dog” upon **three (3)** separate occasions, or
- (6) Any individual dog which has on two (2) separate occasions bitten or attacked any person, whether or not said person was a trespasser on the property of its owner, provided said incidents have been previously documented.

No dog shall be deemed “vicious” if it bites, attacks, or menaces a trespasser one time 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 specified 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 custody of the public pound in the city or town where the vicious dog is found.

E. “Found to Be Vicious Dog” means:

(1) that the Administrator, an 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 Administrator, an Animal Control Warden, or the Director 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) Subsection A and has entered an order based on that finding.

F. “Trespasser” means one who unlawfully enters on the land of another after having received notice that said entry is forbidden. Posting of a sign at or near the main entrance to the property shall constitute notice. Notwithstanding said notice, employees of municipal or public utilities, service personnel of entities with whom the owner has contracted, or law enforcement agents shall not be deemed to be trespassers.

9-4-1(A)(6)

Upon receipt of a written notice finding his/her dog to be a vicious dog pursuant to Section 9-4-1(A)(6), the owner may, within seven (7) days thereafter, request a hearing before the City Council or a committee thereof designed by the Council to hear such requests. The notice from the owner shall be in writing, addressed and delivered to the City Clerk and shall state the reason(s) for contesting the finding that the dog in question is a vicious dog. The designed committee shall conduct a hearing within thirty (30) days after delivery of the request for hearing. Said hearing may, for good cause, be continued for an additional thirty (30) days. The filing of a request for hearing shall not relieve the owner of a dog found to be a vicious dog from complying with the provisions of the Ordinance while said request for hearing is pending. The hearing body, after reviewing the evidence submitted, shall issue a written decision affirming or overruling the finding of the Animal Control Administrator or law enforcement officer.

9-4-3

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.

9-4-4

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 Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

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

9-4-5

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, however, 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 dogs to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator 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.

9-4-6

INJUNCTION

The Administrator, the City Attorney, or any citizen of the City 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)

9-4-7

LIABILITY OF OWNER OF 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 ILCS Sec 5/16).

9-4-8

RIGHT OF ENTRY - INSPECTIONS

For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, 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 therefore, 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).

9-4-9

PENALTIES

In addition to any other penalties permitted by this Ordinance or other law of competent jurisdiction, any person or persons violating this Ordinance or any provisions thereof shall, upon conviction, be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

Revised 1-7-99; Amended April 5, 2010; Amended October 5, 2011

