

**ORDINANCE NO. 003-2019**

**AN ORDINANCE AMENDING APPENDIX B OF THE  
MUNICIPAL CODE OF EFFINGHAM, ILLINOIS**

**(Amending Article 26. Special Use – (34) Veterinary hospital, animal clinic, animal shelter or kennel in an M-1, Light Industrial District and Special Use – (35) Veterinary hospital, animal clinic, animal shelter or kennel in a B-2, General Commercial District)**

**WHEREAS**, the City of Effingham, Illinois exercises zoning authority pursuant to Appendix B of the Municipal Code of Effingham, Illinois; and,

**WHEREAS**, the City of Effingham, Illinois is authorized to allow special uses pursuant to 65 ILCS 5/11-13-1.1; and,

**WHEREAS**, the City of Effingham Plan Commission held a public hearing with regard to certain text amendments to said Zoning Ordinance after publication of due notice on January 8, 2019; and,

**WHEREAS**, the City of Effingham Plan Commission, after proper public hearing and due consideration, has recommended that the City Council of the City of Effingham, Illinois amend paragraph 34 special use permit to operate a “Veterinary hospital, animal clinic, animal shelter, or kennel in the M-1, Light Industrial District” pursuant to Article 26 of Appendix B of the Municipal Code of the City of Effingham, Illinois; and,

**WHEREAS**, the City of Effingham Plan Commission, after proper public hearing and due consideration, has recommended that the City Council of the City of Effingham, Illinois amend paragraph 35 special use permit to operate a “Veterinary hospital, animal clinic, animal shelter, or kennel in the B-2 General Commercial District” pursuant to Article 26 of Appendix B of the Municipal Code of the City of Effingham, Illinois; and,

**WHEREAS**, the City of Effingham, Illinois after careful investigation and upon recommendation of the City of Effingham Plan Commission believes it necessary to amend Article 26 of Appendix B of the Municipal Code of the City of Effingham, Illinois, as recommended by the City of Effingham Plan Commission; and,

**WHEREAS**, the City Council of the City of Effingham, acting on the advice and recommendation of the City of Effingham Plan Commission, hereby deems it to be in the best interest of the citizens of the City of Effingham, and in order to conserve the health, safety and welfare of the City of Effingham, hereby finds that it is reasonable and necessary to amend said Appendix B of the Municipal Code of the City of Effingham, Illinois, as provided for herein.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EFFINGHAM, ILLINOIS THAT:**

**Section 1:** The City hereby adopts the findings made in the prefatory portion of this Ordinance.

**Section 2:** Paragraph (34) of Article 26 of Appendix B of the Municipal Code of Effingham, Illinois, shall be deleted in its entirety and restated as follows:

"34. Veterinary hospital, animal clinic, animal shelter or kennel in the M-1 Light Industrial District or NU – Non Urban District. Before permitting a veterinary hospital, animal clinic, animal shelter or kennel in the M-1 Light Industrial District or NU – Non Urban District; the city council shall approve a special use permit and site plan as required in Article 27. The city council shall satisfy itself that the veterinary hospital, animal clinic, animal shelter or kennel will not be injurious to the use of other property in the immediate vicinity, that property values will not be substantially impaired, that the veterinary hospital, animal clinic, or kennel will not impede the normal and orderly development of surrounding properties and that the following requirements will be met:

(a) Such use shall provide the City of Effingham Building Official with evidence that it has complied with all federal and state licenses, certifications, and other regulations.

(b) All appropriate federal, state, and local sanitation regulations shall be strictly observed.

(c) Sufficient safeguards in the form of buffering, screening, open space or others, as determined by the city council shall be utilized.

(d) All facilities for keeping and/or boarding animals shall be completely within the facility so as to minimize noise discernable outside of the property boundaries.

(e) An outside exercise/training fenced area is allowed provided no animals are left unattended.

(f) Outside runs are permitted provided they are covered with a roof, the floor shall be concrete or other impervious material, all other surface material shall be easily cleaned and kept free from excessive accumulation of animal waste, shall provide gutters or drains for the discharge of waste to a sewer, septic tank or filter field (but shall not be allowed or used for drainage of storm water) and the runs shall be a minimum of 300 feet from a residential structure.

For purposes of this section, "Veterinary Hospital" shall mean a place where animals or pets are given medical and/or surgical treatment by a licensed veterinarian.



For purposes of this section, "Animal Clinic" shall mean an establishment for the treatment of small animals, including, but not limited to dogs, cats, rabbits and birds by a licensed veterinarian.

For purposes of this section, "Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

For purposes of this section, "Kennel" shall mean any building or enclosed area where five (5) or more dogs and/or cats (or any combination thereof) over six (6) months of age are kept as pets, is intended and used for the breeding of animals for sale, pet grooming, pet day care, training, and/or overnight boarding of animals other than those of the owner of the lot, or any building or enclosed area on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation. This does not include a veterinary hospital or animal clinic in which the overnight boarding is necessary for and accessory to the testing and medical treatment of the physical disorders of animals."

**Section 3:** Paragraph (35) of Article 26 of Appendix B of the Municipal Code of Effingham, Illinois, shall be deleted in its entirety and restated as follows:

"35. Veterinary hospital, animal clinic, animal shelter or kennel in the B-2 General Commercial District. Before permitting a veterinary hospital, animal clinic, animal shelter or kennel in the B-2 General Commercial District; the city council shall approve a special use permit and site plan as required in Article 27. The city council shall satisfy itself that the veterinary hospital, animal clinic, animal shelter or kennel will not be injurious to the use of other property in the immediate vicinity, that property values will not be substantially impaired, that the veterinary hospital or animal clinic will not impede the normal and orderly development of surrounding properties and that the following requirements will be met:

(a) Such use shall provide the City of Effingham Building Official with evidence that it has complied with all federal and state licenses, certifications, and other regulations.

(b) All appropriate federal, state, and local sanitation regulations shall be strictly observed.

(c) Sufficient safeguards in the form of buffering, screening, open space or others, as determined by the city council shall be utilized.

(d) All facilities for keeping and/or boarding animals shall be completely within the facility so as to minimize noise discernable outside of the property boundaries.

(e) An outside exercise/training fenced area is allowed provided no animals are left unattended.

(f) The number of animals is limited to 20 dogs and/or cats. A litter of puppies or kittens less than 12 weeks old does not count towards the 20. After 12 weeks, the litter is counted as one animal until they reach six (6) months of age at which time the individual animals are counted towards the limit of 20.

For purposes of this section, "Veterinary Hospital" shall mean a place where animals or pets are given medical and/or surgical treatment by a licensed veterinarian.

For purposes of this section, "Animal Clinic" shall mean an establishment for the treatment and/or boarding of small animals, including, but not limited to dogs, cats, rabbits and birds by a licensed veterinarian.

For purposes of this section, "Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

For purposes of this section, "Kennel" shall mean any building or enclosed area where five (5) or more dogs and/or cats (or any combination thereof) over six (6) months of age are kept as pets, is intended and used for the breeding of animals for sale, pet grooming, pet day care, training and/or overnight boarding of animals other than those of the owner of the lot, or any building or enclosed area on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation. This does not include a veterinary hospital or animal clinic in which the overnight boarding is necessary for and accessory to the testing and medical treatment of the physical disorders of animals."

**Section 4:** The Deputy City Clerk is hereby instructed to publish this Ordinance in pamphlet form.

Placed on file this 8<sup>th</sup> day of January, 2018.

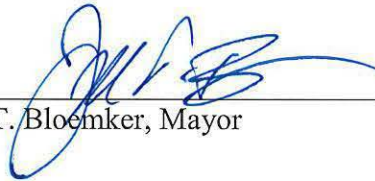
Presented, passed, and approved this 15th day of January, 2019.

Published in pamphlet form this 16th day of January, 2019.

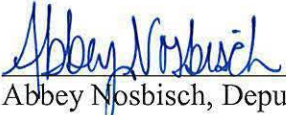
Commissioner Gillenwater: Yea  
Commissioner Willis: Yea  
Commissioner Althoff: Yea  
Commissioner Esker: Yea  
Mayor Bloemker: Yea

YEAS: 5  
NAYS: 0

**CITY OF EFFINGHAM, ILLINOIS**

  
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Jeff T. Bloemker, Mayor

ATTEST:

  
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Abbey Nosbisch, Deputy City Clerk

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