

ORDINANCE NO. 6-4-21

**AN ORDINANCE AMENDING ORDINANCE NO. 36-11-18,
CONCERNING CERTAIN ANIMAL CARE PROVISIONS OF
CHAPTER 7, HEALTH, OF THE MUNICIPAL CODE OF
THE CITY OF BURBANK, ILLINOIS**

**DAN M. FOY
Mayor**

**ROBERT CONTRERAS
BARBARA GAGLE
SHERI LYNN GUSTAFSON
CLAUDE HAERR
JOHN PACELLA JR.
MITCHELL PIZNARSKI
JASON E. PYLE
Aldermen**

**BARRY J. SZYMCZAK
City Clerk**

**DEAN L. VIVERITO
Treasurer**

**LOUIS F. CAINKAR, LTD.
City Attorney**

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THE CITY OF BURBANK, ILLINOIS**

WHEREAS, the City Council of the City of Burbank passed Ordinance No. 36-11-18 on November 28, 2018; and

WHEREAS, Section 1 of Ordinance 36-11-18 purported to add Section 7-106 to the Municipal Code of the City of Burbank, Illinois with respect to Animal Care; and

WHEREAS, Section 7-106 of the Municipal Code of the City of Burbank, Illinois was previously added by Ordinance No. 3-2-08, passed by the City Council of the City of Burbank on February 13, 2008 without being codified in the Municipal Code of the City of Burbank, Illinois; and

WHEREAS, the City Council of the City of Burbank now seeks to make a technical correction to the Municipal Code of the City of Burbank, Illinois by amending Section 1 of Ordinance 36-11-18.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Burbank, Cook County, Illinois, as follows:

Section 1

Section 1 of City of Burbank Ordinance 36-11-18 is amended to read as follows:

That Chapter 7, Health, of the Municipal Code of the City of Burbank, Illinois be amended by adding the following section, Section 7-107, Animal Care:

Sec. 7-107. - Animal care.

- (a) No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- (c) No person shall own, keep, harbor, or otherwise maintain within the City, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
- (d) No person shall use a tow or log chain as a collar, leash or tether.
- (e) Restrictions on a dog that is tethered:
 - (1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.

- (2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.
 - (3) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least ten feet long.
 - (4) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.
 - (5) No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.
 - (6) No dog shall be tethered within 200 yards of a school.
 - (7) No person shall permit at any time a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance.
- (f) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
- (g) No person shall hold a greased pig contest.
- (h) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
- (i) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- (j) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).
- (k) No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
- (l) No person shall bring or cause to have brought into the City, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
- (m) No person may knowingly poison or cause to be poisoned any domesticated animal. The only exception will be written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for euthanasia shall be by or under the direction of a licensed veterinarian.
- (n) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by Federal or State law. Birds that are regulated by the Illinois Department of Conservation are excluded from this restriction during the period of regulation.

- (o) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.
- (p) No person shall permit at any time their animal to:
- (1) Run uncontrolled;
 - (2) Molest or attack persons or vehicles by chasing, barking or biting;
 - (3) Attack other animals;
 - (4) Damage property other than the owner's.
- (q) No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing animal.
- (r) No person shall fail to remove feces deposited by the person's cat or dog, except service animals, upon the public ways or within the public places of the City or upon the premises of any person other than the owner without that person's consent.
- (s) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 86 degrees Fahrenheit or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, doghouse, or any type of container or structure in which an animal may be confined.
- (t) No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.
- (u) Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private premises shall be removed, if possible, to the care of the Cook County Department of Animal and Rabies Control, to the nearest humane society, to the nearest municipal pound, or to the nearest veterinarian or veterinary hospital willing to accept same without guarantee of payment. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.
- (v) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.
- (w) Any person having a dead animal within their possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610/1 *et seq.*).
- (x) Every person in possession or control of any stable or place open for public use where any animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to State fire prevention regulations.

Section 2

This ordinance was passed pursuant to the home rule powers of the City of Burbank.

Section 3

Unless otherwise provided, the penalty clause for this ordinance shall be Section 1-9 of the Burbank Municipal Code.

Section 4

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 5

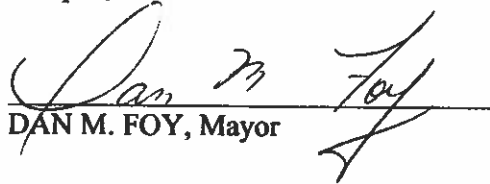
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith. This ordinance is authorized to be published in pamphlet form.

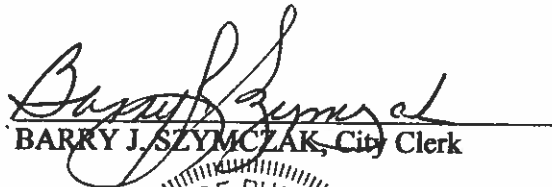
Section 6

This ordinance shall be in full force and effect after passage, approval and publication.

This ordinance was passed and deposited in the office of the City Clerk of the City of Burbank this 28th day of April, 2021.

APPROVED by me the 28th day
of April, 2021.

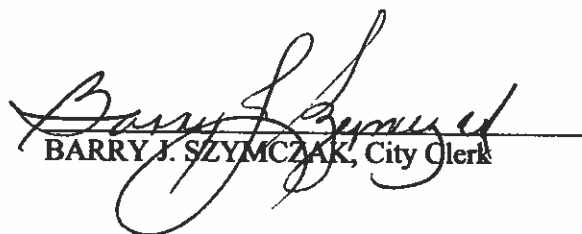

DAN M. FOY, Mayor


BARRY J. SZYMCHAK, City Clerk



I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the City of Burbank, in accordance with law, this 28th day of April, 2018.




BARRY J. SZYMCHAK, City Clerk