

ORDINANCE NO. 275

VILLAGE OF GIFFORD
CHAMPAIGN COUNTY, ILLINOIS

ANIMAL CONTROL ORDINANCE

WHEREAS, the Village of Gifford, Illinois has recently experienced occasions of domestic animals running loose within the Village; and

WHEREAS, the Village of Gifford presently has no adequate animal control ordinance; and

WHEREAS, the President and Board of Trustees believe that the following Animal Control Ordinance is in the best interest of the Village of Gifford and its citizens and accordingly should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD, ILLINOIS, as follows:

1. Animal running at large prohibited.

The running at large of any dog or cat within the Village is declared a public nuisance and is prohibited.

Any dog or cat shall be deemed at large when it is off the property of its owner, possessor, keeper or other authorized person, and is not under the control of its owner, possessor, keeper or other authorized person by leash, cord, chain, rope or other effective device. For the purpose of this ordinance, voice control shall not be considered as control.

A dog or cat is under restraint, and not at large, within the meaning of this Ordinance if it is controlled by a leash, cord, chain, rope or other effective device by its owner, possessor, keeper or other authorized person, or is confined within a vehicle driven or parked on the streets, or other authorized person.

2. Liability of owner.

A dog or cat is also deemed to be a public nuisance, and the owner, keeper, possessor, or other authorized person of such an animal shall be in violation of this Ordinance if his or her dog or cat commits any of the following acts in the Village:

- A. Causes damage to the property or possessions of any person other than the owner;
- B. Bites or scratches a person other than the owner;
- C. Seriously or viciously frightens, annoys, nips, hisses, at growls at, barks at, or jumps at any person other than the owner;
- D. Chases or barks at an automobile, bicycle, or any other vehicle upon the streets or alleys of the Village;
- E. Overturns garbage cans, trash bins, recyclable bins or incinerators; or
- F. Does not have a current Champaign County, Illinois, tag indicating inoculation against rabies.

3. Barking or howling animals.

It is unlawful for any person to own, possess or keep a dog or cat that howls, whines, wails, growls, or barks with such loudness and/or frequency or for such an extended period of time as to disturb the peace and quiet of the neighborhood.

4. Impoundment/fines for violations of Sections 1 through 3.

Any dog or cat running at large in violation of Section 1, being a nuisance under Section 2, or barking or howling in violation of Section 3, is subject to impoundment.

Impounding of all animals will be handled by a designated Village agent or employee, or by a Champaign County Animal Control Officer.

Any owner, keeper, possessor or other authorized person upon claiming the animal is liable for all fees and fines as levied by the Village and Champaign County Humane Society shelter or other impoundment facility, which fee shall be not less than \$30.00.

At the end of seven days, the animal will be put up for adoption or disposed of at the discretion of the impoundment facility, according to its rules and procedures.

Any owner, keeper, possessor or other authorized person who has permitted a dog or cat to run at large in violation of Section 1, to be a nuisance under Section 2, or to bark or howl in violation of Section 3, is in violation of this Ordinance. Such person shall be subject to a fine fifty dollars (\$50.00) plus costs for the first offense, one hundred dollars (\$100.00) plus costs for the second such violation and two hundred dollars (\$200.00) plus costs for each subsequent or additional violation that occurs within any twelve (12) month period.

The County of Champaign shall impose the additional fees in addition to the fines imposed by the Village for violations of the Ordinances:

- Microchip with registration*
- Rabies vaccination*
- Rabies registration for altered animal*
- Rabies registration for unaltered animal*
- Failure to vaccinate cat or dog
- Failure to register cat or dog
- Village of Gifford pick-up fee
- Boarding fee for any day or part of a day

*Mandated by Illinois State law 510ILCS 5/10

5. Rabies quarantine – Dogs.

It shall be the duty of the owner, keeper, possessor or other authorized person having custody of any dog which bites any human being to keep such animal locked up in an enclosed facility, (recommendation of a facility will be made by the animal control officer) for ten (10) days following the time the dog has bitten the person. The dog must be examined by a licensed veterinarian at the commencement and termination of this ten (10) day period. If such dog during this period shall die or show definite signs of illness, it shall be the duty of such owner or person having custody of the dog to turn the dog over to the county animal control officer so that it can be determined whether or not the dog has rabies.

6. Rabies quarantine – Cats.

When a cat has bitten a person other than the owner, or is believed to be a source of rabies or other infectious diseases, or is otherwise diseased, or presents a hazard to public health, then such a cat is subject to being impounded.

7. Animal cruelty.

Any person who shall be cruel to any animal by cruelly beating, mutilating, torturing or killing any animal; or any person who fails to provide quarters for animals that are protected from excessive heat or cold; or any person who fails to keep an animal in a clean, sanitary and healthy manner, shall be in violation of this Ordinance.

Complaints will be referred directly to the Champaign County Humane Society or the Champaign County Animal Control Officer. If, after an investigation by the appropriate local, county, or state authority the person is found to be in violation of this Ordinance, a fine not to exceed two hundred dollars (\$200.00) per violation shall be imposed.

8. Removal of dog excrement.

A. No owner or person in control of a dog shall permit the dog to deposit fecal matter on any public right-of-way or property, or on any private property, other than that of the owner or person in control, without providing a means of disposing of the fecal matter.

B. The owner or person in control of a dog shall promptly remove any fecal matter deposited on any such property, other than property belonging to the owner or person in control of the dog.

C. This Section shall not apply to support dogs, or guide dogs used by blind, visually handicapped, hearing impaired or otherwise physically disabled persons.

D. The offenses prohibited by this Section shall be absolute liability offenses.

E. Any owner or person in control of a dog who violates the prohibitions of this Section shall be fined an amount no to exceed fifty dollars (\$50.00) for each offence.

9. The Chief of Police as Animal Control Warden.

The Chief of Police shall be the Official Animal Control Warden for the Village. Provision shall be made for the appointment of such Animal Control Officers as may be necessary. The Animal Control Officers, employed by contractual agreement or otherwise, shall be authorized to investigate matters regarding the provisions of this chapter. The Animal Control Warden is charged with enforcement of this matter.

10. Fines – Injunction.

Except as herein otherwise provided, as person violation the terms of this Ordinance shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each violation. The Village may impose an administrative fine in lieu of judicial action, but if the person charged elects not to pay such administrative fine, the Village Attorney may prosecute such violation in the appropriate court for imposition of an appropriate fine by the court.

In addition to fines, the Village may, as it deems advisable, seek injunctive relief against continuing violations of this Ordinance.

11. Severability.

If any provision of this Ordinance is determined too be invalid or unenforceable for any reason, then that determination shall no effect the validity or enforceability of the other provisions of this Ordinance, unless the determination of invalidity so determines or requires.

12. Effective Date.

This Ordinance shall be effective on and after its passage approval and publication in accordance with law.

13. Publication.

Village Clerk is directed to publish this Ordinance in pamphlet form in accordance with law.

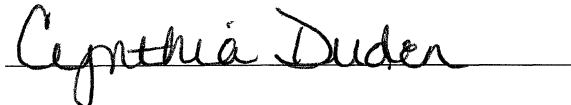
Approved by me this 1st day of June, 2006.

APPROVED: _____



PRESIDENT, BOARD OF TRUSTEES

ATTEST:



VILLAGE CLERK

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Cynthia Duden, certify that I am the Village Clerk of the Village of Gifford, Champaign County, Illinois.

I certify that on the 1st day of June, 2006, the corporate authorities of the Village of Gifford, passed and approved Ordinance No. 275 entitled "VILLAGE OF GIFFORD CHAMPAIGN COUNTY, ILLINOIS, ANIMAL CONTROL ORDINANCE", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 275 was prepared, and a copy of such Ordinance was posted in the Village of Gifford Building commencing on the 1st day of June, 2006, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the Village Clerk.