

VILLAGE OF SECOR ORDINANCE NO. 2009-04

AN AMENDED ORDINANCE CONCERNING DOGS

BE IT ORDAINED BY THE President and Board of Trustees of the Village of Secor, Woodford County, Illinois, as follows:

SECTION 1. License Required - Owner Responsibility.

A. Every owner of any dog kept within the corporate limits of the Village of Secor shall obtain and maintain current dog registrations, licenses and tags issued both by Woodford County Animal Control and the Village of Secor for each such dog, except where otherwise provided, as follows:

1. The dog is less than four (4) months old;
2. The dog is owned by a nonresident of the Village who is visiting the Village for a period of time not to exceed forty-five (45) days;
3. The dog is owned by a new resident who has been residing within the Village less than sixty (60) days.
4. The dog is a police dog being used in Police Department activity.
5. The dog has been trained to aid the blind or disabled.

B. It shall be the responsibility of every owner of any dog kept within the corporate limits of the Village of Secor to ensure that current license tags are adequately attached to an appropriate collar upon every dog under his/her control and are to be displayed at all times.

C. Each dog owner shall make application to the Clerk of the Village of Secor or other designated individual for an annual Dog License. The Village of Secor Dog License period shall be May 1 through April 30 annually. The Village of Secor Dog License fee shall be paid annually in accordance with the following schedule:

1. Spayed females and male dogs \$3.00 per year or any portion thereof for each dog exceeding four (4) months of age;
2. Unspayed females \$4.00 per year or any portion thereof for each dog exceeding four (4) months of age.

D. The license shall not be renewed earlier than 45 days prior to May 1st nor later than April 30th of each year.

E. The license shall not be transferable from one dog to another dog or from owner to owner.

SECTION 2. Dog Ownership - Custody or Control - Limit.

A. It shall be unlawful for any resident of the Village of Secor to own or maintain custody or control of more than three (3) dogs exceeding the age of four (4) months at any time on any public or private property within the corporate boundaries of the Village, except as provided in Section 3, *Excess Multiple Dog Ownership License Required* and Section 4, *Kennel License*.

B. In addition, it shall be unlawful to own or maintain custody or control of more than one breeding female dog within the three (3) dog limitation at any time on any public or private property within the corporate boundaries of the Village, except as provided in Section 3, *Excess Multiple Dog Ownership License Required* and Section 4, *Kennel License*.

C. Any person violating the provisions of this Section may be fined one hundred dollars (\$100.00) for each dog exceeding the limits established herein.

SECTION 3. Excess Multiple Dog Ownership - License Required.

Provisions of this section shall apply to all owners of dogs exceeding the multiple dog limits established in Section 2.

A. Excess Multiple Dog License Requirement - Responsibility - Exception

1. All dog owners exceeding the ownership limits established in Section 2 shall obtain an Excess Multiple Dog Owners license for the fourth and each additional dog exceeding the age of four (4) months.

2. It shall solely be the responsibility of each dog owner exceeding the limits established in Section 3 to comply with the provisions and requirements set forth therein.

3. Excess multiple dogs exceeding four months of age being kept within the corporate limits of the Village of Secor on or prior to the date this ordinance is adopted shall be exempt from Multiple Dog Owners License requirements.

B. License Period - License Fee - Renewal Period - Non-Transferable.

1. The annual Excess Multiple Owner Dog license period shall be May 1st through April 30th of each year.

2. The annual Excess Multiple Dog License fee shall be fifty (\$50.00) dollars per year or any portion thereof, for each dog in excess of three (3) dogs exceeding four (4) months in age.
3. The annual license shall not be renewed earlier than forty-five (45) days prior to May 1st, nor later than April 1st of each year.
4. A license shall not be transferable from one dog to another dog.

C. License Application - Requirement - License To Be Issued When.

1. Excess multiple dog owners shall make application to the Village Clerk or designee for a Multiple Dog Owners License.
2. Applicant(s) shall consent to and allow the following conditions to be confirmed before a license is issued or renewed. Applicant(s) shall:
 - a. Consent to inspection of the premises where the animals will be kept and maintained. Such inspection shall be completed and the site approved prior to the issuance of the first license(s) and prior to the issuance of an annual renewal license.
 - b. Consent to inspection of the premises where the animals are kept and maintained each time a signed public complaint is received and investigated by the Village, to determine if those premises are the source of public nuisances such as offensive odor, excess noise and other types of disturbances.
 - c. Provide a site for the animals that has an adequate supply of fresh water; a sufficient food supply to maintain adequate body weight; proper shelter; exercise areas; and sufficient veterinary care to treat illness and disease.
 - d. Take all prudent measures to prevent suffering and abuse.
 - e. Provide documentation that the dogs have been inoculated against rabies and other communicable canine diseases.
 - f. Provide for daily sanitation maintenance and removal of waste.
 - g. Comply with the provisions established in Section 1 of this Ordinance requiring registration, licenses and tags.

D. Violations of Multiple Dog Owners License - Penalties - Revocation of License - Provisions.

1. Upon the first conviction of a violation of any provision set forth in Section 3 of this Ordinance the license holder(s) shall receive a written warning of such violation. The document may be served by any Village Official(s), law enforcement personnel or by Certified Mail of the U.S. Postal Service. The violation(s) shall be corrected within 10 days from receipt of the warning. Upon expiration of the 10 day period, the site shall be re-inspected for compliance. Failure to comply within the 10 day period shall be considered an immediate second violation of this Ordinance and will result in a fine of Fifty (\$50.00) per dog.
2. Upon subsequent convictions of a violation of Section 3 of this Ordinance, the Multiple Dog Owners License for the offending site shall be revoked for a period of not less than three (3) months nor more than two (2) years and the owner(s) shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The duration of the revocation of license and the amount of fine assessed shall be governed by the number of complaints recorded and the severity of the violations discovered.
3. A revoked license shall not be automatically reinstated nor renewed upon the expiration of a revocation period.
4. The holder of a revoked license, upon making re-application for a Multiple Dog Owners License, must show compliance with all existing requirements of the Ordinance before the license will be re-issued. All prior violations must be corrected and all fines must be paid before a Multiple Dog Owners License is issued a second or subsequent times to anyone that has had their license revoked.

SECTION 4. Kennel License. Provisions of this section shall also apply to owners of dogs exceeding the multiple dog limits established in Section 2.

- A. Any individual owning bona fide registered dogs used for breeding and selling purposes may, in lieu of an Excess Multiple Dog License, obtain from the Village a Kennel License. Before the issuance of a Kennel License can be made, the Village shall ensure that the applicant for the License can provide adequate facilities for the proper treatment of the dogs as provided for in Section 4,C.

B. License Period - License Fee - Renewal - License Non-Transferable.

1. The annual Kennel License shall be valid from May 1st through April 30th of each year.
2. The annual Kennel License fee shall be fifty (\$50.00) dollars per year or any portion thereof.
3. The Kennel License shall be renewed annually, not earlier than forty-five (45) days prior to May 1st, nor later than April 30th of each year.
4. Kennel Licenses shall not be transferable from one owner or facility to another.

C. License Application Required - Conditions Must Be Met

1. Individuals wishing to obtain a Kennel License shall make application to the village for a Kennel License.
2. The applicant shall consent to and allow the following conditions to be confirmed before a Kennel License is issued or renewed. Applicant shall:
 - a. Provide to the Village, prior to the issuance of a Kennel License evidence of the dogs' pedigree(s) and breeding registration papers.
 - b. Consent to inspection of the premises where the animals will be kept and maintained. Such inspection shall be completed and the site approved prior to issuance of license and prior to issuance of the annual renewal license.
 - b. Consent to inspection of the premises where animals are kept and maintained each time a signed public complaint is received and investigated by the Village to determine if the premises are the source of public nuisances such as offensive odor, noise, and other neighborhood disturbances.
 - d. Provide a site for the animals that has an adequate supply of fresh water; a sufficient food supply to maintain adequate body weight; proper shelter; sufficient veterinary care to treat illness or disease.
 - e. Take all prudent measures to prevent suffering and abuse.

f. Provide documentation that dogs have been inoculated against rabies and other communicable canine diseases.

g. Provide for daily sanitation maintenance and removal of waste.

D. Boarding Not Permitted - Exceptions.

1. Boarding or care for fee of dogs not owned by the Kennel License holder is not provided for by this Ordinance, and such activity will be considered a violation of this Ordinance. However, dogs belonging to others than the license holder may be kept, not for fee for 30 days or less, and those dogs used for breeding purposes may be kept for an appropriate amount of time necessary to fulfill their duties without penalty.

2. A Kennel License holder may appeal to the Village Board to keep a dog more than 30 days if the Licensee can provide evidence of compelling circumstances requiring such exemption. Such appeal must be made in person at a regularly scheduled Board meeting, provided that notice of an appeal is given, in writing, to the President at least two weeks prior to such meeting

E. Violations of Kennel License - Penalties - Revocation of Kennel License - Provisions.

1. Upon the first conviction of a violation of any provision set forth in Section 4 of the Ordinance, the dog owner(s) shall receive a written warning of a violation. The document may be served by any Village official, law enforcement personnel or by Certified Mail of the U.S. Postal Service. The violation shall be corrected within 10 days from receipt of the warning. Upon expiration of the 10 day period, the site shall be re-inspected for compliance. Failure to comply within the 10 day period shall be considered sufficient cause to initiate proceedings to revoke the license, and cause the violating kennel to be closed, and the dogs kept therein to be removed to other suitable quarters and kept there, at the expense of the proprietor of said kennel of the non-compliant kennel.

2. Upon subsequent convictions of a violation of this Section of this Ordinance, the Kennel License shall be revoked for a period of not less than three (3) months nor more than two (2) years and a fine imposed of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500.00). The duration of the revocation of license and amount of fine assessed shall be governed by the number of complaints of record and the severity of the violations discovered.

3. A revoked license shall not be automatically reinstated or renewed upon expiration of the revocation period.

4. The holder of a revoked license, upon making re-application for a Kennel license, must show compliance with all existing requirements of the Ordinance before the license will be re-issued. All prior violations must be corrected and all fines must be paid before a Kennel License is issued a second time to anyone that has had their license revoked.

SECTION 5. Excreta Nuisance Prohibited.

It shall be unlawful for the owner or person having charge, custody or control of any dog to create a nuisance by permitting such dog, either willfully or through failure to exercise due diligence and control, to deposit excreta and allow such excreta to remain upon any public sidewalk or street; in a public park or any other public property; or upon any private property other than that of the owner or person who has custody or control of such animal.

SECTION 6. Abandoning Dogs Prohibited.

It shall be unlawful to abandon any dog, dead or alive, within the Village limits.

SECTION 7. Poisoning Dogs Prohibited.

It shall be unlawful to place, leave or expose in any place accessible to any dog, any poisonous substance or any edible substance which has in any manner been treated or prepared with any poisonous chemical or ingredient with intent to kill or harm such dog.

SECTION 8. Unlicensed Dogs Prohibited.

It shall be unlawful to permit any dog to be upon any public street, sidewalk, alley, parkway, or any other public place unless such dog has a collar firmly fastened around it's neck and which has the proper license tags for the current year attached to such collar. Any dog found within the Village that is not licensed by Woodford County and the Village is subject to impoundment as provided for in Section 9.

SECTION 9. Dogs Shall Not Run at Large - Other Provisions.

A. It shall be unlawful to permit any dog to run at large within the municipality or to permit any dog to be in violation of this ordinance. Any dog found running at large upon any public street, sidewalk, alley, parkway or any other public place; or any dog found in violation of this ordinance shall be subject to impoundment by the Woodford County Animal Control Department.

B. It shall be unlawful to permit any dog which is not on a leash, or is not under control of the owner or person in charge of such animal to be upon any public street, parkway, sidewalk, park; or within any place of public gathering unless such dog has been inoculated against rabies by a licensed veterinarian as required by law.

C. It shall be the duty of the Village Animal Control Officer (if any) to notify the owner in writing of an impoundment within six (6) hours of taking custody of the dog if the owner can be determined by a current dog license tag or other reasonable means. Otherwise, the owner shall be notified according to the provisions of the Woodford County Animal Control Ordinance.

D. Any dog impounded may be redeemed by the owner upon payment of the costs of impoundment, inoculation (if required) and current registration and license fees both local and County, if they are unpaid. Such fees shall be paid to the Village Clerk or authorized agent, or in the absence of a Village of Secor Animal Control Officer, to the Woodford County Animal Control Department.

E. The Village has entered, and may from time to time enter, into an Intergovernmental Agreement with the County of Woodford for the provision of animal control services. Pursuant to that Intergovernmental Agreement, Woodford County Animal Control responds to reports of animals running at large within the Village. Pursuant to that Intergovernmental Agreement, the owner of any dog picked up by Woodford County Animal Control, or such other entity with whom the Village may enter into an Intergovernmental Agreement, is required to reimburse the Village for all fees and costs incurred pursuant to the Intergovernmental Agreement, as well as all costs of collections of those fees and costs.

SECTION 11. Dog Bites. It shall be the duty of the owner or person having custody of any dog which bites any human being to keep such dog secured in an appropriate enclosure and to immediately contact Woodford County Animal Control to report such incident.

SECTION 12. Any person, firm or corporation violating Section 5 through 11 of this ordinance shall be fined not less than Twenty-five (\$25.00) nor more than Five Hundred (\$500.00) for each offense, and a separate offense shall be deemed to have been committed on each day during which a violation occurs or is allowed to continue.

SECTION 13. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 9th day of November, 2009.

APPROVED: /s/ Michael Laframboise
Michael Laframboise, Village Board President

ATTEST: /s/ Lori Bagby
Lori Bagby, Village Clerk

VOTES:

4 Ayes

0 Nays

0 Abstaining