

ORDINANCE NO. 3497

Be It Ordained by the City Council of The City of Marion, Illinois:

ARTICLE 1

PURPOSE AND DEFINITIONS

Section 1: **Animal Control Ordinance No. 2189 is hereby repealed and replaced by the following:**

Section 2: **Purpose:** The purpose of this Ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Marion and to ensure the humane treatment of animals by regulating the care and control of animals within the City by guarding against the annoyance and injury caused by animals and to protect them from neglect and abuse, and to discourage the unnecessarily excessive multiplication of animals, which have a tendency to run at large.

Section 3: **Definitions:** For the purposes of this Ordinance and unless otherwise specified, the following words and phrases shall be defined as follows:

Adequate Shelter: Fortified commercial product or home built shelter that protects an animal from the elements, is properly ventilated to prevent suffocation, and is of a proper size to allow an animal to stand up, turn around, comfortably lay down, and move freely into and out of the structure.

Animal Control Officer: A person appointed by the council, who is responsible for enforcing and administering and performing such duties as prescribed by the provisions and requirements contained in this ordinance. The Animal Control Officer will report to the Chief of Police or his designee.

Assistant to Animal Control: A full or part time employee who is responsible to the Animal Control Officer who performs duties as assigned by the Animal Control Officer, or his supervisors.

Animal Control Shelter: An animal control facility used to house any stray, confiscated, homeless, or abandoned animal.

Bite: Seizure of a person with teeth or jaws of any cat, dog or other animal capable of transmitting rabies; so that the human or animal seized has been nipped, gripped, wounded, or pierced, or has had contact of animal saliva with a break or abrasion of the skin.

Cruelty: Any act or omission whereby unjustifiable physical pain, suffering, or death of an animal is caused or permitted, including failure to provide proper drinking water, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity.

Dangerous Animal: Any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or custodian, in a terrorizing or menacing manner, approaches any human being in a reasonably apparent attitude of attack upon any street, sidewalk, or other public place, or private property which is not owned by the owner of such animal.

Domestic Animal: Any dog, cat, domesticated sheep, horse, cow, goat, swine, fowl, duck, goose, turkey, confined domestic hare and rabbit, pheasant, and other birds and animals raised and/or maintained in confinement.

Enclosure: A fence or structure of at least 6 feet in height, designed to prevent the escape of a dog from said structure and the entry of any young children, and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the dangerous dog within the enclosure. Such fence must be in compliance with any other ordinance(s) regarding fences and adopted and made part of a code enforced by the City of Marion. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be capable of preventing 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 dangerous dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

Extreme Weather: Any weather that places an animal in danger of injury or death. Extreme weather can be classified as torrential downpours, ice and snow storms, dangerous wind chills and heat indexes, etc. When extreme weather comes into play, it will be to the discretion of the Animal Control Officer as to if steps beyond standard owner responsibilities need to be taken to prevent injury and/or death to an animal based on characteristics of the breed in question, age of the animal, health of the animal, type of fur coat, etc. Animal Control Officers will also take into consideration the overall weather conditions, such as sunny vs. cloudy, strong winds vs. gentle breeze, etc.

Feral Cat: A cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or a formerly owned cat that has been abandoned and is no longer socialized or lives on a farm.

Has Been Bitten: Having been seized with the teeth or jaws so that the human or animal seized has been nipped, gripped, wounded, pierced, or has had contact of animal saliva with a break or abrasion of the skin.

Impounded: The taking into custody by the Animal Control Officer, the Assistant to Animal Control, or a Marion Police Officer of any animal to be in violation of this ordinance.

Livestock: Any ass, bison, calf, cattle, chicken, donkey, duck, fowl, goat, goose, sheep, swine, or turkey.

Owner: Any person who has:

- A. A right or interest in an animal,
- B. Keeps or harbors an animal,
- C. Has an animal in his care or custody, or
- D. Who knowingly permits an animal to remain on or about any premises occupied by him without taking steps to remove said animal within three (3) days.

Person: Any individual, corporation, partnership, trust, society, or association.

Police Animal: An animal owned or used by a law enforcement department, fire department, or other enforcement agency in the course of the department's or agency's work.

Physical Injury: The impairment of a physical condition.

Public Nuisance Animal: Any animal that unreasonably annoys or endangers the life or health of persons or other animals, or substantially interferes with the rights of persons, other than the owners of the animal, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

- A. Any animal that makes repeated, unreasonable, and disturbing noises, including, but not limited to, continued, repeated and excessive howling, barking, whining, or other utterances which cause unreasonable annoyance, disturbance or discomfort to neighbors or others of ordinary sensibilities who are in close proximity to the premises where the animal is kept or harbored;
- B. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- C. Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

Run at large: To be free of any restraint, leash, cord, chain, or otherwise not in the control or custody of a person physically capable of restraining the animal when the animal is not upon the owner's premises.

Serious Physical Injury: Physical injury that creates a substantial risk of death, or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

Service Animal: Any guide dog, signal dog, or other animal specifically trained and certified to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding persons with impaired vision, alerting persons with impaired hearing to intruders or sounds providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items.

Stray Animal: Any animal (dog or cat) running at large without a collar.

Tethering: The practice of fastening a companion animal to a stationary object or stake, usually in the owner's backyard, as a means of keeping the animal under control. All tethers minimum ten (10) feet, and no more than one-eighth (1/8) the dog's weight. This term does not refer to the periods when the animal is walked on a leash.

Vicious Animal: Any individual dog that:

- A. When unprovoked, inflicts a bite to a human being or any other animal whether on public or private property;
- B. Has a known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise endanger the safety of any human being or domestic animal;
- C. 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;
- D. Attacks a human being or domestic animal without provocation; or
- E. Has been found to be a "dangerous dog" upon three (3) separate occasions.

ARTICLE 2

ADMINISTRATION

Section 1: Authority of the Mayor

The Mayor is responsible for the administration of this Ordinance. He may delegate any and all necessary and reasonable powers to appropriate City departments to effectuate the purposes of this Ordinance. The delegated enforcement of these Ordinances will be with the Chief of Police.

Section 2: Authority of the Animal Control Officer

The Animal Control Officer shall work under the supervision of the Chief of Police, Assistant Chief of Police, or their designate. This council appointed person will have the authority to act on behalf of the City to investigate complaints, impound and destroy animals, issue citations and take other necessary and lawful actions as required to enforce the provisions of this Ordinance. It shall be a violation of this Ordinance to interfere with the Animal Control Officer or any Marion Police Officer in the performance of their duties.

ARTICLE 3

OWNERSHIP

Section 1: Identification

Every owner of a dog within the city limits may cause a collar to be worn around the neck of such animal(s) bearing a tag identifying the name, address and phone number of such owner.

Section 2: Vaccination of Dogs and Cats

- A. The owner of a dog or cat four (4) months of age and older shall cause such animal to be inoculated against rabies by a licensed veterinarian each year. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of the current rabies inoculation shall be kept by the owner and provided to the Animal Control Officer or any Marion Police Officer upon request.
- B. Evidence of Vaccination: Each owner of a dog four (4) months of age or older shall cause a tag issued by a licensed veterinarian to be worn on or upon the collar, showing evidence of compliance with this section.
- C. Illegal to Remove Tag: It shall be unlawful for any person other than the Animal Control Officer, a police officer, licensed veterinarian, or owner to remove the tags from any dog within the City limits without the consent of the owner of such animal.
- D. Any dog found without a collar will be presumed to be a stray animal and dealt with pursuant to the provision of this Ordinance.

Section 3: Running At Large Prohibited

- A. Dogs: It shall be unlawful for an owner or person in control of a dog to permit such dog to be upon any public street, sidewalk, parkway, public area or unenclosed premises within the City, except on a leash, cord, chain, or other similar restraint, to use or be upon. No leash, cord, chain, or other similar restraint shall be longer than eight feet (8') in length.

- B. Redemption: Any dog or cat running at large may be impounded in an animal control facility by the animal control officer. The owner or person in control of such animal may obtain the release upon payment of the fees set forth in Article 6.
- C. Cats: It shall be unlawful for any cat to run at large unless it has been spayed or neutered and inoculated for rabies. The animal control officer or peace officer may impound any cat that is running at large in order to determine whether it has been spayed or neutered and inoculated for rabies. Upon concluding that the cat is in compliance with the provisions of this section, the cat shall be released upon the owner's request at no charge. If the cat has not been spayed or neutered or the cat has not been inoculated for rabies, then the owner or person in control of such cat may obtain the release of his cat upon payment of the fees set forth in section [6-20-1](#) of this title and pursuant to the procedures for such return under section [6-4-9](#) of this chapter.

Section 4: Animals on School Grounds or Recreational Areas and Cemeteries

- A. School Grounds; Recreational Areas: No person shall permit his dog or cat on any school ground when school is in session or on any public recreation area unless the animal is controlled by a leash or similar device. Any animal not so controlled shall be deemed to be running at large.
- B. Cemeteries: No person shall permit his animal to be present upon the grounds of any cemetery within the City limits. Any animal found upon the grounds of any cemetery shall be deemed to be running at large and impounded accordingly.

Section 5: Responsibility for Removal of Excrement

The owner or any person in control of any dog or cat shall be responsible for the immediate removal and sanitary disposal of any excrement deposited by his animal anywhere within the City limits.

Section 6: Miscellaneous Offenses

- A. Feeding or allowing stray, feral or uncontrolled animals on public property, public rights of way, abandoned structures or an unknown person or persons without permission and accessible by such animals is prohibited.
- B. Prohibited Acts: No owner shall permit his dog or cat to:
 - 1. Molest or threaten persons or vehicles by chasing, barking, biting or clawing;
 - 2. Damage any property of another in any manner;
 - 3. Bark, whine, howl, or make any other sound excessively; or

4. Create noxious or offensive odors.
- C. Biting: The animal control officer shall be notified of all bites. It shall be unlawful to sell, euthanize, give away, or otherwise dispose of an animal known to have bitten any person or companion animal.
- D. Nuisance Declared; Destruction of Animal: Any dog or cat which is found to have committed any of the actions stated in subsection A of this section on six (6) or more separate occasions shall be considered a public nuisance and may be destroyed in a humane manner or the owner may be required to remove such animal from the City limits.
- E. Impoundment: The Animal Control Officer may impound any dog or cat committing any action stated in subsection A of this section. The owner of any dog or cat impounded may obtain the return of his animal upon payment to the City of the fees set forth in Article 6 of this Ordinance.

Section 7: Impounding

- A. Conditions for Impoundment: The Animal Control Officer may impound an animal committing any act in violation of sections 3 and 6 of this Article, or an abandoned animal.
- B. Record of Impoundment: Upon impoundment, the Animal Control Officer must scan dogs and cats for the presence of a microchip. (510 ILCS 5/10) (from Ch. 8, par. 360) The Animal Control Officer shall make a record of the animal impounded and if a microchip was present, the record must also include the breed, color, and gender of the animal, and (if the information is present) whether or not the animal is licensed, name, address of the owner or person responsible for such an animal, and the number of the license tag.
- C. Notice to Owner; Content: Upon impoundment, the Animal Control Officer shall make all reasonable and feasible attempts to notify the owner of the impounded animal by either telephone or letter. The animal control officer shall record any attempt to notify in the log used to record the impoundment of the animal. Such notice to the owner shall inform him of the procedure to regain custody of the animal.
- D. Cost Set: The cost of impoundment shall be set by the City Council and pursuant to the provisions of this Ordinance.
- E. Unclaimed Animals: Any animal not recovered by the owner within seven (7) days after notification is attempted or any animal whose owner cannot be ascertained may be destroyed in humane fashion unless the animal can be placed for adoption, placed with a humane society licensed under the Animal Welfare Act of the state, or a rescue group. Any animal which has bitten any person or has been declared a dangerous or

vicious animal shall not be placed for adoption but shall be destroyed in a humane fashion.

F. **Conditions of Redemption:** If an owner of an impounded animal desires to make redemption thereof, he may do so upon the following conditions:

1. Present proof of current rabies inoculation for the animal, or pay for the animal's rabies inoculation, if animal has not been inoculated;
2. Paying for microchipping, if not already done.
3. Pay any outstanding fines, fees or penalties imposed by the City and/or a court of law;
4. For animals found running at large, present proof that the animal is spayed or neutered in accordance with the provisions of this Ordinance; and
5. Comply with the requirements of the Marion Animal Control Facility for release of such animal.

Section 8: Dangerous and Vicious Dogs

A. **Dangerous Animal:** Any animal which, when either unmuzzled, unleashed, or unattended by its owner or custodian 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 in a public place, and without justification, shows a propensity to attack or injure any person(s) or animal who was peacefully conducting themselves in any place where they may lawfully be present may be declared dangerous”.

B. **Dangerous Dog:** Any individual dog, which when either unmuzzled, or unattended by its owner or custodian, acts in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places, or upon private property not owned belonging to the owner of the animal I may be declared "dangerous" by the Animal Control Officer.

1. An animal control officer or any adult person may request, in writing, that a dog be classified as a dangerous animal by submitting a sworn written statement of complaint to the animal control officer or police officer. In addition, in any instance where the animal control officer has reasonable grounds to believe that a dog has bitten a person or a domestic animal, an investigation shall be conducted. For any animal to be considered a dangerous animal there must be a thorough investigation initiated within fourteen (14) days of becoming aware of the alleged violation. The animal control officer must also gather medical and veterinary evidence, interview witnesses, and make a detailed report of findings.
2. Upon receipt of the complaint, the animal control officer shall notify the owner of the animal that a formal complaint has been filed and that an investigation into the allegation as set forth in the complaint will be conducted. During the investigation:

- a. The custody of the animal which is subject of the investigation shall not be transferred by its owner to any other person; nor shall the place of maintenance of the animal be changed from its owner's residence during that time, without the consent of the animal control officer or order of any court; or
 - b. The animal may be impounded by the animal control officer or police officer if there is reason to believe that the animal will pose an immediate danger to the owner or any member of the community if not immediately impounded.
3. Upon declaring any animal "dangerous" pursuant to this subsection, the owner shall not keep or maintain the animal within the City if the Animal Control Officer finds two (2) or more of the following factor to be present:
 - a. The incident which led the animal being declared "dangerous" was unprovoked;
 - b. The incident occurred in an area in which there reside children under the age of thirteen (13) years, senior citizens, and/or persons with a physical or mental impairment;
 - c. The incident would have resulted in a bite but for the location of the person attacked;
 - d. The animal in question has previously been found to have run at large; or
 - e. The nature of and the circumstances surrounding the incident requires that the animal be banned from the City in order to protect the health, safety and welfare of the citizens.
4. The Animal Control Officer shall impound the animal and shall inform its owner, within twenty-four (24) hours of impoundment, that two (2) or more of the factors enumerated herein exist. The owner shall not allow or permit the animal declared "dangerous" to return to the City under any circumstances.
5. No animal shall be deemed dangerous without sufficient evidence to establish probable cause to support such finding. The owner shall be sent immediate notification of the investigative determination that includes a complete description of the appeal process. An animal shall not be declared dangerous if the animal control officer determines the conduct of the animal was justified because:
 - a. The threat was sustained by a person who at the time was committing a crime of offense upon the owner or custodian of the dog;

- b. The threatened person was tormenting, abusing assaulting, or physically threatening the dog or its offspring;
- c. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring;
- d. The dog was responding to pain or injury or was protecting itself, its owner, or custodian or member of its household, kennel, or offspring.

6. At the conclusion of the investigation, the animal control officer may:

- a. Determine that the animal is not dangerous and, if the animal was initially impounded, waive any impoundment fees incurred, and release the animal to its owner; or
- b. Determine that the animal is dangerous and, if impounded, release the animal to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that an animal is dangerous, the animal control officer may cause the animal to be humanely euthanized; or
- c. Determine that the animal is vicious, in which case the provisions of section 6-4 10-2 of this chapter shall apply.

7. Conditions Prohibiting Dangerous Animals to Remain in the City:

- a. Upon declaring any animal "dangerous" pursuant to this subsection, the owner shall not keep or maintain the animal within the city limits if the animal control officer finds two (2) or more of the following factors to be present:
 - (1) The incident which led the animal being declared "dangerous" was unprovoked;
 - (2) The incident occurred in an area in which there resides children under the age of thirteen (13) years, senior citizens, and/or persons with physical or mental impairments;
 - (3) The incident would have resulted in a bite if it were not for the location of the person attacked;
 - (4) The animal in question has previously been found to have run at large;
or
 - (5) The nature of and the circumstances surrounding the incident requires that the animal be banned from the city in order to protect the health, safety and welfare of the citizens.

8. Conditions Permitting a Dangerous Animal to Remain in City

Any animal declared to be "dangerous" pursuant to this section, but for which two (2) or more of the factors in this section do not exist, shall be permitted to remain within the city limits. However, such animal must be restrained so that even while on the premises of its owner, the animal cannot come into physical contact with anyone who is lawfully on the premises other than its owner and members of the owner's household. The owner of such animal shall not permit the animal to leave the premises unless such animal is muzzled or caged, and the animal may not be tethered at any time within the city limits as the principal means of restraint.

9. Additional Actions

The following additional actions may also be required for a "dangerous" animal to be allowed to remain in the city limits:

- a. the animal must be spayed or neutered and microchipped, if not already, within
- b. fourteen (14) days, at the owner's expense; and one or more of the following as deemed appropriate:
 - (1) Evaluation of the animal by a certified applied or veterinary behaviorist, or other recognized expert in the field and the completion of training or treatment as deemed appropriate by said expert. The owner of the dog will be responsible for all costs associated with evaluations and/or training; or
 - (2) Direct supervision of the animal by an adult, eighteen (18) years or older, whenever the animal is present on public grounds; or
 - (3) The animal must be muzzled whenever it is on public premises, but the muzzling shall not injure the animal, or interfere with its vision or respiration; or
 - (4) The animal must be restrained so as not to come in contact with anyone on private property, including the property of the owner, except the owner or members of the owner's household; or
 - (5) The animal must be held in an "enclosure", as previously defined during those times that the animal is not in the immediate control of its owner and outside the owner's house.

10. Exemptions

Guide animals for the blind or hearing impaired, support animals for the physically handicapped, guard dogs, and police dogs are exempt provided an attack or injury to a person or companion animal occurs while the dog is performing duties as expected. To qualify for exemption, the animal must be inoculated against rabies and the owner provide proof to the city and animal control.

C. Vicious Animal: The Animal Control Officer shall investigate all reports of a “vicious dog” as defined in the Illinois Animal Control Act.

1. Upon making a written finding that a dog is vicious when any of the following circumstances have been determined by the Animal Control Officer to be present:
2. Any individual dog that when unprovoked inflicted a bite or has attacked a human or any other animal either on public or private property, including the property of the owner;
3. Any individual dog with a known propensity, tendency or disposition to attack without provocation, has caused an injury or has otherwise endangered the safety of a human being or domestic animal;
4. Any individual animal 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
5. Any individual dog has been found to be a “dangerous dog” pursuant to subsection 6A of this Chapter upon three (3) separate occasions;

Vicious dogs shall not be classified "vicious" only on the basis of breed. No animal shall be deemed “vicious” if it:

- a. Bites, attacks, or menaces a trespasser on the property of its owner;
- b. Harms or menaces anyone who has tormented or abused it;
- c. Is a professionally trained dog for law enforcement, fire, or guard duties; or
- d. Is a guide dog for the blind or hearing impaired, or a support dog for the physically handicapped, provided an attack or injury to a person occurs while the dog is performing duties as expected.

Section 9: Determination of a Vicious Animal

A. Investigation; Notice Requirements

1. Any law enforcement officer or animal control officer employed by the city who suspects that an animal may be vicious within the meaning of this article may conduct an investigation to determine if the animal has committed any act or displays any characteristics which qualify the animal as vicious. If, upon the completion of such investigation, and upon the completion of a detailed investigative report, the officer concludes and recommends a finding that the animal is vicious, such officer shall give the report and written notice of

recommendation to the city attorney and owner which includes the following information:

- a. A detailed description of the animal
- b. Information available concerning the ownership of the animal.
- c. A statement or conclusion that the animal is vicious within the meaning of this article.
- d. A detailed description of the investigation conducted by the officer and what acts, behaviors or characteristics led the officer to conclude that the animal is vicious.

B. Vicious Animals Prohibited

It shall be unlawful to keep any animal which has been declared "vicious" pursuant to this subsection or the Illinois animal control act within the city limits.

C. Impoundment; Disposition; Exemptions of Dangerous or Vicious Animals

1. If an animal is found to be vicious, the animal shall be spayed or neutered and microchipped within ten (10) days of the finding at the expense of the owner. The animal shall be subject to enclosure, confinement, or impoundment. An animal found to be vicious shall not be released to the owner until the Chief of Police or his/her designee approves of such enclosure. No owner or keeper of a vicious animal shall sell or give away the animal without city approval. The owner or keeper of a vicious animal shall notify animal control and the city if the vicious animal has died or will be euthanized. Whenever an owner of a vicious animal relocates, he or she shall notify both the Chief of Police or his/her designee where the owner is leaving and to where (city/town/state) that the owner will be moving.
2. The animal control officer shall determine where the animal shall be confined during the complaint investigation process. If the burden of proof has been met and the animal is declared to be vicious, it shall be unlawful to keep any animal which has been declared vicious within the city limits. An animal found to be vicious shall not be released from impoundment back to the owner until the animal control officer approves the removal of the animal, if the animal is not euthanized. Any animal that has been declared to be vicious and has not been removed from the city limits shall be immediately impounded by the animal control officer. If the owner fails to appeal such impoundment, in writing, and supply another confinement location for the animal, outside the city limits, within fifteen (15) working days, the animal may be humanely euthanized. The owner shall bear all costs associated with the caring of the animal during impoundment and any appeal of impoundment.

ARTICLE 4

RABIES

Section 1: Animal Bites

A. Notice of Bites; Restrictions Regarding Disposal of Animal

1. The animal control officer shall be notified of all bites.
2. Any owner of an animal which has bitten a person or other animal must report the incident to the animal control officer.
 - a. The owner or person having custody of any dog, cat or other animal which bites any human being shall notify the animal control officer within twenty-four (24) hours; and the animal control officer shall instruct the owner as to confinement procedures pursuant to section B2.
 - b. It shall be unlawful for the owner to sell, euthanize, give away, or otherwise dispose of an animal known to have bitten any person or companion animal without first allowing animal control and/or the police to investigate.

B. Notice; Confinement

1. Any animal which has bitten a person shall be confined pursuant to the animal control act, as amended.
2. The owner shall keep such dog locked up and confined inside an enclosure for a period of (10) ten days following the time the animal has bitten the human; and shall have the animal examined by a licensed Doctor of Veterinary Medicine at he beginning and end of said ten (10) day period; and provide a written release from a licensed veterinarian to the animal control officer, along with dated proof of rabies inoculation within twenty-four (24) hours of release.

ARTICLE 5

MISCELLANEOUS PROVISIONS

Section 1: Animal Care

- A. Each owner shall provide his animals:

1. Sufficient quantity of good and wholesome food and clean water;
2. Adequate shelter and protection from the weather including, if thirty-two (32) degrees or below, plenty of fresh, dry bedding in shelter to help the animal retain body heat, and if eighty-five (85) degrees or above, a source of shade outside of its shelter;
3. Veterinary care when needed to prevent pain or suffering; and
4. Humane care and treatment.

Section 2: Cruelty to Animals:

- (a) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.
- (b) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- (c) No owner of a dog or cat that is a companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that:
 - (1) results in injury to or death of the animal; or
 - (2) results in hypothermia, hyperthermia, frostbite or similar condition as diagnosed by a Doctor of Veterinary Medicine.
- (c-5) Nothing in this Section shall prohibit an animal from being impounded in an emergency situation under subsection (b) of Section 12 of this Act.
- (c-10) Nothing in this section shall prohibit a law enforcement officer from taking temporary custody of a dog or cat that is a companion animal that is exposed in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that may result in injury or death of the dog or cat or may result in hypothermia, hyperthermia, frostbite, or similar condition. Upon taking temporary custody of the dog or cat under this subsection (c-10), the law enforcement officer shall attempt to contact the owner of the dog or cat and shall seek emergency veterinary care for the animal as soon as available. The law enforcement officer shall leave information of the location of the dog or cat if the owner cannot be reached. The owner of the dog or cat is responsible for any costs of providing care to the dog or cat.

Section 3: Removal of Dead Animals

If an animal dies within the City limits, the owner shall remove or cause the animal to be removed and disposed of in a reasonable, non-health hazardous, humane manner, within twenty-four (24) hours after having received knowledge or information of the animal's death.

Section 4: Disposal of Dead Animals

- A. Prohibited Disposal: No person shall deposit, place or throw any dead animal or fatally sick or injured animal, or part thereof on any public or private place, or into any reservoir, sewer or well, or on the banks of any stream, lake, pond, or other body of water.
- B. Burial: All dead animals, or parts thereof, may be buried at a distance of not less than one hundred feet (100') of any residence or well; and the carcass shall be placed underground and well covered with dirt at least three (3) feet underground to the upper part of the carcass.
- C. Immediate Disposal: No person shall fail to immediately dispose of any dead animal found upon the property under his/her possession or control.

Section 5: Police Dogs

It shall be unlawful for any person to torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by any law enforcement agency or in the performance of the functions or duties of such agency, or to interfere with or meddle with any such dog while being used by said agency or any officer thereof.

- 1. Teasing, Striking, or Tampering with Police Dogs Prohibited: No person shall willfully or maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to any dog used by a police officer in the performance of his or her functions or duties, or when placed in confinement off duty.

Section 6: Diseased Animals

It shall be unlawful for the owner of any animal afflicted with or suspected of being afflicted with a contagious or infectious disease to allow such animal to run at large or be exposed to any public place so that the health of other animals or human beings may be affected.

Section 7: Livestock: Prohibited

No person shall keep or maintain any livestock within the city limits. The term "livestock" includes cattle, sheep, goats, and other domestic animals ordinarily raised or used on the farm. Already existing sites, including the Williamson County Fairgrounds and training facilities are exempt.

Section 8: Limitation on Animals Per Household

- A. **Five Dogs Allowed:** No person shall keep or maintain more than five (5) dogs in or about any single-family residence or building, or more than one dog in any unit of a

multi-family residence within the city except in a zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, animal refuge, animal groomer or pet shop. Said prohibition shall not include dogs less than four (4) months of age. Exempted from this limitation are those commercial uses, specifically authorized elsewhere in this Code, for which occupancy by dogs is customary (such as, but not limited to, kennels, pet shops and veterinarians).

- B. **Five Cats:** No person shall keep or maintain more than five (5) cats in or about any single-family residence or building, or more than two (2) cats in any unit of a multi-family residence within the city except in a zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, animal refuge, or pet shop. (Ord. 2006-64)
- C. **Total Allowed:** No person shall keep or maintain more than ten (10) animals (excluding fish and chickens) in a single-family residence or five (5) animals in any unit of a multi-family residence. (Ord. 2012-08)

Section 9: Stray Animals; Owner Notification

Impoundment and Disposition: Whenever an officer or agent for the city observes or is informed that an animal is a stray or is running at large and not under the control of the owner, the animal shall immediately be apprehended and/or impounded if possible. Any person may apprehend a stray animal and inform animal control so that the stray can be impounded. Any animal observed on private property by the animal control officer, a police officer, the code enforcement officer or other authorized official that appears to be feral, stray or abandoned by not being constrained in some fashion, does not have a collar, and has no identification tag may be taken into custody and confined in the city animal control facility for a minimum of seven (7) days. If such animal is not claimed by someone professing to be its owner, it may be disposed of in such manner as the animal control officers deems fit. (Ord. 2309, 5-24-2010; amd. 2013 Code)

1. All stray animals impounded shall have a record. The record shall include the owner's name, address, and telephone number, if known; species or breed, color, sex, if known, and physical condition of the animal; license, tag, or microchip number, if known; and the time and date impounded.
2. When owners of stray animals impounded are known, notice shall be given by phone, if known, or by mail to the last known address. Stray animals shall be held not less than seven (7) days, if the owner is known. All unclaimed apprehended animals shall be placed for adoption, rescue, transport, or humanely euthanized in accordance with the Illinois state law.
3. Any animal found to have been impounded due to being stray and/or running at large three (3) or more times shall be microchipped for future identification at a cost payable by the animal's owner before being released from impound.

4. The stray animal's owner is responsible for all costs related to the apprehension and impoundment of the animal found not under control.
5. Restrictions for feeding stray animals: Feeding or allowing stray feral or uncontrolled animals on public property right of way, abandon structures of unknown person or persons without permission and accessible by such animals is prohibited.

WHEREAS, there are numerous feral, stray or abandoned animals at large within the City; and

WHEREAS, such animals constitute a hazard to the health and safety of all citizens; and

WHEREAS, such animals constitute a public nuisance; and

WHEREAS, food for such animals is being placed on public property as well as outside abandoned property in yards and open spaces, such food attracting all manner of animals.

- a. Any animals observed on private property by the Animal Control Officer, Police Officer, Code Enforcement Officer or other authorized official that appears to be feral, stray or abandoned by virtue of not being constrained in some fashion, does not have a collar and has no identification tag may be taken into custody and confined in the city's animal control facility. If such animal is not claimed by someone professing to be its owner, it may be disposed of in such manner as the Animal Control Officer deems fit.
- b. Any person violating the provisions of this ordinance may be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred Fifty (\$150.00) Dollars. Each day such violation occurs is a separate violation of this ordinance.

Section 10: Exotic

- A. **Animals Enumerated:** No person may keep or maintain within the city limits any live lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf, wolf hybrid, fox, mink, coyote, falcon, condor, eagle, or any other raptor, monkey, gorilla, ape, or other nonhuman primate, crocodilian reptile, poisonous snake or poisonous lizard, nonpoisonous snake exceeding five feet (5') in length, or nonpoisonous lizard exceeding five feet (5') in length.

B. **Exceptions:** Subsection A of this section shall not apply to any person operating a zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge. Further, subsection A of this section, as it relates to nonhuman primates other than gorillas and apes only, shall not apply to mercantile establishments whose primary purpose is to sell pets and pet supplies.

C. **Proper Enclosure:** Any person who keeps or maintains within the city limits any live nonpoisonous snake or nonpoisonous lizard shall at all times keep or maintain such snake or lizard in an enclosed cage or vivarium to prevent escape.

Section 11: Tethering:

1. No person may “tether” a companion animal for the purpose of securing that animal for extended periods of time.

a. To lawfully tether an animal outdoors for short periods of time, an owner must be present and ensure that the animal:

1.) is tethered with a properly fitting harness or collar other than a lead or a pinch, prong, or choke type collar;

2.) is not tethered in a manner that will allow to reach within the property of another person, a public walkway, or road.

3.) Is not tethered during extreme weather.

ARTICLE 6

PENALTIES

Section 1: Fines and Fees

A. An impoundment fee must be paid for each animal captured as follows:

Impoundment Fee	Neutered/ <u>Spayed</u>	Unneutered/ <u>Unspayed</u>
First occurrence (Each violation)	\$ 20.00	\$ 40.00
Second occurrence (Each violation)	\$ 30.00	\$ 50.00
Third occurrence (Each violation)	\$ 60.00	\$ 80.00
All subsequent occurrences	\$100.00	\$150.00
Puppies/kittens Under 3 mos.	\$ 20.00	\$ 20.00

B. A boarding fee must be paid for each animal confined by the animal shelter as follows:

Boarding Fee	Daily
Dog or Cat	\$ 5.00
Fowl or other small animal	\$ 5.00
Livestock animal	\$ 25.00

Section 2: Penalties Imposed by Court


- A. The city attorney's office may file a complaint against any person who violates the provisions of this title at any time, in order to prosecute such violations in court, subjecting the person to the penalties as stated in this section.
- B. Except as provided in this chapter, any person who is found guilty of or pleads guilty to violating any provision of this title and not otherwise specified, shall be fined an amount of not less than one hundred fifty dollars (\$150.00) and not more

than seven hundred and fifty dollars (\$750.00) in addition to any other costs or charges authorized by this title.

This Ordinance shall be in full force and effect from and after its passage, approval and legal publication as required by law, and the City Clerk is hereby directed to cause this Ordinance to be published immediately after its due passage and approval.


Passed by the City Council of the City of Marion the 7th day of March 2019.

Signed by the Mayor of the City of Marion the 7th day of March 2019.


Anthony D. Rinella, Mayor

Published the 8th day of March, 2019.

Attest:



Alice F. Rix, City Clerk