

ORDINANCE NO. 854

AN ORDINANCE REGULATING HEALTH AND ABATING A NUISANCE WITHIN THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, REGARDING THE OWNING, POSSESSING, KEEPING, MAINTAINING OR HARBORING OF DOGS AND CATS AND REPEALING ORDINANCE NO. 433

WHEREAS, the Village of Teutopolis (“Village”) is authorized pursuant to 65 ILCS 5/11-20-5 to do all necessary acts and make all regulations, which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Village of Teutopolis is further authorized pursuant to 65 ILCS 5/11-60-2 to define, prevent and abate nuisances; and

WHEREAS, the Board of Health of Effingham County is authorized by 55 ILCS 5/5-25013(A)6 to enforce municipal ordinances pertaining to the preservation of health; and

WHEREAS, the Village of Teutopolis finds that it is necessary and proper to enact an ordinance regarding the owning, possessing, keeping, maintaining or harboring of dogs and cats within the Village of Teutopolis; and

WHEREAS, The Board of Trustees of the Village of Teutopolis (“Village”) hereby finds, determines, and declares that this ordinance is necessary for the preservation of the public health, safety, and welfare of the Village and the inhabitants thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS:

SECTION 1: Definitions. As used in this ordinance the following terms mean:

- (a) Animal—For the purpose of this ordinance, animal shall mean dog or cat.
- (b) Animal control authority—The person or persons designated to enforce this ordinance, including the Effingham County Animal Control Officer, any law enforcement officer with jurisdiction in the Village and any Village official, employee or agent.

(c) Animal shelter—Facility designated or recognized by the Village for the purpose of impounding and caring for animals.

(d) At large—A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

(e) Dwelling unit—For the purpose of this ordinance, this term shall have the meaning given to it in Ordinance No. 770 “Teutopolis Zoning Ordinance” as amended, or any ordinance of the Village of similar import.

(f) Humane manner—Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

(g) Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats, or engaged in training dogs or cats.

(h) Lot— For the purpose of this ordinance, this term shall have the meaning given to it in Ordinance No. 770 “Teutopolis Zoning Ordinance” as amended, or any ordinance of the Village of similar import.

(i) Nuisance—A dog or cat shall be considered a nuisance if it (1) damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; (2) causes unsanitary, dangerous or offensive conditions; (3) causes a disturbance by excessive barking or other noise making; or (4) chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

(j) Owner—A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

(k) Person—Any natural person, entity, firm, corporation, or association.

(l) Restraint—A dog or cat shall be considered under restraint if it is within and confined to the real property limits of its owner by a pen, leash, electronic fence, or other appropriate means; or, if it is outside the real property limits of its owner but is secured by a leash or lead or under the control of the owner or responsible person designated by the owner.

(m) Residential district— For the purpose of this ordinance, this term shall have the meaning given to it in Ordinance No. 770 “Teutopolis Zoning Ordinance” as amended, or any ordinance of the Village of similar import.

(n) "Dangerous" dog or cat—A dog or cat that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one or more persons or domestic animals.

SECTION 2: Rabies Vaccination.

(a) Except as otherwise provided herein, no person shall own, keep, or harbor any dog or cat over six (6) months of age within the Village unless such dog or cat is vaccinated. The provisions of this section do not apply to animals held in a veterinary medical facility or government operated or licensed animal shelter.

(b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control"

("Compendium") authored by the National Association of State Public Health Veterinarians and published in the *Journal of the American Veterinary Medical Association*.

(c) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

SECTION 3: Dogs; number. It shall be unlawful to own, possess, keep, maintain or harbor more than three (3) dogs of more than six (6) months of age in any dwelling unit, or on any lot in a residential district within the Village.

SECTION 4: Cats; number. It shall be unlawful to own, possess, keep, maintain or harbor more than three (3) cats of more than six (6) months of age in any dwelling unit, or on any lot in a residential district within the Village.

SECTION 5: Kennel. A person may maintain a kennel of four (4) or more dogs or cats for breeding purposes in a location other than in a residential district; however, such person must first pay an annual permit fee on a calendar year basis of \$100. Every facility regulated by this ordinance shall be considered a separate enterprise, requiring a separate permit. Notwithstanding the foregoing, no permit fee shall be required of any animal shelter.

SECTION 6: Issuance and revocation of permits.

(a) The Village may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance or any other law governing the protection and keeping of animals.

(b) It shall be a condition of issuance of any permit for a kennel that the animal control authority shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked

for any cause, or pending appeal of any such action, the animal control authority shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit or whose permit is revoked may not reapply for a period of at least one (1) year.

SECTION 7: Owner responsibility.

(a) All dogs and cats shall be kept under proper restraint, whether on or outside the owner's property.

(b) Every "dangerous" dog or cat, as determined by the Village, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the owner's premises.

(c) The owner of every dog or cat shall be held responsible for promptly picking up any waste left by the owner's animal on any property, public or private, outside the property of the owner.

(d) No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.

(e) No person shall keep a dog within the Village which is in the habit of barking or howling, or disturbing the peace and quiet of any person within the Village.

SECTION 8: Impoundment.

(a) Any dog or cat found running at large shall be impounded by the Effingham County Animal Control Officer.

(b) When a dog or cat is found running at large and its ownership is verified by the animal control authority, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

(c) In the event that the animal control authority finds dogs or cats to be kept in an inhumane manner, it shall have the right forthwith to remove or cause to have removed any such animals to an animal shelter.

(d) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

SECTION 9: Redemption.

(a) Any animal impounded may be redeemed by the owner, subject to the policies and procedures of the Effingham County Animal Control Officer. Any impoundment fees are not considered to be in lieu of any fine or other penalty.

(b) No animal required to be vaccinated under this ordinance may be redeemed until provisions for such vaccination have been fulfilled.

SECTION 10: Repeal. All other ordinances of the Village that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 11: Penalties. Any person violating any provision of this ordinance shall be fined not less than \$25.00 nor more than \$100.00 for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

SECTION 12: Severability. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 13: Applicability. This ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

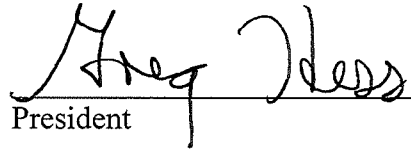
Presented, passed and approved this 20 day of May, 2015.

Published this 20 day of May, 2015.

AYES: 6

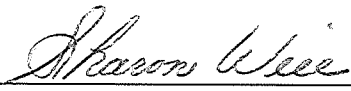
NAYS: 0

ABSENT: 0



President

ATTEST:



Clerk

(SEAL)

STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

I, Sharon Will, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files and seal of said Village. I do also certify that the foregoing is a true and complete copy of:

Ordinance No. 854, "AN ORDINANCE REGULATING HEALTH AND ABATING A NUISANCE WITHIN THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, REGARDING THE OWNING, POSSESSING, KEEPING, MAINTAINING OR HARBORING OF DOGS AND CATS AND REPEALING ORDINANCE NO. 433."

The aforesaid Ordinance was passed by the President and Board of Trustees of the Village by aye and nay vote at a meeting of the Board of Trustees held on May 20, 2015, as the same appears from the records and files in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Village of Teutopolis, Illinois, on May 20, 2015.

Sharon Will
Village Clerk

(SEAL)

STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

CERTIFICATE

I, Sharon Will, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files and seal of said Village.

I further certify that on May 20, 2015, the President and Board of Trustees of such municipality passed and approved Ordinance No. 854, entitled, "AN ORDINANCE REGULATING HEALTH AND ABATING A NUISANCE WITHIN THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS, REGARDING THE OWNING, POSSESSING, KEEPING, MAINTAINING OR HARBORING OF DOGS AND CATS AND REPEALING ORDINANCE NO. 433," which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 854 was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on May 21, 2015, and continuing for at least ten days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

Dated at Teutopolis, Illinois, on May 20, 2015.

Sharon Will
Village Clerk

(SEAL)