

ORDINANCE NO. 21-16

AN ORDINANCE AMENDING CHAPTER 6.08 PERTAINING TO DOGS AND TITLE 20 FEES AND FINES OF THE CARPENTERSVILLE MUNICIPAL CODE

WHEREAS, the Village of Carpentersville, Kane County, Illinois (the “Village”) is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village Board finds that it is desirable and appropriate to update the Village Code titled “Dogs” and the fine structure associated with violations of the “Dogs” ordinance, as well as to create a registration system for dogs which have been deemed dangerous or vicious, in an effort to further encourage responsible behavior by owners of dogs and to mitigate the risk of harm to persons and property in the community; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: The foregoing recitals shall be and are hereby incorporated herewith.

SECTION 2: Title 6, Chapter 6.08 “Dogs” of the Carpentersville Municipal Code, shall be replaced in its entirety as follows:

Chapter 6.08 - Dogs

6.08.010 - Rabies vaccination and tag required.

It is unlawful to keep or harbor in the village any dog over the age of four months, unless such dog has been vaccinated against rabies. The owner of any dog over the age of four months must provide such dog with a collar to which the rabies vaccination tag issued by the county shall be securely fastened. It shall be the owner’s duty to make certain that the collar and tag are worn by the dog at all times when off of the owner’s premises.

6.08.020 – Prohibited Conduct

A. Running at Large:

Any dog found running at large in the village, to include a dog entering private property of another without the consent of the property owner, shall be deemed and considered to be a public nuisance, and the owner or person in control of such dog shall be held responsible and in violation of this Subsection.

B. Dogs on Leash; Stores

It is unlawful for a dog, except when on a leash controlled by the owner or his or her agent, to use or be upon any public street, sidewalk, parkway, public area or unenclosed premises within the village.

It is unlawful for any dog, even though on leash, to be or enter upon any public hall, restaurant, confectionery shop, office, store, grocery or any other store for the sale of food, except any store for the sale of animal pets, anywhere within the village during the time that any of said places are open for use by the public.

C. Biting and Attacking:

It is unlawful for an owner or any other person in control of any dog to allow the dog to bite or attack any other domestic animal or person in the village. If a person is bitten by a dog, the incident shall be reported to the police department immediately. All reports of bites or attacks may be investigated by the police department or other agency with jurisdiction, in accordance with this article or other available law.

It shall be not be a violation should a dog bite or attack a domestic animal or person under the following circumstances:

1. The threatened or injured person was committing or attempting to commit a violent crime against the owner or custodian of the dog or member of its household;
2. The threatened or injured person was committing or attempting to commit a crime against the property of the owner or custodian of the dog, including without limitation burglary, arson, or criminal trespass;
3. The threatened or injured person or domestic animal was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
5. The dog was responding to inflicted pain or injury, while in a physical location the dog was permitted to be;
6. The dog was protecting itself or its offspring;
7. The dog is a service dog or a police dog and was performing its duties as expected; or
8. The threatened or injured domestic animal was running at large, and the dog was in a physical location it was permitted to be.

D. Damage to Property:

It is unlawful for the owner or any other person in control of any dog in his or her custody or control to enter upon public property or the premises of another within the village and cause property damage to the yard or any plants, structures, apparatuses, tools, or other chattels thereupon.

E. Disturbing Peace or Quiet

A dog which disturbs the peace and quiet of a neighborhood by loud barking, howling or other noises, is declared to be a nuisance. Any person who owns, keeps, maintains, or harbors any such dog within the village shall, be subjected to the penalties provided in this Code.

6.08.030 – Penalties; Restitution

All violations of Chapter 6.08 shall subject the owner or person responsible for the dog to fines as prescribed by Title 20 of this Code, but in no event shall be less than \$75.

Additionally, the applicable fine for a violation of Subsection 6.08.020(C) or (D), for which damage to property or domestic animal of another occurred, shall be no less than \$250.

The applicable fine for a violation of any portion of Section 6.08.020 resulting in a person being injured and/or receiving medical care shall be no less than \$500.

The applicable fine for a violation of Subsection 6.08.020(C) resulting in a person being injured and/or receiving medical care for an animal that was previously labeled as a dangerous or vicious animal, as defined in this Code or by state statute, shall be no less than \$750,

The hearing officer or the court may also award restitution to any person who was injured or whose property was injured as a result of violation of Section 6.08.020, upon presentment of competent evidence.

No penalty stated in this Subsection shall be considered exclusive of any other available penalty or remedy.

6.08.040 – Nuisance; Impoundment of Dogs

1. A dog implicated in any violation of Subsection 6.08.020(A), (C), or (D) is declared a public nuisance. Any repeat violation of Subsection 6.08.020(B) or (E) is declared a public nuisance. The village has the authority, but not the obligation, to impound any dog declared a nuisance, and any dog may be impounded by any authorized person of the Village or other agency with jurisdiction, at the owner or person in control of the animal's expense, in addition to any other required procedures required by law, including but not limited to, rabies observation.

2. Any dog, which shall have been impounded, may be redeemed by the owner of such dog on payment of the redemption fee as provided the Code, which shall include any fee for taking up or impounding such dog, plus the costs of boarding, medical treatment and vaccination of such dog. If, at the expiration of seven (7) days from the date of impounding, such dog shall not have been redeemed by the owner thereof, authorized personnel of the village or any other agency with jurisdiction, may dispose of such dog as permitted by law.

6.08.050 – State statute; registration of dangerous and vicious dogs.

A. The village adopts and incorporates, by reference, the definitions and procedures prescribed by the Animal Control Act, 510 ILCS 5/1 *et seq.*, as may be amended from time to time.

B. Any person who owns or is in control of a dangerous dog or vicious dog, as defined by the Animal Control Act, that is kept within the village, must register the animal with the village no later than seven (7) days from the designation. Such registration must be updated any time there is a change in any information provided with the prior registration. The registration process shall be administered by the village clerk and approved, in form, by the village manager

The application for registration shall be made to the village clerk, which shall include, without limitation, the following information:

1. The name, address, and telephone number of the applicant and of the owner, if different from the applicant, and the address where the dog is kept.
2. The breed, color, sex, name, and date of rabies inoculation of the dog to be registered.
3. Written evidence that the dog has been altered.
4. Written evidence that the dog has been implanted with a microchip with current information concerning the accurate name, address, and telephone number of the owner.
5. A signed statement from the owner and/or person in control of the dog affirming that the dangerous or vicious dog is or will be confined within a complete, physical enclosure, at least four feet high, while outside of the dwelling but on the property of the owner or person in control of the dog.
6. A signed statement from the owner and/or person in control of the dog that all applicable requirements of the village, state, and/or other agency with jurisdiction over the dog are and will remain in compliance.
7. Payment of the \$50 registration fee, or as otherwise prescribed by the Village fee structure in Chapter 20.02, as may be amended from time to time.

C. A person who fails to register a dangerous or vicious animal as required by this Section shall be fined \$750 for each animal not properly registered.

6.08.150 - Rabies.

A. Every veterinarian or other person discovering or suspecting any dog to be suffering with rabies shall forthwith report such fact to the health officer, giving the name and address of the owner of such dog and the license number thereof, if known. If such dog, after examination by the health officer or licensed veterinarian is verily suspected to be suffering with said disease, the dog shall be immediately impounded in a veterinary hospital, at the expense of the owner, in the charge of a veterinarian licensed by the state, whose establishment is located in Kane County, for a period of not less than ten (10) days, for observation. If such dog should die during the interval of observation, the intact brain shall forthwith be delivered to the laboratory of the State Department of Public Health. Any dog which shall have been bitten by another dog having or suspected of having rabies shall be immediately impounded for observation, as provided by statute.

B. It is unlawful for the owner of any dog, when notified that such dog has bitten or scratched any person or has otherwise injured any person as to cause an abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of Kane County, but it shall be the duty of such owner, upon receiving said notice, to immediately place such dog in a duly licensed veterinary hospital located in Kane County, where such dog shall be confined for a period of at least ten (10) days for observation. Notice of the name and location of such hospital shall be immediately furnished to the health officer by the owner of such dog, and upon receipt of such dog, the veterinary hospital shall submit to the health officer or the Kane County rabies control division a certificate stating that such dog either shows no symptoms of rabies or does show symptoms of rabies. If, at the expiration of ten (10) days of confinement in such veterinary hospital, the hospital shall submit to the health officer of the Kane County rabies control division a second certificate stating that the dog does not have rabies, the dog may then be released by the health officer or the Kane County rabies control division.

6.08.160 - Duty to surrender.

The owner of any dog suffering from or suspected to be suffering from rabies as provided in section 6.08.150 shall surrender possession of such dog to any police officer of the village on demand.

6.08.170 - Rabies quarantine.

Whenever the number of dangerous dogs or dogs suffering from rabies, running at large in the village, shall be such as to endanger the public health, public safety or general welfare, the village shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the health officer containing such declaration shall be published at least once in some newspaper of general circulation in the village. After the first publication of such proclamation by the health officer, it is unlawful for the owner of any dog to permit such dog to be at large contrary to the terms of such proclamation.

6.08.190 - Number of dogs to be kept—Limitation.

It is unlawful for any person to keep or harbor more than two dogs over the age of three months upon any property within the village at any one time. The limitations of this section shall not apply to properly established, licensed and zoned veterinary clinics or hospitals, pet shops, pounds, or animal shelters.

SECTION 3: Title 20, Chapter 20.02.020 “Other Fees Established” shall be amended to add a \$50 Dangerous or Vicious Dog Registration Fee, subject to Village Manager’s direction in establishing and approving a billing matter and number for the fee to appear in Code.

SECTION 4: Title 20, Chapter 20.06.020 “Schedule of Non Standard Fines” of the Carpentersville Municipal Code, shall be amended to add the following fine provisions, without affecting the other items on the fine schedule, as follows:

Violation	Minimum Fine	Maximum Fine
6.08.020, generally unless specified otherwise	\$75.00	\$750.00
6.08.020(C) or (D), with property damage	\$250.00	\$750.00
6.08.020 resulting in injury/medical treatment to person	\$500.00	\$1,500.00
6.08.020(C) resulting in injury/medical treatment to person from dangerous or vicious dog attack/bite	\$750.00	\$1,500.00
6.08.050(C) failure to register a dangerous or vicious dog	\$750.00	\$750.00

SECTION 5: In all other respects, all other provisions of the Village Code, remain unchanged.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are provisionally repealed to the extent of such conflict during the term of effectiveness of this Ordinance.

SECTION 8: This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 6th day of July, 2021 by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Jeff Frost	_____	_____	<u>X</u> _____	_____
Trustee John O'Sullivan (Motion)	<u>X</u> _____	_____	_____	_____
Trustee Jim Malone	<u>X</u> _____	_____	_____	_____
Trustee Maria Vela	_____	_____	<u>X</u> _____	_____
Trustee Humberto Garcia (Second)	<u>X</u> _____	_____	_____	_____
Trustee Brenda Sandoval	<u>X</u> _____	_____	_____	_____
President John Skillman	<u>X</u> _____	_____	_____	_____



APPROVED THIS 6TH DAY OF JULY, 2021.



Village President, John Skillman

ATTEST:



Village Clerk, Kelly Mastera

Published: Sept. 7, 2021

**An Ordinance Amending Chapter 6.08 Pertaining to Dogs
and Title 20 Fees and Fines of the Carpentersville Municipal Code**



CERTIFICATION

I, Kelly Mastera, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 6th day of July, 2021, the foregoing Ordinance entitled, ***An Ordinance Amending Chapter 6.08 Pertaining to Dogs and Title 20 Fees and Fines of the Carpentersville Municipal Code***, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 21-_____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the _____ day of _____, 2021, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this ____ day of _____, 2021.

Kelly Mastera, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)

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