Chapter 14 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 14-1. - Cruelty prohibited.
Sec. 14-2. - Running at large.
Sec. 14-3. - Keeping animals which disturb the peace.
Sec. 14-4. - Killing dangerous animals.
Sec. 14-5. - Keeping of certain animals prohibited or restricted.
Sec. 14-6. - Removal of animal matter.
Sec. 14-7. - Diseased animals.
Sec. 14-8. - Inoculation against rabies.
Sec. 14-9. - Vicious animals.
Secs. 14-10—14-30. - Reserved.

Sec. 14-1. - CRUELTY PROHIBITED.

Whoever, within the limits of the city, shall be guilty of cruelty to any animal in any of the ways mentioned in this section shall be guilty of a violation of this Code.

(1) By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating or cruelly killing any animal, or causing or knowingly allowing the same to be done.

(2) By cruelly working any old, maimed, infirm, sick or disabled animal or causing or knowingly allowing the same to be done.

(3) By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shelter or care.

(4) By abandoning any old, maimed, infirm, sick or disabled animal.

(5) By carrying or driving or keeping, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

(Code 1996, § 6.05.010)

Sec. 14-2. - RUNNING AT LARGE.

It is unlawful to permit any animals, e.g., horses, sheep, goats, swine, cattle, poultry, or any wild or domestic animal to run at large in the city. Any such animal running at large in any public place in the city shall be impounded in the manner provided in section 14-36.

(Code 1996, § 6.05.020)

Sec. 14-3. - KEEPING ANIMALS WHICH DISTURB THE PEACE.

It is unlawful to harbor or keep any animals or birds which disturb the peace by loud noises at any time of the day or night. (Code 1996, § 6.05.030)
Sec. 14-4. - KILLING DANGEROUS ANIMALS.

The members of the police department or any other persons in the city are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

(Code 1996, § 6.05.050)

Sec. 14-5. - KEEPING OF CERTAIN ANIMALS PROHIBITED OR RESTRICTED.

It is unlawful to keep any horses, ponies, sheep, goats, swine, cattle, fowl, pigeons, or any animal which is dangerous to mankind within the city, except in a manufacturing zone or except as allowed under the zoning ordinance (chapter 110). (Code 1996, § 6.05.060)

Sec. 14-6. - REMOVAL OF ANIMAL MATTER.

It shall be unlawful for any person, firm or corporation having animal matter which is in the process of decay so as to be offensive or dangerous to the public health, to permit such animal matter to remain for more than 12 hours. All fecal waste from animals and fowl, including, but not limited to, dogs, cats, rabbits, and pigeons, must be removed daily. It shall be unlawful:

(1) To so negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood;

(2) To cause or suffer the carcass of any animal or any animal or vegetable matters such as slop, swill, suds, filth, garbage, or offal or noisome substance of any kind to be collected, deposited or to remain in any place in the city;

(3) To throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or the carcass of any animal in any water, pond, spring, or well, or on land within the city;

(4) To deposit any dead animal or other filthy, offensive or noisome substance upon any lot, street, alley, highway, park or other place;

(5) To corrupt or render unwholesome or impure the water of any drinking hydrant, spring, stream, pond, or lake to the injury of others;

(6) For any person to keep, or suffer to be kept, in a foul, offensive, noisome or filthy condition any pigeon or rabbit coop, or any other animal or bird pen, building, yard, trailer, ground or premises.

(Code 1996, § 6.05.070)

Sec. 14-7. - DISEASED ANIMALS.

(a) No domestic animal afflicted with a contagious or infectious disease shall be allowed to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof except under the supervision of the chief of police or of the animal control officer.

(b) It is made the duty of the animal control officer to secure such disposition of any diseased animal and such treatment of affected premises as is necessary to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act. (Code 1996, § 6.05.080)
Sec. 14-8. - INOCULATION AGAINST RABIES.

(a) Every owner of a dog four months of age shall cause such dog to be inoculated against rabies by a licensed veterinarian at such intervals as may be established pursuant to the Illinois Animal Control Act, 510 ILCS 5/1 et seq. The tag shall be affixed to the dog's collar.

(b) The provisions of 510 ILCS 5/1 et seq. are incorporated by reference and made a part of this section.

(Code 1996, § 6.05.090)

Sec. 14-9. - VICIOUS ANIMALS.

(a) Definitions.

(1) Vicious animal. "Vicious animal" means:

a. Any animal that has a propensity, tendency or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury or damage, or which may otherwise endanger the safety of any human being or domestic animal; or

b. Any animal documented by any law enforcement agency to have demonstrated a propensity, tendency or disposition to attack, without provocation, in a manner which may cause death, injury or damage, or which may otherwise endanger the safety of any human being or domestic animal; or

c. Any animal trained or used for fighting against another animal.

d. Notwithstanding the provisions of this section, no animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such death, injury or damage was sustained, was committing a criminal trespass upon the premises occupied by the owner of the animal, or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

e. Notwithstanding the provisions of this section, no animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such death, injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.

f. Notwithstanding the provisions of this section, no animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

g. Notwithstanding the provisions of this section, no dog may be declared vicious for acts committed by the dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.
(2) **Owner.**

   a. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has an animal in his care, or acts as an animal's custodian, or who knowingly permits an animal to remain on any premises occupied by him or her.

   b. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(b) **Prohibition.** No person shall own, possess, harbor, keep or maintain a vicious animal within the city limits of the City of Rochelle.

(c) **Determination of vicious animal.**

   (1) Any police officer or other officer designated by the city is authorized to declare an animal vicious and take appropriate steps to secure the animal.

   (2) Any animal declared vicious by a police officer or other designated officer will be impounded with a licensed veterinarian for up to ten days.

   (3) During the initial impoundment of a vicious animal, the chief of police shall make a determination as to whether the animal is vicious. If the animal is determined to be vicious, the chief of police shall give an appropriate order to exterminate the animal.

   (4) Any dispute concerning the determination of an animal as a vicious animal shall be heard and determined by the city manager. An appeal to the city manager must be made within five days from the determination by the chief of police that such animal is vicious. If the city manager determines the animal is vicious, the city manager shall give an appropriate order to exterminate the animal.

   (5) Any order to exterminate the animal shall not be carried out for a period of five days from the entry of the last order entered relative to the animal.

   (6) The costs of impounding the animal during this process shall be the responsibility of the owner of the animal.

(d) In addition, a complaint may be filed with the Ogle County Animal Control Administrator to take appropriate action.

(e) Any owner found to have a vicious animal within the city limits may be punished pursuant to section 1-15 of this Code.  (Ord. No. 11-4011, § 1, 2-28-2011)

Secs. 14-10—14-30. - RESERVED.
ARTICLE II. - DOGS AND CATS

Sec. 14-31. - Rabies vaccination required.
The owner or keeper of a dog or cat must have the animal vaccinated for rabies.
(Code 1996, § 6.10.010)

Sec. 14-32. - Prohibited acts; committing nuisance.
No dog or cat shall be permitted to commit any of the following acts on any premises or property, private or public:

(1) Bite or charge any person;
   a. "Bite" means to seize with the teeth or jaws so that the person seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

(2) Destroy private property;

(3) Scatter refuse;

(4) Chase vehicles;

(5) Deposit fecal matter on any property not of its owner; or

(6) Commit any nuisance defined by this article or other city ordinance.
(Code 1996, § 6.10.020; Ord. No. 11-4011, § 1, 2-28-2011)

Sec. 14-33. - Owner's responsibility regarding cleanup of waste.
Any person allowing any dog or cat to trespass and defecate upon any public or private property within the city, not owned, leased or otherwise controlled by said person, shall immediately clean up any such fecal matter deposited upon such property and shall properly dispose of same.
(Code 1996, § 6.10.030)

Sec. 14-34. - Animals disturbing public peace.
It is declared a public nuisance and it is unlawful for any person to own or keep any dog within the city
which barks or howls or any dog or cat which whines or otherwise behaves in such a manner as to disturb
the peace and quiet and safety of persons in the neighborhood. It shall be a rebuttable presumption that
any such barking, whining or howling does in fact disturb the peace, comfort and/or repose of others
when such activities take place between the hours of 9:00 p.m. and 7:00 a.m.

(Code 1996, § 6.10.040)

Sec. 14-35. - ALLOWING DANGEROUS ANIMAL TO RUN AT LARGE; AUTHORITY TO DESTROY
DANGEROUS ANIMALS.

It shall be unlawful to permit any dangerous or vicious dog or cat to run at large within the city. The
members of the police department and the animal control officer as designated by the city council are
authorized to kill any dangerous dog or cat when it is necessary for the protection of any person or
property.

(Code 1996, § 6.10.050)

Sec. 14-36. - IMPOUNDMENT AUTHORIZED; DESTRUCTION OF IMPOUNDED ANIMALS.

Any police officer or other officer designated by the city is authorized to impound any dog or cat found
within the city which is in violation of the provisions of this article. Any unlicensed dog or cat which
appears to be suffering from rabies or affected by hydrophobia, mange or other infectious disease shall
not be released, but shall be destroyed forthwith. Any dog or cat not registered and unclaimed after three
days may be destroyed. Any dog or cat registered and unclaimed seven days after notice is mailed to the
person designated on the registration as the owner, by regular mail, may be destroyed.

(Code 1996, § 6.10.070)

Sec. 14-37. - REDEMPTION OF IMPOUNDED ANIMALS.

Any person seeking to redeem any impounded animal shall pay a fee of $75.00 and an additional fee for
care for the animal, the actual charge made by the poundkeeper for care of the animal for each day such
animal has been held in the pound, together with an additional fee for the mandatory implanting of a
microchip as approved by the chief of police for the purpose of locating the owner of a stray dog or cat in
the future.

(Code 1996, § 6.10.090)

Sec. 14-38. - PENALTIES.

Failure to perform any act required or the performance of any act prohibited by this article is designated a
city ordinance violation, and any person, firm or corporation found to have committed a city ordinance
violation shall be assessed a monetary penalty of $50.00 if payment is made within ten days of the
violation, after which date a violation of this article shall result in a fine of not less than $75.00 and not
more than $750.00 for each offense.

Chapters 15—17 – RESERVED
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