

AMENDED ORDINANCE NO. 1

AN ORDINANCE CONCERNING DOGS

WHEREAS, the Board of Trustees of the Village of Ina, Illinois has been made aware that the public safety, health and welfare has been endangered by dogs running at large within the Village limits and damaging property and jeopardizing the health, safety and welfare of the residents of the Village; and

WHEREAS, the Board of Trustees of the Village, of Ina, Illinois has determined that it is necessary for the public health, safety and welfare of the Village of Ina to enact certain regulations concerning dogs hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Ina, Illinois, as follows:

1. It shall be unlawful for any person who shall own or have custody of any dog to permit any dog to run at large within the municipality. Any dog found on any public street, sidewalk, alley or any unenclosed place shall be deemed to be running at large and to have been permitted to run at large unless such dog is firmly held on a leash or in an enclosed vehicle.

2. It shall be unlawful for any person who shall own or have custody of a dog to permit such dog, when not on a leash or muzzle, to be in any public street, sidewalk, alley, store or place of business or public gathering or any other place in the Village other than an enclosed area, unless such dog shall have been innoculated against rabies by a licensed veterinarian within the preceding year.

3. It shall be the duty of any person who shall own or have custody of any dog which shall bite any person or so injure any person as to cause an abrasion of the skin of that person within the Village limits to keep such dog locked up and impounded in an enclosure for a period of two weeks following the time when such dog shall have bitten or injured such person and to further have such dog examined by a physician or licensed veterinarian at the commencement and termination of such two week period. If such dog, during such two week period, shall die or show any signs of illness or be found to be ill by a physician or licensed veterinarian, it shall be the duty of such person owning or having custody of such dog to turn such dog over to any peace officer or other person appointed by the Village Board for such purpose or to the rabies control officer of Jefferson County, Illinois so that it can be determined whether or not such dog had rabies. Any dog found running at large within the Village limits shall be impounded. If any dangerous, fierce or vicious dog found running at large within the Village limits cannot safely be taken up and impounded, then such dog may be slain by any duly appointed officer of the Village. Any dog impounded may be redeemed upon payment of the costs of impoundment as set by the Village Board plus a release fee of \$15.00 to the Village. If such dog shall not be redeemed within ten days after being impounded, such dog may be disposed of in the manner provided by the Board of Trustees of the Village.

4. The term "dog" as used in this Ordinance shall include any canine three months or more of age.

5. Any person, firm or corporation violating the provisions of this Ordinance shall, upon conviction thereof, be fined not less than \$5.00 nor more than \$200.00 for

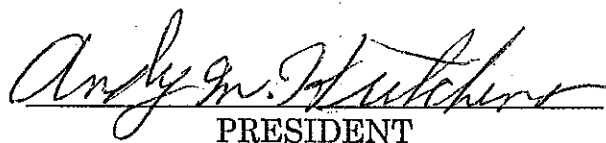
the first such violation, not less than \$15.00 nor more than \$200.00 for the second such violation, and not less than \$50.00 nor more than \$200.00 for any subsequent violation and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

6. This Ordinance shall be in full force and effect upon and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Ina, Illinois on this 5 day of March, 2001.

APPROVED by the President of the Board of Trustees of the Village of Ina, Illinois this 5 day of March, 2001.

APPROVED:


PRESIDENT

ATTEST:


CLERK

ANIMAL CONTROL ACT

Historical and Statutory Notes

Prior Laws:

Laws 1953, p. 837, §§ 5 to 7.
Laws 1955, p. 1672, § 1.
Laws 1957, p. 137, § 1.

Laws 1965, p. 481, § 1.
Laws 1965, p. 2673, § 1.
Laws 1965, p. 2675, § 1.
Ill.Rev.Stat.1971, ch. 8, §§ 23i to 23k.

Library References

Animals ¶29.
WESTLAW Topic No. 28.
C.I.S. Animals §§ 66 to 72, 75.

Notes of Decisions

Dog confined at all times in wooden shed, with four walls, floor, roof and open windows, was kept in "enclosed area" within meaning of former §§ 23i and 23q of former chapter 8, and was not subject to annual inoculation. *People v. Kraft*, 1967, 85 Ill.App.2d 435, 228 N.E.2d 738.

Enclosed area 1

Enclosed area
Term "enclosed area" within meaning of former §§ 23i and 23q of former chapter 8 could not be construed to mean permanent quarantine. *People v. Kraft*, 1967, 85 Ill.App.2d 435, 228 N.E.2d 738.

§9. Dogs running at large—Impoundment

§ 9. Any dog found running at large contrary to provisions of this Act shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available public pound.

P.A. 78-795, § 9, eff. Oct. 1, 1973.
Formerly Ill.Rev.Stat.1991, ch. 8, ¶ 359.

Historical and Statutory Notes

Prior Laws:

Laws 1953, p. 837, § 8.
Ill.Rev.Stat.1971, ch. 8, § 23l.

Cross References

Impounding and disposition of stray animals, see 410 ILCS 40/1 et seq.

Library References

Animals ¶51.
WESTLAW Topic No. 28.
C.I.S. Animals §§ 159 to 163, 295.

Notes of Decisions

dog is or is not wearing rabies tag. 1979 Op.Atty.Gen. No. S-1463.

2. Confinement of dogs

A county may contract with licensed veterinarians to confine dangerous dogs or dogs suspected of rabies and need not maintain a county animal shelter for dogs running at large. 1976 Op.Atty.Gen. No. S-1128.

Confinement of dogs 2
Enforcement of act 1

1. Enforcement of act
Animal control administrator is responsible for enforcement of Animal Control Act with regard to dogs running at large in both incorporated and unincorporated areas of non-home rule county, without regard to whether

injuries sustained by animals from dog bites, did not appear to be the result of passion or prejudice and was not the result of judicial conscience. *Messa v. Sullivan*, 1979, 61 Ill.App.2d 386, 209 N.E.2d 872.

When a defendant in a dog bite case, as alleged, files a complaint and summons to his trial court, and then makes repeated inquiries into the progress of his defense, he was sufficiently diligent in looking after his interests so as to warrant the trial court in reopening default judgment. *Frosch v. Radtke*, 1979, 33 Ill.Dec. 875, 78 Ill.App.3d 152, 397 N.E.2d 208.

A summary appeal in which trial court certifies a question whether doctrine of parental immunity barred action against natural father under dog-bite statute for injuries sustained by unemancipated minor child who was staying with father under visitation rights granted in divorce decree was dismissed where briefs did not appear to address the issues raised by the certified question and record on appeal did not resolve the difficulties; court would not speculate as to precise question sought to be answered. *Patti v. Patti*, 1978, 21 Ill.Dec. 912, 6 Ill.App.3d 1043, 382 N.E.2d 276.

Where plaintiff combined her action to recover for dog bite with her mother's action for medical expenses and mother was found to be guilty of contributory negligence, plaintiff was not entitled to change her theory in appellate court by claiming that she was prejudiced by combining of the actions. *Reeves v. Eckles*, 1969, 108 Ill.App.2d 427, 248 N.E.2d 125.

Right of entry—Inspections—Apprehension of dog or other animals—Refusal of owner to deliver dog or other animal

For the purpose of carrying out the provisions of this Act and these inspections hereunder, the Administrator, or his authorized representative or any officer of the law may enter upon private premises to apprehend, or stray 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 is made, 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 Act.

9a, § 17, eff. Oct. 1, 1973. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974; 9a, § 17, eff. Oct. 1, 1973. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974; 9a, § 17, eff. Oct. 1, 1973. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974.

Library References

Animals § 29.
 Animals § 66 to 72, 75.

Killing of dog seen to injure, wound or kill domestic animals

Any owner seeing his sheep, goats, cattle, horses, mules, swine, or other domestic animal being injured, wounded, or killed by a dog, not accompanied by or under the supervision of its owner, may pursue and kill such dog.

795, § 18, eff. Oct. 1, 1973. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974; 795, § 18, eff. Oct. 1, 1973. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974. Amended by P.A. 78-1166, § 1, eff. Aug. 27, 1974.

Historical and Statutory Notes

Ill. Rev. Stat. 1931, p. 13, § 2.
 Ill. Rev. Stat. 1971, ch. 8, § 12b.

Cross References

Requirement for picking up or confining stray animals requirement, not to prevent farmers' right to kill dogs for attacks on livestock, see 410 ILCS 40/9.