

An Ordinance Amending Chapter 90 (Dogs and Cats) and Chapter 43 (Fee Schedule) of the Village Code of Ordinances

WHEREAS, the Village of Romeoville has adopted certain ordinances now codified as and for Chapter 90 of the Village Code of Ordinances setting forth and establishing certain regulations regarding the ownership and control of dogs and cats within the Village limits, including the types of animals that can be kept in a dwelling established by said Chapter 90; and

WHEREAS, the provisions of those heretofore adopted Village ordinances codified as and for Chapter 43 establish various fees pertaining to dogs, cats and animals; and

WHEREAS, after Village staff review, it has been determined that it is in the best interest of the Village to amend certain sections of the aforesaid Chapter 90 and Chapter 43 of the Village Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: Chapter 90.21 shall be hereby amended by deleting in its entirety and inserting the following:

§ 90.021 FEES.

(A) The annual license fee for a male or female dog or cat shall be \$4.

(B) The above annual license fee shall be waived for persons who are 62 years of age or older, to legally blind persons who use a Seeing Eye dog, or to any other handicapped person who owns a dog that has been specifically trained to provide assistance in everyday functions.

(C) The license fees for dogs or animals that have been declared nuisance, dangerous, or vicious shall be as follows:

- a. Nuisance Dog or Animal license fee shall be \$10.00
- b. Dangerous Dog license fee shall be \$15.00
- c. Vicious Dog license fee shall be \$25.00

The fees under this Section 90.021(C) for nuisance, dangerous, or vicious dogs and/or animals shall not be waived pursuant to Section 90.021(B) or pursuant to the provisions of Chapter 43.

(D) All fees collected under this Chapter shall be payable to the Village Clerk or her designee and will be deposited in the general fund of the Village.

SECTION 3: Chapter 90.03 shall be hereby amended by deleting in its entirety and inserting the following:

§ 90.03 LICENSE TAGS.

(A) The Village Clerk shall keep a record of all dog and cat licenses and fees paid and shall furnish to each person filing an application for a license and paying the license fee, a metal tag stamped with numbers indicating the year for which the license is issued. A duplicate to replace a lost or destroyed tag shall be issued by the Clerk on payment of a fee of \$1. License tags shall be securely attached around the dog's or cat's neck and kept there at all times during the license period by any person who owns or has custody of the dog or cat.

(B) License tags shall be obtained for each dog or cat on or before June 30 of each year and valid until June 30 the following year. Any dog or cat without a current license after June 30 of each year is deemed unlicensed and the owner or person having custody of the dog or cat is in violation of this chapter. No person may transfer license tags from one dog or cat to another.

(C) The Village Clerk shall issue the following color tags for various classifications of dogs and cats:

- a. General Dog or Cat: shall be issued a green tag
- b. Nuisance Dog or Animal: shall be issued a yellow tag
- c. Dangerous Dog: shall be issued an orange tag
- d. Vicious Dog: shall be issued a red tag

(D) If an animal is declared a nuisance, dangerous, or vicious as defined in this Chapter during the course of a license year, it shall be the responsibility of the owner to file a new license application, pay the new license fee, and obtain a new license tag within fourteen (14) days of the declaration.

SECTION 4: Chapter 90.26 shall be hereby amended by deleting in its entirety and inserting the following:

§ 90.26 ANIMALS PROHIBITED FROM VILLAGE.

No person shall keep any cattle, horses, mules, goats, sheep, swine, primate, birds, barn fowl, pea fowl, rabbits, mink, rodents, predatory mammals, or other animals within a yard, pen, or any outdoor premises in any residential area of the village, provided, however, that foregoing provision shall not apply to the maintenance of a fenced in yard or run for the use of domestic dogs and/or cats, where otherwise in compliance with the provisions of this Code. Likewise, no person shall keep any of the aforementioned animals within any residential dwelling or other building within the Village, except as otherwise specifically permitted by this Chapter 90, except that rabbits, hamsters, gerbils, guinea pigs, ferrets and similar animals customarily maintained as

domestic household pets and which are customarily available for sale at nationally recognized pet retailers may be kept within a residential dwelling subject to the otherwise applicable provisions of this Chapter 90.

No person shall possess, harbor or keep any bird or mammal or other animal that is by nature wild and ordinarily living unconfined in a state of nature without the care of man, or for which any federal or state permit shall be required in order to keep or possess, by way of distinction from those animals that are customarily tamed and domesticated, provided, however, that this sentence shall not permit the keeping or maintenance of any animal prohibited by the preceding sentence.

#### § 90.261 EXCEPTIONS TO PROHIBITION

Domesticated farm animals shall be exempt from the above prohibition so long as the property they are kept on meets the following criteria:

- (A) The property on which the animals are kept is zoned within the A-1 agricultural district established by Chapter 159 of this Code for agricultural use; and
- (B) The property on which the animals are kept is at minimum, five acres in size.

SECTION 5: Chapter 90.27 is hereby amended by deleting it in its entirety and inserting the following:

#### § 90.27 LIMITATIONS OF ANIMALS.

(A) Single Family Detached Residence: a single family detached residence shall not contain, shelter, or house in any way more than a combined total of 5 dogs and/or cats. Of the 5 total animals, no single family residence shall have more than 3 dogs or 3 cats. A single family detached residence shall not own, shelter or permit more than 10 four-legged domestic animals, inclusive of the dogs and cats otherwise permitted by the preceding sentence. In addition thereto, a single family detached residence shall not contain shelter or house more than 4 birds.

(B) Single Family Attached Residence or Multi-Unit Residence: a single family attached residence or multi-unit residence shall not contain, shelter, or house in any way more than a combined total of 3 animals, and no more than 2 dogs or 2 cats. A single family attached or multi-unit residence shall not own, shelter or permit more than 5 four-legged domestic animals, inclusive of the dogs and cats otherwise permitted by the preceding sentence. In addition thereto, a single family detached residence shall not contain shelter or house more than 2 birds.

(C) Limited Waiver. The provisions of subsections (A) and (B) of this Section shall be suspended for a period of 90 days following the birth of offspring from any animals otherwise lawfully kept or maintained within any single family detached residence or any single family attached residence or multi-unit residence.

SECTION 5: Chapter 90.271 is hereby amended by deleting it in its entirety and inserting the following:

§ 90.271 EXCEPTIONS TO LIMITATIONS

(A) Any person who, at the time of adoption of this section, possesses a number of dogs or cats or combination thereof or other animals that is in excess of the limitations prescribed in § 90.27 shall be exempt from the provisions of § 90.27 provided that they are in compliance with §§ 90.01 and 90.02 of this chapter within 30 days from the passage of this section, provided, however, that such person shall not have otherwise been in violation of the provisions of Chapter 90 as the same existed immediately prior to the adoption of this section, and provided further, that no such person possessing a number of dogs or cats or combination thereof or other animals that is in excess of the limitations prescribed in § 90.27 as of the date of the adoption of this Chapter shall be permitted to acquire any new or different animals until such time as the acquisition of such animals would be in compliance with the provisions of this Chapter without the application of this provisions of this Section 90.271(A).

(B) Fish are not subject to the limitations set forth in § 90.27.

(C) Any person who possesses a number of dogs or cats or combination thereof that is in excess of the limitations prescribed in § 90.27 shall be exempt from the provisions of this chapter provided that they are serving as a temporary foster home provider through a not-for-profit animal welfare organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code and is otherwise licensed and permitted in accordance with applicable state or federal law. Any person providing a foster home for a not-for-profit organization shall not receive any monetary compensation for the animals in their care other than reimbursement for necessary food and medicine or other expenses for the care of the animals in question. Any foster care provider shall be limited to caring for no more than four (4) foster animals total and cannot exceed caring for more than two (2) foster dogs at any given time. A foster care provider shall not house any foster animal within their care for a period that exceeds sixty (60) days, unless that period is extended at the discretion and authorization of the Village Animal Control Warden.

SECTION 6: Chapter 90.281 is hereby added to include the following text:

§ 90.281 ANIMAL EXCREMENT.

No person shall allow cat or dog feces to accumulate in any yard, pen, or premises in or upon which a cat or dog shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing cat or dog. No person shall fail to remove feces deposited by his cat or dog, except guide dogs, upon the public ways or within the public places of the Village or upon the premises of any person other than the owner without the person's consent.

SECTION 7: Chapter 90.29 is hereby amended by the addition of the following text:

§ 90.29 TETHERING, EXTREME WEATHER; ANIMAL CRUELTY IN PRESENCE OF CHILD.

(A) Notwithstanding any provision of this Chapter to the contrary, it shall be unlawful for any person to tether any animal to a fixed object, except upon the satisfaction of each of the following conditions:

1. A tethered dog must have access at all times to water, adequate shelter, and dry ground;
2. The chain, rope, leash, run line, or other device used to tether the animal shall be placed or attached so as to prevent the animal from becoming entangled with a structure, tree, plant, shrubbery, another animal or any other object;
3. The chain, rope, leash, run line, or other device used to tether the animal shall be of sufficient length, in proportion to the size of the animal, but no less than ten (10) feet long, to allow the animal to obtain proper exercise, convenient access to food and water and protection from direct sunlight or extreme weather conditions;
4. The chain, rope, leash, run line, or other device used to tether the animal does not weight more than one-eighth the amount of the animal's weight and is not made from a logging chain or a tow chain;
5. The animal is not attached to the chain, rope, leash, run line, or other device by any collar or means of restraint that may injure the animal or interfere with its vision or respiration, including without limitation any type of "choke" collar that constricts around the animal's neck when pulled;
  - (a) The chain, rope, leash, run line or other device, and the collar attached thereto used to tether the animal shall be of such material and shall be attached and affixed in such a manner sufficient to physically retrain and control the animal to be tethered;
  - (b) The animal to be tethered has not been designated as a vicious dog;
6. If the animal to be tethered has been designated as a dangerous dog, the dog also must be supervised by an adult at least eighteen (18) years of age and securely muzzled with a muzzle at all times that it is tethered in a manner that will prevent it from biting any person or animal, but that will not injure the dog or interfere with its vision or respiration;

7. The animal is not tethered in a manner that either:
  - (a) Permits the animal to trespass upon public property, or upon private property without consent of the property owner, or
  - (b) Threatens the health, safety, or welfare of any person or animal;
8. The animal is not tethered and unsupervised for more than two consecutive hours during any twenty-four (24) hour period;
9. The animal is not tethered and unsupervised between the hours of 10:00 PM and 6:00 AM;
10. The animal is not tethered and unsupervised within two hundred (200) feet of any school at any time;
11. The animal is not tethered on public property at any time, and is not tethered on private property without prior consent of the property owner; and
12. No person shall permit at any time a tethered dog to bark, whine, howl, or make excess noises so as to cause a nuisance.

(B) No owner of a dog or cat that is a pet or companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation during extreme temperatures and weather conditions, including without limitation, during heat advisories or when the temperature is below thirty-two (32) degrees Fahrenheit; a wind chill warning or tornado warning has been issued by local, state, or national authority; and any other instances of extreme weather as determined by the Village Animal Warden similarly presenting a danger to the health and safety of the pet or companion animal.

(C) In addition to any other penalty provided under this Code, any person who is convicted of a violation of this Section 90.29 or of a violation of Section 90.40 through and including Section 90.42 in the presence of a minor under 18 years of age shall be subject to a fine of two hundred and fifty dollars (\$250.00) and ordered to perform community service for not less than one hundred (100) hours.

SECTION 7A: Chapter 90.290 is hereby amended to read as follows:

§ 90.290 DEFINITIONS

(A) “Vicious Dog” means:

1. any individual dog that, when unprovoked, attacks a human being or other domestic animal either on public or private property, and inflicts physical injury or death;
2. Any individual dog with a known propensity, tendency, or disposition to

attack without provocation, to cause injury, or to otherwise put the safety of humans or domestic animals at risk;

3. Any individual dog which attacks a human being or domestic animal without provocation;

4. Any individual dog which has been found to be a "dangerous" dog upon two (2) separate occasions;

5. Any dog deemed "vicious" or equivalent by another municipality, county, or state;

6. Any individual dog that has a trait or characteristic and a generally known reputation of viciousness, dangerousness or unprovoked attacks upon humans or other animals, unless handled in a particular manner or with special equipment;

7. No dog shall be deemed "vicious" if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it, or is a professionally trained law enforcement dog.

(B) "Dangerous Dog" means:

1. Any individual dog which behaves in a way that constitutes a physical threat of bodily harm to a person or domestic animal in a place where such person or animal is conducting himself or herself peacefully and lawfully;

2. Which chases or approaches a person or domestic animal upon a street, sidewalk, or any public grounds in a menacing fashion or apparent attitude of attack;

3. Bites a person or domestic animal, but does not cause physical injury;

4. Any dog deemed "Dangerous" or equivalent by another municipality, county or state.

(C) "Nuisance Dog" means:

1. Any individual dog which on 3 separate occasions within a 12 month period, has been (a) observed to be unrestrained or uncontrolled off its owner's premises, or (b) has been impounded by Romeoville Animal Control for being unrestrained, creating a noise nuisance, or uncontrolled off its owner's premises; or

2. Any individual dog which has on 3 separate occasions violated § 90.25 or § 90.04 herein;

3. Any individual dog that has been declared by another governmental agency or authority having jurisdiction to constitute a nuisance on terms and conditions substantially similar to those set forth herein, regardless of the specific name or terminology used in such declaration.

(D) "Nuisance Animal" means:

1. Any individual animal other than a dog which on 3 separate occasions within a 12 month period, has been (a) observed to be unrestrained or uncontrolled off its owner's premises, or (b) has been impounded by Romeoville Animal Control for being unrestrained, creating a noise nuisance, or uncontrolled off its owner's premises; or
2. Any individual cat that has been declared by another governmental agency or authority having jurisdiction to constitute a nuisance on terms and conditions substantially similar to those set forth herein, regardless of the specific name or terminology used in such declaration.

(E) "Enclosure" means a fence or structure of at least six (6) feet in height, and no more than fifteen (15) feet by eight (8) feet in area, forming or creating an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog. Such enclosure must be securely enclosed, locked, and designed with secure sides, top and bottom. The structure must be designed to prevent the animal from escaping. If said fence or structure does not have a bottom which is secured to the sides, the sides must be embedded in the ground. Such enclosure must be within an area enclosed by a fence six (6) feet in height that complies with the requirements of Chapter 159 of this Code (excluding picket fences, split rail fences or hedges), and all gates within said fence must remain locked at all times other than when placing the dog in question within or removing the dog from said enclosure.

(F) "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits or purposely attracts a domestic, wild or exotic animal to remain on or about any premise occupied by that person.

#### § 90.291 VICIOUS DOG REQUIREMENTS

(A) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure that does not allow the animal to exit such enclosure and/or structure of its own volition. The only times a vicious dog may be allowed out of its enclosure are:

1. It is necessary for the owner or keeper to obtain veterinary care for the

vicious dog;

2. To comply with the order of a court of competent jurisdiction, provided that the vicious dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner and/or keeper of the vicious dog; or

3. To remove the dog from the enclosure and to bring the dog into the principal building or structure located on the same zoning lot as the enclosure, and to thereafter return the dog from such building or structure to the enclosure, provided that the vicious dog is securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner and/or keeper of the vicious dog.

(B) The owner shall register such dog with the Village and obtain a red tag in accordance with § 90.03, and shall post signage that is clearly visible from both the front and rear property lines, which reads as follows: "BEWARE OF VICIOUS ANIMAL".

(C) The owner must notify Romeoville Animal Control within 24 hours if the animal is loose, unconfined, has attacked another animal or human being, has been removed from the Village, or has died.

(D) The owner must provide proof to Romeoville Animal Control that the animal has been neutered/spayed and micro-chipped within fifteen (15) days of having been declared to be vicious, if the same have not been done already, at the owner's expense.

(E) The owner of a vicious dog must present to the Village proof that the owner has obtained liability insurance in the amount of at least one million dollars (\$1,000,000.00). Such insurance policy or declaration must specifically reference coverage for issues relating to the vicious dog, and that such coverage is available to pay claims arising from violations of this Chapter. The insurance policy shall also contain a provision that the Village will be notified by the insurance company in the event the policy is cancelled, reduced, terminated, or expired.

(F) The owner, at his/her own expense, must attend classes in dog obedience and care offered through any approved institution, park district or licensed dog trainer, and provide proof to the Village that such course has been completed.

(G) The owner shall allow unannounced inspection by Romeoville Animal Control no more than 3 times per year, of the premises in which the vicious dog is kept. Romeoville Animal Control will determine whether or not the enclosure is secure, that facilities exist to adequately feed, house and maintain the animal, that the location of the enclosure is not likely to endanger the peace, quiet health, safety or comfort of persons in the vicinity of the location, and that maintenance of the animal in the location has not resulted in or is

not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse. The owner of a vicious dog shall retain the right to refuse inspection, and shall be so advised by the Village upon the occasion of such an inspection, but in the event of a refusal of an inspection, the Village shall retain the right to obtain an administrative search warrant, or to pursue other remedies in the Circuit Court for the 12<sup>th</sup> Judicial Circuit to enforce the provisions of this Section requiring access for an inspection.

(H) If the owner of a vicious dog is unwilling or unable to comply with the foregoing regulations, the owner shall have the animal humanely euthanized by an animal shelter, animal control agency, or licensed veterinarian at the owner's expense.

(I) No owner or keeper of a vicious dog shall sell or give away the vicious dog or remove the dog from the corporate limits of the Village.

#### § 90.292 VICIOUS DOG PENALTIES

(A) Any violation of the requirements set forth in § 90.291 is subject to a seven hundred fifty dollars (\$750.00) fine, and each day that such violation shall occur or continue shall constitute a separate offense. If a subsequent offense occurs, such owner will be subject to a fine of one thousand dollars (\$1,000.00), and if a third offense occurs thereafter, in addition to a fine of one thousand dollars, the animal will be subject to confiscation by the Animal Control Warden, and thereafter humanely euthanized.

(B) Any vicious dog found not to be confined to an enclosure in violation of the requirements of this Chapter shall be impounded by the Animal Control Warden or by any law enforcement authority having jurisdiction in such area and shall thereafter be humanely euthanized.

(C) Any vicious dog that has bitten another person and/or domestic animal, or is suspected of having rabies shall be immediately impounded by the Animal Control Warden, and thereafter tested for rabies by a licensed veterinarian or as otherwise required by applicable law. It shall be unlawful for the owner of any vicious dog to give or sell such dog, or to allow such dog to be taken beyond the corporate limits of the Village prior to impoundment. It is the responsibility of the owner, upon learning or receiving notice of the aforesaid facts, to immediately notify the Animal Control Warden so that such dog can be impounded. Any such dog found to have rabies shall thereafter immediately be humanely euthanized.

(D) In the event a biting or attacking vicious dog is impounded pursuant to this Section, the owner shall be given written notice that he or she may request a hearing with respect to the impoundment. The request for such hearing must be made by the owner within five (5) days of the date of the notice. The hearing shall be held before the Village Manager, or his designee, which hearing shall be held expeditiously upon the request of the owner, and within fifteen (15) days of the date of the owner's request for hearing, unless otherwise agreed by the Village and the owner. The sole matter to be determined in such hearing shall be the propriety of the impoundment. The decision made at the

hearing by the Village Manager or his designee will be final for purposes of the Illinois Administrative Review Law.

(E) The owner of a vicious dog who knowingly fails to take appropriate precautions, as required by this Chapter, to confine and restrain such dog, shall be liable for restitution of actual damages to the victims thereof for personal injury and property damage caused by the dog when not properly confined or restrained.

(F) Any municipal corporation, county, township, village or any other political subdivision or department of the State of Illinois, or the United States or any of its instrumentalities, or any person, partnership, corporation, association or any incorporated or unincorporated religious, education or charitable organization is entitled to enforce the liability imposed by this Section.

(G) No recovery under this Section may exceed one hundred thousand (\$100,000) actual damages for each person, or legal entity as provided in subsection (E), in addition to taxable court costs. In determining the damages to be allowed in an action under this Section for personal injury, only medical, dental and hospital expenses and nursing care appropriate thereto may be considered.

(H) This Section shall not affect the recovery of damages in any other cause of action where the liability of the owner of the vicious dog is predicated on a common law basis.

(I) In addition to the fines and penalties provided herein, if the owner of a dog that was declared vicious by order of the Circuit Court for the Twelfth Judicial Circuit fails to abide by any of the requirements of the Ordinances pertaining to vicious dogs pursuant to such court order, such owner shall be subject to being held in contempt of court.

#### § 90.293 DANGEROUS DOG REQUIREMENTS

(A) The owner or keeper of a dangerous dog shall not allow the animal to leave the premises of its owner when not under control by the owner or keeper through the use of a leash of no more than six (6) feet in length.

(B) The owner of a dangerous dog must register such dog with the Village and procure an orange tag pursuant to § 90.03, and must post signage that is clearly visible from both the front and rear property lines, which signage reads as follows: "BEWARE OF DANGEROUS ANIMAL".

(C) The owner of a dangerous dog must provide Romeoville Animal Control with proof that he/she has obtained liability insurance in the amount of at least five hundred thousand dollars (\$500,000.00). Such proof must specifically reference coverage for incidents relating to such dangerous dog, and coverage for losses arising from violations of this Chapter. The policy must contain a provision that the insurance company will notify the Village in the event the policy is cancelled, reduced, terminated, or expired.

### § 90.294 DANGEROUS DOG PENALTIES

- (A) Any violation of the requirements set forth in § 90.293 is subject to a five hundred dollars (\$500.00) fine, and each day that such violation shall occur or continue shall constitute a separate offense.
- (B) Any dangerous dog which is off its owner's premises and not controlled by a leash of no more than six (6) feet held by its owner or keeper shall be impounded by the Animal Control Warden or the law enforcement authority having jurisdiction.

### § 90.295 NUISANCE DOG REQUIREMENTS

- (A) The owner of a nuisance dog must not allow the dog to leave the premises of its owner when not under control by a leash of no more than six (6) feet.
- (B) The owner of a nuisance dog must register such dog with the Village and procure a yellow tag in accordance with § 90.03.
- (C) The owner of a nuisance dog must post signage which is clearly visible from both the front and rear property line which reads as follows: "BEWARE OF DOG".
- (D) The owner of a nuisance dog must present the Village with proof that liability insurance has been obtained in the amount of two hundred fifty dollars (\$250,000.00). Such proof must specifically reference coverage for incidents relating to such nuisance dog, and providing coverage for losses arising from violations of this Chapter. The policy must contain a provision that the insurance company will notify the Village in the event the policy is cancelled, reduced, terminated, or expired.

### § 90.296 NUISANCE DOG PENALTIES

- (A) Any violation of the requirements set forth in § 90.295 is subject to a two hundred fifty dollar (\$250.00) fine, and each day that such violation shall occur or continue shall constitute a separate offense.
- (B) Any nuisance dog which is off its owner's premises and not controlled by a leash of no more than six (6) feet shall be impounded by the law enforcement authority having jurisdiction in such area.

### § 90.297 NUISANCE ANIMAL REQUIREMENTS.

- (A) The owner of a nuisance animal must not allow the animal to leave the premises of its owner when not under control by a leash of no more than six (6) feet.
- (B) The owner of a nuisance animal must not allow the animal to enter onto the property of another without the permission of the property owner.

(C) The owner of a nuisance animal must register such animal with the Village and procure a yellow tag in accordance with § 90.03.

§ 90.298 NUISANCE ANIMAL PENALTIES.

- (A) Any violation of the requirements set forth in § 90.297 is subject to a two hundred and fifty dollar (\$250.00) fine, and each day that such violation shall occur or continue shall constitute a separate offense.
- (B) Any nuisance animal which is off its owner's premises and not controlled by a leash of no more than six (6) feet shall be impounded by the law enforcement authority having jurisdiction in such area.

SECTION 9: All those heretofore adopted ordinances of the Village of Romeoville codified as and for Chapter 90.52 of the Village Code of Ordinances are hereby amended to read as hereinafter set forth:

§ 90.52 ENFORCEMENT.

- (A) The Village Animal Warden shall give the party violating any provision of this chapter a notice which shall state the following:
  - 1. The gender of the dog or cat;
  - 2. That the animal is believed to be owned by the individual to whom this notice is addressed;
  - 3. That the individual named above is believed to be the registered owner of the dog or cat;
  - 4. If applicable, that the animal has been impounded by the Village Animal Warden because the animal was found to be running at large in violation of the Village Code;
  - 5. The provisions of this Chapter violated by the recipient of the notice, and a brief statement of the facts giving rise to such violation(s);
  - 6. That any animal found to be running at large was with or without a proper license issued by the village.

(B) If the owner fails to redeem any impounded animal as provided in this Chapter, the Village Animal Warden shall thereafter have the discretion to dispose of the animal in a humane manner.

(C) The Village Animal Warden shall have the discretion to provide the notice herein required and to enforce the provisions of this Chapter by means of the issuance of a written warning, filing of an administrative warning ticket, or by signing and initiating the filing of a complaint in the Circuit Court for the 12<sup>th</sup> Judicial Circuit, as well as by any other means of enforcement of this Chapter from time to time available under this Code or applicable law. Without limitation, the Animal Control Warden shall be authorized to call on sworn officers of the Police Department for such assistance as is required from time to time in enforcing the provisions of this Chapter.

(D) In order to perform a thorough investigation of any complaints received, the Animal Control Warden may request to inspect the property of an animal owner. The owner shall retain the right to refuse inspection, and shall be so advised by the Village upon the occasion of such an inspection, but in the event of a refusal of an inspection, the Village shall retain the right to obtain an administrative search warrant, or to pursue other remedies in the Circuit Court for the 12<sup>th</sup> Judicial Circuit to enforce the provisions of this Section requiring access for an inspection.

SECTION 9: Chapter 90 shall be hereby amended by inserting the following new subsection “Commercially Bred Animals in Pet Shops” starting at section 90.60:

#### § 90.60 DEFINITIONS

“Offer for Sale” means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat, or rabbit.

“Retailer” means any person subject to this Chapter who offers for sale any dog, cat, or rabbit in the Village.

“Humane Society or Rescue Organization” means any not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits.

#### § 90.61 RESTRICTIONS ON THE RETAIL SALE OF ANIMALS

A retailer may offer for sale only those dogs, cats, ferrets or rabbits that the retailer has obtained from:

(a) An animal control center, animal care facility, kennel, pound, or training facility operated by any subdivision of local, state, or federal government;

- (b) A humane society or rescue organization; or
- (c) Animal obtained from breeders. No pet shop operator may offer for sale any dog, cat, ferret or rabbit obtained from a breeder unless the following requirements are met:
  - a. The breeder holds a USDA Class "A" license as defined by the Animal Welfare Act, as found in the Code of Federal Regulations, listing all site addresses where regulated animals are located; and
  - b. The breeder owns or possesses no more than five (5) female dogs, cats, ferrets or rabbits capable of reproduction in any twelve (12) month period; and
  - c. No more than five (5) female dogs, cats, ferrets or rabbits capable of reproduction are housed at the site address where the retail animal was born or housed, including animals owned by persons other than the breeder; and
  - d. In addition to any disclosures required by subsection (c) or otherwise required by law, the following information shall be maintained and provided for each animal:
    - i. The active USDA license number(s) of the animal's breeder;
    - ii. Any previous USDA license number(s) held by the animal's breeder in the last five (5) years;
    - iii. The name, mailing, and site address location(s) of the breeder as they appear on the breeder's active USDA license;
    - iv. All names the breeder is doing business as;
    - v. The total number of female dogs, cats, ferrets or rabbits capable of reproduction owned or possessed by breeder;
    - vi. The sire and dam of the animal;
    - vii. The name and address of the location where the animal was born; and
    - viii. The name(s) and address of any other location(s) where the animal was housed by the breeder after birth.
- (d) No retailer shall be issued a license under Chapter 118 of this Code or any other permit or approval without first having signed an acknowledgement in form and substance acceptable to the Village that such retailer has read and understood the provisions of this Chapter applicable to the retail sale of animals, and that the retailer accepts and intends to be bound by the same.

## § 90.62 EXEMPTIONS

The restrictions on retailers set forth in Section 2 of this Chapter shall not apply to any Humane Society or Rescue Organization as defined above, or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115 *et seq.* nor to the Village's operation of its animal control facility.

#### § 90.63 DISCLOSURES REQUIRED

Any retailer who offers for sale a dog, cat, ferret or rabbit shall make the following disclosures to the customer about such animal:

- (a) For each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605 *et seq.*; and
- (b) For each ferret or rabbit: (i) the breed, approximate age, sex, and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the retailer; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and the reason for the return.

The disclosures required under this Section 4 shall be provided by the retailer to the customer in written form and shall be signed by both the retailer and customer at the time of sale. The retailer shall retain the original copy of such disclosure and acknowledgement for a period of two (2) years from the date of sale. Upon request by an authorized city official, the original copy of such disclosure and acknowledgement shall be made immediately available for inspection by such authorized Village official.

The retailer shall post, in writing, in a conspicuous place on or near the cage of any dog, cat, or rabbit offered for sale all of the information about a dog, cat, ferret or rabbit required under this Section and other applicable law.

#### § 90.64 ENFORCEMENT

The Animal Control Warden shall enforce this Section, with such assistance as may be from time to time required from sworn officers of the Police Department.

SECTION 10: Section 43.01 of the Village Code of Ordinances shall hereby be amended by replacing the existing Section 43.01(O) and Section 43.01(P), replacing the same with the text as indicated below, and by adding the additional indicated text to be codified as and for new Section 43.01(Q), 43.01(R), 43.01(S) and 43.01(T):

<u>§ 43.01(Q)</u>	Kennel fee/release from impound fee:	\$45, plus accrued daily boarding fees
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<u>§ 43.01(R)</u>	Daily animal boarding fee at Village Animal	\$10 per day
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### Control facility/kennel

§ 43.01(S) Annual dog/cat license fee \$4  
Fee shall be waived for persons age 62 or older, to legally blind persons registering seeing-eye dogs, or for disabled persons registering dogs trained to provide assistance with daily living functions

§ 43.01(T) Nuisance/dangerous/vicious dog annual license fee \$10/Nuisance dog/animal  
\$15/Dangerous dog  
\$25/Vicious dog

SECTION 11: Chapter 90 shall hereby be amended by the addition of the following text, to be codified as and for a new Section 90.151:

§ 90.151 Rabies Vaccination; Proof of same.

(A) Every owner of a dog or cat four (4) months of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the Department and register said dog or cat with the Village Animal Warden.

(B) Thirty (30) days are permitted for an owner to secure revaccination of a dog or cat after the previous vaccination period has lapsed.

(C) Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the Village Board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

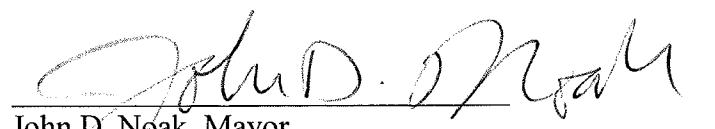
(D) Any owner of a dog or cat four (4) months of age and older, shall maintain a current rabies vaccination for their dog or cat and provide proof of such current vaccination upon request of the Animal Control Warden or law enforcement officer. Proof of a current rabies vaccination shall also be required for the issuance of any annual dog license, and for redeeming or releasing an impounded dog from the Village Animal Control Facility/kennel.

At a Meeting of the Village Board on 6/7/20178, a motion was made by Griffin, Second by Lourdes Aguirre, that this Ordinance be Approved. The Motion Passed.

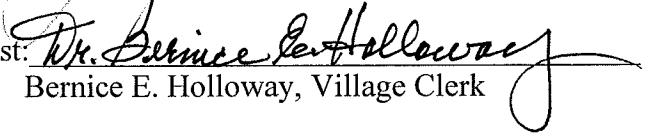
AYE: 6 Trustee Chaves, Trustee Palmiter, Trustee Griffin, Trustee Richards, Trustee Clancy, and Trustee Aguirre

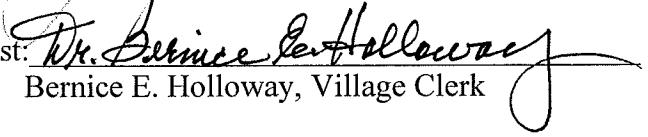
Non-Voting: 1 Mayor John Noak

Mr. Bernice E. Holloway  
Bernice E. Holloway, Village Clerk



John D. Noak, Mayor



Attest:   
Bernice E. Holloway, Village Clerk

Date: June 7, 2017

ORD17-1377  
Date: 6/7/17

An Ordinance Amending Chapter 90 (Dogs and Cats) and Chapter 43 (Fee Schedule) of  
the Village Code of Ordinances

Published in Book and Pamphlet Form  
This 16th day of June, 2017  
By the Corporate Authority of the  
Village Of Romeoville



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Village Clerk