

ORDINANCE NO. 2011-O-32

**AN ORDINANCE AMENDING THE WILMETTE VILLAGE CODE, 1993,
AS AMENDED, AMENDING CHAPTER 4, "ANIMALS",
BY DELETING EXISTING CHAPTER 4 IN ITS ENTIRETY AND
REPLACING IT WITH THE NEW TEXT STATED HEREIN.**

WHEREAS, the Village President and Board of Trustees (hereinafter collectively referred to as the "Village Board") of the Village of Wilmette, Cook County, Illinois (hereinafter the "Village"), find that the Village is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, 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 further finds that the regulation of the keeping of animals within the Village limits is a valid exercise of its local police powers and home rule authority; and,

WHEREAS, the Village Board further finds that responsible animal ownership is welcomed within the Village and find that primary responsibility must necessarily rest with animal owners to properly train and/or secure their animals so as to prevent them from causing injuries and/or creating nuisances; and,

WHEREAS, the Village Board further finds that it is the goal and policy of the Village to protect the public health and general welfare of Village residents by providing security from annoyance, intimidation, and injury from animals; as well as to protect animals against abuse, neglect, cruelty, and health hazards; and,

WHEREAS, the Village Board further finds that to achieve these stated goals and policies it is necessary to enact regulations regarding the care and control of animals, the

enforcement and administration of this Ordinance, and the assessment of penalties for violators; and,

WHEREAS, the Village Board further finds that studies have shown that caring for and managing the feral cat population, either individual feral cats or groups of feral cats (“colonies”), through Trap-Neuter-Release (“TNR”) programs: (i) contributes to the spread of disease by attracting wild animals and rodents to the managed location; (ii) negatively impacts the native bird populations; and, (iii) does not effectively control cat overpopulation; and,

WHEREAS, the Village Board further finds that it is in the general health, safety, and welfare of the residents, to prohibit any conduct aimed at stabilizing, maintaining, or otherwise caring for feral cats or feral cat colonies within the Village, including organizing or participating in any informal or formal TNR program, or similar type of effort by which feral cats are provided basic sustenance needs, trapped, neutered or spayed, vaccinated and then returned to the location within the Village where they congregate; and,

WHEREAS, the Village President and Board of Trustees further find that that adoption of the amendments to the Wilmette Village Code, 1993, as amended, Chapter 4, entitled “Animals” stated herein would: (i) protect the public from diseased, dangerous, wild or exotic animals; (ii) reasonably and appropriately regulate animals that interfere with the enjoyment of property or the peace of the community; and, (iii) protect animals from abuse or harmful conditions; and,

WHEREAS, the Village Board further finds that this Ordinance is intended and enacted as an expression of the home rule authority of the Village as provided in Article VII of the Constitution of the State of Illinois aforesaid, that the provisions of this Ordinance shall wholly displace and control over the provisions of any ordinance now or hereafter enacted by the County of Cook inconsistent with the provisions of this Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois:

SECTION 1: The foregoing findings and recitals, and each of them, are hereby made a part of Section 1 of this Ordinance and are incorporated herein by reference as if fully set forth verbatim.

SECTION 2: The Wilmette Village Code, 1993, as amended, is further amended in Chapter 4, "Animals," by deleting the text of Chapter 4 in its entirety, and inserting therein the new text of Chapter 4 shown in underlined bold type below so that said new Chapter 4 shall hereafter read as follows:

CHAPTER 4
ANIMALS

- 4-1 GENERAL PROVISIONS.**
- 4-1.1 INTERPRETATION AND CONSTRUCTION.**
- 4-1.2 DEFINITIONS.**
- 4-1.3 REGULATIONS OF GENERAL APPLICABILITY.**
- 4-2 ANIMAL CONTROL REGULATIONS.**
- 4-2.1 MAXIMUM NUMBER OF ANIMALS; AUTHORITY TO SEIZE.**
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- 4-2.4 FERAL CATS AND FERAL CAT COLONIES; PENALTIES.**
- 4-3 PROTECTION OF ANIMALS.**
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- 4-4.1 GENERALLY.**
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- 4-5.3 DENIAL OR REVOCATION OF LICENSE.**
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- 4-6.1 NUISANCES DEFINED.**
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- 4-6.3 VIOLATIONS; PENALTIES; ANIMAL SURRENDER OR SEIZURE.**
- 4-7. ANIMALS CAUSING INJURY TO PERSONS OR OTHER ANIMALS.**
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- 4-9.1 REQUIREMENTS FOR REDEMPTION.**
- 4-9.2 LIABILITY FOR ALL AMOUNTS DUE.**

4-1 GENERAL PROVISIONS.

4-1.1 INTERPRETATION AND CONSTRUCTION.

(a) In interpreting and applying this Chapter, the requirements contained herein are declared to be the minimum requirements for the protection of public health, safety, and the general welfare of village residents. The provisions of this Chapter shall be liberally construed so as to accomplish its stated purposes.

(b) This Chapter shall not be deemed to interfere with, or abrogate, annul, or otherwise affect in any manner whatsoever, any laws, ordinances, rules, or regulations; provided however, that where this Chapter expands the scope of prohibitions or imposes stricter requirements upon the care, maintenance and control of animals than are stated in other laws, ordinances, rules, or regulations, the provisions of this Chapter shall prevail.

(c) The provisions of this Chapter are declared to be severable. If any section, sentence, clause, or phrase of this Chapter is held by a court of competent jurisdiction to be invalid, unconstitutional, void, or unenforceable, then notwithstanding such decision, the validity of the remaining provisions of this Chapter shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

(d) The provisions of this Chapter shall constitute, and shall be interpreted as, an exercise of the home rule authority of the Village of Wilmette to the full extent permitted under Article VII of the Constitution of the State of Illinois (1970). The provisions of this Chapter, shall be deemed to control over the provisions of any ordinance of the County of Cook to the extent said ordinances are conflicting in whole or in part.

4-1.2 DEFINITIONS.

When used in this Chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

“Allow” shall be deemed to include both the taking of action and the failure to act.

“Animal” shall mean any living nonhuman creature.

“Animal control officer” shall mean an employee of the village, or agent acting on behalf of the village as may be designated by the Village Manager, to administer and enforce the provisions of this Chapter.

“Animal control facility” shall mean any facility, which does not breed animals, approved by the village for the purpose of carrying out the provisions this Chapter, including use by the facility as a shelter for seized, impounded, stray, homeless, abandoned, diseased, or unwanted animals.

“Animal Establishment” shall mean any for profit business that, in whole or in part, sells, offers to sell, exchanges, delivers, or otherwise transfers dogs or cats, regardless of age, to consumers, wholesalers, or other retailers.

“Animal hospital” shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

“Animal shelter” shall mean any facility, which does not breed animals, operated by a nonprofit humane society for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the Village Manager or his/her designee to impound, confine, detain, care for, or destroy any animal.

“At large” shall mean not confined; off the premises of the owner and not on a leash under the immediate control of a person physically capable of restraining the animal.

“Attack” shall mean physical contact with a human being in an aggressive manner by an animal that results in a bite or causes scratches, bruising, or an abrasion; or with respect to a domestic animal, contact in an aggressive manner by an animal that causes an injury requiring veterinarian treatment.

"Bird of Prey" shall mean and include any of the following birds: eagle, osprey, hawk, owl, kite, falcon, or vulture.

“Bite” shall mean seizure by the teeth or jaws of an animal so that the skin of the person or animal seized has been pierced or broken and further includes contact of the saliva of the biting animal with any break or abrasion of the skin of the person or animal bitten.

“Cat” shall mean and include all members of the domestic feline family (*Felis catus*).

"Confined" shall mean restriction of an animal to an escape-proof yard, house, or other secure enclosure away from other animals and the general public.

“Dangerous animal” shall mean an animal that:

- (1) Has without provocation attacked, bitten, or otherwise caused physical injury to a person;
- (2) Has without provocation attacked, bitten, or otherwise caused serious physical injury to another animal; or,
- (3) Has without provocation chased or approached any person on any public property, or on any private property that is not the property of the animal's owner, in an apparent attempt to attack or injure that person, or, in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury to a person or a companion animal.

“Disposition” shall include, but not be limited to, adoption, quarantine, voluntary or involuntary custodianship, placement or sale of an animal to the general public; transfer of an animal to a zoological park, state or federally licensed exhibit, humane society, or animal shelter; or, euthanasia humanely administered to an animal.

“Dog” shall mean and include all members of the domestic canine family (*Canis familiaris*).

“Domesticated animal” shall mean any animal that is socialized, accustomed to living in an environment managed by humans, and generally considered suitable for the purposes of human companionship or service.

"Enclosure" shall mean an outdoor pen, fence, or structure at least six (6) feet in height that is roofed and that has sides and is designed and constructed in such a manner that the type of animal contained within the enclosure cannot reasonably be expected to escape and the entry of young children is prevented.

“Exotic animal” shall mean any mammal, amphibian, reptile or fowl (including any hybrid thereof) of a species that generally lives in its original and natural habitat (*ferae naturae*), or that because of its size, nature, or other characteristics is dangerous to human beings; and/or requires a standard of care and control greater than that required for domestic animals. Exotic animals include, but are not limited to any:

- (1) elephant, rhinoceros, or bear;
- (2) any monkey, baboon, chimpanzee, orangutan, ape, gorilla or other nonhuman primate;
- (3) any raccoon, opossum, skunk (whether deodorized or not), fox, or wild rodent;
- (4) any member of the feline species other than domestic cat (*felis domesticus*) including but not limited to, any leopard, ocelot, jaguar, cheetah, margay, lion, caracal, lynx, bobcat, jaguarondi, serval, cougar, tiger, or panther;
- (5) any hyena or jackal;
- (6) any member of the canine species other than domestic dog (*canis familiaris*) including any wolf, wolf-dog hybrids, coyote, or coyote-dog hybrids;
- (7) any venomous insects;
- (8) any crocodylian (including but not limited to alligators, crocodiles, and caymans);
- (9) any fowl larger than a macaw;
- (10) all forms or hybrids of venomous reptiles, including but not limited to, gila monster, and all venomous snakes, whether native or non-native;
- (11) any constrictor snakes that are reasonably expected to grow to a length greater than six (6) feet, including but not limited to Burmese Python, Reticulated Python, African Rock Python, Green Anaconda, Yellow Anaconda, Australian Amethystine Python, Indian Python,
- (12) any monitor lizard, including but not limited to Asiatic Monitor, Nile Monitor, White Throat Monitor, Black Throat Monitor, Crocodile Monitor, and Komodo Dragon, .
- (13) Any animal listed as an endangered species under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act shall also be considered an exotic animal for purposes of this Chapter.

"Feral Cat" shall mean a cat that: (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized; or, (ii) is a formerly owned cat that has been abandoned or is no longer under the control of a human and is no longer socialized; or, (iii) lives on a farm.

“Feral Cat Colony” shall mean a group of feral cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cat that congregates with a colony shall be deemed to be a part of the colony.

“Fowl” shall mean any waterfowl and any fowl of the falcon, pheasant, quail, duck, goose, chicken, turkey, guinea, peacock, or pigeon species.

“Impoundment” shall mean the taking into custody of an animal by any police officer, animal control officer, or any authorized representative of the village.

“Includes” and “Including” shall not be construed as limited to.

“Intact animal” shall mean an animal that has not been spayed or neutered and therefore is capable of reproducing.

“Livestock” shall mean any cattle, sheep, pigs, chickens, turkeys, peacocks, pigeons, cows, donkeys, llama, mules, ponies, poultry, swine, hogs, goats, calves, steer, bull, or any horse, mule, donkey or other animal of the equine family. Without limiting the generality of the foregoing, “livestock” shall also include any animal generally kept or raised for purposes of the production of goods or food, or for other commercial consumption or use.

“Kennel” shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or the selling of dogs or cats.

“May” is permissive; except the phrase “no person may” shall mean that no person is authorized or permitted to do the act prohibited.

“Microchip” shall mean a passive electronic animal identification device (“EAID”) that is implanted into an animal for purposes of identification and/or recovery.

“Muzzle” shall mean a device constructed of a strong material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

“Neuter” shall mean to make a male animal incapable of reproducing.

“Nuisance” shall mean that which unreasonably annoys any person, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens (other than that of the animal owner) to enjoyment of life or property.

“Own” shall mean to have property rights in; to have possession or custody of, or responsibility for; or, to shelter, harbor, keep, or exercise control over.

“Owner” shall mean any person who, temporarily or permanently, owns any animal covered by this Chapter. The occupant of any premises upon which a dog or cat remains (or repeatedly or customarily returns to) who provides food for such animal on at least three (3) consecutive days (or four (4) days within any seven (7) day period) is presumed to be harboring or keeping any such animal within the meaning of this Chapter. The definition of “owner” shall not apply to any animal shelter, animal control facility, animal hospital, or kennel.

“Person” shall mean any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, a municipal corporation, or political subdivision of the State.

“Physical injury” shall mean the impairment of physical condition, including scratches, abrasions, bruises, open wounds, punctures, or mucous membranes contaminated with saliva or other potentially infectious material from an animal.

“Pigeon” shall mean any live bird of the family Columbidae.

“Prohibited Animal” shall mean any animal, the owning, harboring, keeping, possessing, or maintaining of which has been specifically declared unlawful under this Chapter.

“Restraint” shall mean a device, enclosure, or structure such as a cage, corral, fenced area, house, pen, or vehicle without means of escape, or a leash or other form of cable, rope, tether, or attachment used to securely and safely confine an animal.

“Sanitary” shall mean a condition of good order and cleanliness that minimizes the possibility of disease transmission.

“Serious physical injury” shall mean bodily injury which creates a substantial risk of death or that causes death to a person or another domesticated animal, or that causes serious or permanent disfigurement, lacerations requiring sutures or cosmetic surgery, unconsciousness, permanent or protracted loss or impairment of the function of a body member or organ, or results in broken bones or teeth, or any other medical condition resulting in an inpatient hospital stay or repeated treatments or therapy.

“Service animal” shall mean any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of a person with a disability including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, alerting individuals of the likelihood of a seizure, or providing seizure response.

“Shall” is imperative and mandatory.

“Spay” shall mean to make a female animal incapable of reproducing.

“Stray” shall mean any socialized animal that is regularly off the property of the owner or not under the physical control or restraint of the owner, and not regularly provided with food by its owner.

“TNR” shall mean Trap, Neuter and Return.

“TNR Program” shall mean a program pursuant to which feral and stray cats are trapped, neutered or spayed, micro-chipped, vaccinated against rabies, and/or returned to the location where they congregate.

“Under restraint” shall mean that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the owner's property limits.

“Veterinarian” shall mean a veterinarian licensed by the State in which he or she engages in the practice of veterinary medicine.

"Vicious dog" shall mean a dog that, without provocation, mauls, bites, or attacks a person and causes serious physical injury or death to that person, or, any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

"Village" shall mean the Village of Wilmette, an Illinois home rule municipal corporation and its employees, officers, or agents.

"Village Manager" shall mean the Village Manager of the Village of Wilmette, or the Village Manager's designee.

"Wilmette Village Code" or "Code" shall mean the Wilmette Village Code, 1993, as amended.

"Without provocation" when applied to the threat, injury, or death caused to a person by an animal shall mean that: (i) the injured, threatened, or killed person was not committing or attempting to commit a trespass or other criminal offense on the property of the animal owner; (ii) the injured, threatened, or killed person was not committing or attempting to commit an act of abuse, assault, or attack upon the animal; (iii) the injured, threatened, or killed person was not taunting or tormenting the animal; and, (iv) the animal was not responding to pain or injury, or was not protecting itself or coming to the aid or defense of its owner, custodian, member of its household, or offspring.

4-1.3 REGULATIONS OF GENERAL APPLICABILITY.

(a) No person shall engage in any conduct or activity that is likely to attract to such person's property or to the property of an adjacent property owner any abandoned, stray, or wild animal, venomous insect, rodent, or other vermin.

(b) Placement of Food Outside. It shall be unlawful for any person to place, scatter, leave, or otherwise set food of any kind outside, whether directly on the ground or in a bowl, on any public or private property within the village (including the property owned by such person) so as to be accessible for consumption by any animal. This prohibition shall not include the placement of bird food in containers designed or intended for the feeding of birds and which are maintained at least four (4) feet above the ground and affixed to a tree, pole, apparatus, or other structure.

(c) Notification of Stray. Any person finding a stray or lost animal shall notify the Wilmette Police Department at the earliest possible opportunity but no later than 48 hours after finding such animal.

(d) Render Aid. No person shall fail to: (i) stop immediately and render such aid as may be possible after striking an animal with a motor vehicle; or, (2) fail to immediately report the injury to the animal owner, if known; or, if the animal owner is not known, to the Wilmette Police Department.

(e) Placement and Burial of Animals. No person shall leave, place, or throw onto any public property, street, place or other public right of way, or, offensively expose or bury within the village, the body or any part thereof of any dead or fatally sick or injured animal; nor shall any person keep any dead animal in a place where it may be dangerous to the health or safety of any other animal or person.

(f) Duty to Report Bite. Any person having personal knowledge that a person or animal was attacked or bitten by another animal shall report such incident to the Wilmette Police Department as soon as possible, but no later than 24 hours after the attack or bite occurred.

4-2 ANIMAL CONTROL REGULATIONS.

4-2.1 MAXIMUM NUMBER OF ANIMALS; AUTHORITY TO SEIZE.

(a) It shall be unlawful for any person to own or keep more than a total of seven (7) dogs, cats, and other domestic animals (excluding aquatic life inside tank enclosures) within a single family dwelling in the village, not more than three (3) of which may be dogs or cats, except that a litter of pups, kittens, or other young domestic animals may be kept for a period of time not exceeding six (6) months from birth.

(b) It shall be unlawful for any person to own or keep more than three (3) dogs, cats, or other domestic animals (excluding aquatic life inside tank enclosures) within a multi-family dwelling unit in the village, not more than two (2) of which may be dogs or cats, except that a litter of pups, kittens, or other young domestic animals may be kept for a period of time not exceeding six (6) months from birth.

(c) In addition to any fine or penalty that may be sought for violation of this subsection, the village shall provide notice to the owner of an animal(s) in excess of the maximum allowable number requiring the removal of the unauthorized animal(s) from the dwelling as follows:

(1) The animal owner shall be given a reasonable period of time, but no longer than 45 days from the date of the notice, to comply with said notice.

(2) To the extent reasonable attempts by the village to obtain voluntary compliance are not successful, the village may file an action with a court of competent jurisdiction seeking an order allowing the village to seize the animal(s) and arrange for the disposition of the animal(s) to an animal shelter.

(3) To the extent the animal owner refuses to voluntarily comply and the village is required to seize the animal(s), the owner of said animal(s) shall reimburse the village for any cost and expense incurred by the village in seizing the unlawful animal(s), impounding, and arranging for the disposition of said animal(s).

(d) This subsection shall not apply to any establishment where animals are kept for sale, adoption, veterinarian care, grooming, or boarding.

4-2.2 PROHIBITED ANIMALS; VIOLATIONS, PENALTIES.

(a) It shall be unlawful for any person to own, harbor, keep, care for, or possess within the Village any:

- (1) Exotic animal;
- (2) Livestock;
- (3) Bird of prey;
- (4) Pigeon; or,

- (5) Vicious dog previously ordered by a court of competent jurisdiction to be euthanized.

(b) Any prohibited animal found to be present within the village shall be subject to immediate seizure and impoundment by the village in an approved animal control facility. The owner of the prohibited animal shall reimburse the village for all costs and expenses incurred by the village relating to the seizure, transfer, and disposition of the prohibited animal.

(c) Any person guilty of violating subsection (a) herein shall be fined not less than \$150.00 for the first offense, not less than \$300.00 for a second offense, and not less than \$750.00 for any offense thereafter. Each day that a violation continues shall be deemed a separate and distinct offense. It shall be no defense to a violation of this Section that the owner of the prohibited animal has attempted, or is attempting, to domesticate the prohibited animal.

4-2.3 PROHIBITED ANIMALS-EXEMPTIONS.

(a) The provisions of Section 4-2.2 shall not prohibit or apply to:

- (1) the temporary keeping of any prohibited animal for treatment by any animal control facility, animal hospital, or animal shelter; or, the keeping of a prohibited animal that has been rescued for such limited time as reasonably necessary to transport any such animal to the appropriate authorities or agency;

- (2) the temporary or permanent keeping of any prohibited animal for teaching or research purposes at a licensed medical institution or educational facility (elementary or middle school, junior high school, high school, university, or college); provided that the person in charge of such prohibited animal shall not be relieved of the operation of any of the other applicable provisions of this Chapter, including, without limitation, those governing sanitary conditions, nuisances, and noises.

(b) The provisions of this Section shall also exempt the use of prohibited animals in a "production" which, for purposes of this subsection shall mean a film production regulated under Chapter 5 of the Wilmette Village Code, or a temporary circus or carnival performance, traveling zoo, or properly licensed and bonded bona fide animal exposition or exhibition. The exemption stated herein shall be for a period of not more than 15 days and shall be contingent upon obtaining from the village a temporary permit to possess a prohibited animal in the village. The applicant for such a permit shall demonstrate to the village that:

- (1) The prohibited animal will be in the direct charge of its trainer or another person who is familiar with the prohibited animal and has been trained in its handling and care;

- (2) The applicant will, consistent with the size and characteristics of the prohibited animal, have additional handlers available as required to control the wild animal at any time that it is not confined;

(3) The owner of each place where the production will take place and the owner of each place where the prohibited animal will be kept, if different, has consented in writing to its presence;

(4) The prohibited animal will be kept in such a manner so as to prevent its escape and prevent injury to persons; and,

(5) The applicant holds a policy of public liability insurance issued by a carrier authorized to write the policy under Illinois law in an amount of not less than \$250,000, per occurrence, providing coverage in case of injury or death of any person or damage to any property that results from the negligent control or handling of the prohibited animal.

(c) Application for Animal Permit. An application for an animal permit shall be:

(1) made upon forms supplied by the village at least 20 days before the commencement of the production; and,

(2) accompanied by a nonrefundable fee of \$250.00 for five (5) or fewer prohibited animals, \$350.00 for six (6) to ten (10) prohibited animals, or \$500.00 for eleven (11) or more prohibited animals.

(d) A permit issued under this Section is valid only for the limited purpose of the designated production and shall only extend for the duration of the production.

(e) The village shall have the right to inspect a prohibited animal at any time while it is being kept under a permit issued under this Section.

(f) In the event that the village denies a permit application, the applicant shall be afforded notice as to the basis for the denial and an opportunity to meet with the Village Manager, whose decision shall be final.

(g) Upon due notice to the applicant, the village may revoke a permit issued hereunder for any violation of this Chapter or any applicable state or federal law.

4-2.4 FERAL CATS AND FERAL CAT COLONIES; PENALTIES.

(a) Maintaining Feral Cats Prohibited.

(1) No person shall attend to feral cats by providing such cats any form of sustenance or care. "Care" for purposes of this Section shall mean, but not be limited to, feeding, sheltering, trapping, spaying, neutering, vaccinating, ear-tipping or micro-chipping, or providing medical aid to any feral cat.

(2) It shall be unlawful to establish, manage, or participate in managing a feral cat colony within the Village, either informally or through a more formalized Trap-Neuter-Release ("TNR") program, Trap-Alter-Release ("TAR") program, or otherwise.

(3) No person shall bring into or release within the village any feral cat that was trapped or taken from a location either outside of the village limits or, taken from a

location inside the village limits and then brought to any location or place outside of the village.

(b) Penalty. Any person who violates the provisions of this Section shall be fined not less than \$75.00 or more than \$750.00. Each violation of any of the provisions of this Section shall constitute a separate offense. The fine for a second violation of this Section occurring within any 12-month period shall not be less than \$150.00. Any person committing a third or subsequent violation of this Section within any 18-month period shall be fined a minimum of \$300.00.

4-3 PROTECTION OF ANIMALS.

4-3.1 ANIMAL NEGLECT.

(a) An owner of any animal is guilty of animal neglect if that person:

(1) fails to supply his or her animal with a sufficient quantity of food and clean potable water;

(2) fails to provide adequate shelter in terms of proper ventilation, appropriate size for the animal and with sufficient protection of the animal from inclement weather, including heat, cold, moisture, and other such weather conditions;

(3) fails to provide adequate veterinary care consisting, at a minimum, of proper immunizations and preventive health care including parasite control; and, all sick, diseased, or injured animals shall be provided with a proper program of care by a veterinarian, or humanely euthanized;

(4) tortures, mutilates, beats, kicks, or hits an animal by any means or otherwise causes unjustified pain, distress or suffering;

(5) abandons any animal on a street, highway or public place, or on private property when not in the care of another person; or,

(6) fails to adequately and periodically clean or sanitize any area, enclosure, or other housing facility where the animal is confined or restrained and remove excreta and other waste materials and dirt, so as to minimize vermin infestation, odors, and the potential for disease.

(b) Exemption. This section does not apply to animals kept or owned for teaching or research purposes at a licensed medical institution, or educational facility (elementary or middle school, junior high school, high school, or university or college), provided that the institution performs functions within the scope of accepted practices and disciplines associated with the institution.

4-3.2 CRUELTY TO ANIMALS; ANIMALS AS INDUCEMENTS.

(a) It is unlawful to engage in any act of cruelty toward animals and therefore no person shall:

(1) beat, abuse, torment, torture, wound, attempt to wound, or inflict unnecessary pain or injury on any animal; except that reasonable force may be used to drive away any dangerous, menacing, or trespassing animal, or any animal that is attacking, or is about to attack, any person or other domestic animal;

(2) disturb, take, or injure in any way the nest, eggs, or young of any wild bird or bird of prey;

(3) leave any animal unattended inside a motor vehicle or enclosed trailer when the outside temperature exceeds 86°F (30°C); or,

(4) administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal; except that the provisions of this Section are not applicable to licensed veterinarians for humanitarian purposes, licensed exterminators using poisons as part of a pest control program, or the use of commercial insecticides and rodent baits used to control insects or wild rodents.

(b) No person shall own, keep, or otherwise possess, or slaughter any domesticated animal for food consumption purposes. This section applies to any cult that kills or sacrifices animals for, or as part of, any type of ritual, regardless of whether or not the flesh or blood of the animal is to be consumed. Nothing in this Chapter shall be interpreted as prohibiting: (i) any duly licensed business from slaughtering animals for food consumption purposes which are specifically raised for said purposes; or, (ii) the slaughtering of an animal where the animal is maintained for the purposes of consumption as part of a bona fide religious observance.

(c) It shall be unlawful for any person to give away or use any live animal, excluding goldfish, as a novelty or prize, or, as an inducement to enter any contest, game, or other competition, or, as an inducement to enter a retail establishment, including a place of amusement.

4-3.3 PENALTIES; PAYMENT WITHOUT PROSECUTION.

(a) Any person who violates any of the provisions of subsections 4-3.1 or 4-3.2 shall be fined not less than \$75.00 or more than \$750.00. Each violation of any of the provisions of these subsections shall constitute a separate offense. The fine for a second violation of any of these subsections occurring within any 12-month period shall not be less than \$150.00.

(b) Except as provided below, any person may avoid prosecution for violating any of the provisions of subsections 4-3.1 or 4-3.2 by surrendering the citation or other notice of violation before legal action has been brought against them and paying \$75.00 to the Wilmette Police Department within 10 days from the date appearing on said violation notice; or if not paid within 10 days from the date of said violation notice, then the sum of \$85.00 for the first violation and \$160.00 for a second violation of this subsection within any 12-month period.

(c) Any person committing a third or subsequent violation of subsections 4-3.1 or 4-3.2 within any 12-month period may be fined a minimum of \$300.00; or alternatively, the Wilmette Police Department may, in its discretion, issue a citation or other notice of violation

which shall include a mandatory court date. In such a case, a penalty amount will not be set and prepayment will not be allowed.

4-3.4 PROMOTION OF ANIMAL FIGHTS; PENALTIES.

(a) It shall be unlawful for any person to promote, stage, hold, manage, conduct, allow, carry on, or in any other manner assist or aid in the presentation of any animal fight or any other type of contest, program, exhibition, game or fight of a similar combative nature, or any version of same for the purpose of baiting or inciting an animal toward fighting with another animal or between any animal and human.

(b) Any person who violates this subsection shall be fined not less than \$500.00 or more than \$750.00. Each violation of this provision shall constitute a separate offense. The fine for a second violation occurring within any 12-month period shall be not less than \$750.00.

4-4 CONTROL OF RABIES.

4-4.1 GENERALLY.

(a) Reporting Obligation. Any person having a reasonable suspicion as to, or knowledge of, the existence and whereabouts of any rabid animal or, of any violation of a confinement or quarantine order with respect to a rabid animal shall notify the Wilmette Police Department as soon as possible.

(b) Authority of Village. Whenever a case of rabies has occurred within the village or when a determination has been made that the risk from rabies (or other communicable infectious disease) is great, the village may take such reasonable action it deems necessary to protect the general health and welfare of persons and animals within the village, including but not limited to, issuing a declaration that all dogs or other animals in the village be kept within an enclosure, muzzled, or otherwise confined to control the spread of rabies.

4-4.2 DUTIES OF ANIMAL OWNERS.

(a) Vaccination Required. It shall be unlawful for any owner of a dog or cat (4) four months of age or older to keep or harbor such animal in the village unless that animal has been properly vaccinated against rabies as follows:

(1) Vaccination of dogs and cats shall be required every one (1) to three (3) years depending upon the type of vaccination and duration of immunity, or at such other interval as required by the U.S. Department of Agriculture or other specifically designated Department of the State of Illinois.

(2) Every animal owner shall retain written proof of the vaccination provided by the veterinarian until the date of its expiration.

(3) It shall be unlawful for any animal owner to allow the rabies vaccination required by this Chapter to lapse at any time.

(b) **Duty to Report Rabies.** Any person who owns, harbors, keeps or shelters a dog or cat which has contracted rabies, or is suspected of having contracted rabies, or which has been exposed to rabies, including being sheltered in the same enclosure with a known rabid animal, shall immediately upon knowledge or suspicion:

(1) make a report to the Wilmette Police Department of the known or suspected case of rabies; and,

(2) surrender such animal to the animal control facility designated by the village to be detained for the purpose of clinical observation for the period of time determined necessary by a veterinarian.

(c) **Confinement of Infected Animal.** Upon the determination of a licensed veterinarian, any animal to be quarantined under this Section may be allowed to remain in quarantine for the required period on the property of the owner so long as such animal remains muzzled, confined, and out of contact with members of the public and other animals at all times during the quarantine period.

(d) Dogs or cats found at large which are either known to be rabid or, are in violation of the confinement requirements of subsection (c) herein, may be destroyed by the animal control officer if the animal control officer is unable with reasonable effort to apprehend such animal for impoundment.

4-5 LICENSING OF DOGS AND CATS.

4-5.1 GENERAL APPLICABILITY.

(a) **Animal License Required.** It shall be unlawful for any person to own, keep, or harbor within the village any dog or cat over the age of four (4) months unless such dog or cat is properly licensed pursuant to this Chapter.

(b) **Exemptions.** The licensing requirements of this Section shall not apply to:

(1) dogs owned and used by law enforcement agencies;

(2) dogs or cats belonging to a nonresident of the village and kept within the boundaries of the village for not longer than twenty (20) days; provided however, that all such dogs and cats of nonresidents shall be properly vaccinated against rabies at the time of entry into the village; and, shall comply with all other requirements of this Chapter while kept within the village; and,

(3) dogs or cats maintained temporarily within the village for purposes of a production as provided for in Section 4-2.3.

Any person claiming the licensing exemption set forth subsection (b)(2) shall have the burden of proof to demonstrate the applicability of the exemption.

4-5.2 APPLICATION FOR ANIMAL LICENSE.

(a) Timing of Application. Application for any animal license required by this Section shall be made by the owner, on a form to be provided by the village, within ten (10) business days after acquiring any dog or cat over four (4) months of age or, within ten (10) business days after a dog or cat becomes four (4) months of age; provided that any owner moving into and becoming a first-time resident of the village shall have thirty (30) days from the date of such move to obtain an animal license.

(b) Proof of Rabies Vaccination. All persons applying for an animal license must present evidence of current rabies vaccination, consisting of an original certificate signed by a veterinarian licensed to practice in the State of Illinois.

(c) Payment of License fee. A license fee shall be paid for each dog and cat at the time of submitting an initial application as follows:

(1) Animal License Fees.

Intact Dog or Cat without microchip	\$40.00
Spayed/Neutered Dog or Cat without microchip	\$20.00
Intact Dog or Cat with microchip	\$20.00
Spayed/Neutered Dog or Cat with microchip	\$ 5.00

(2) Late fees: In addition to any fine or penalty that may be imposed for a violation of this Section, a late fee equal to 25% of the applicable license fee shall be paid when any owner of a dog or cat over the age of six (6) months fails to obtain an animal license within the time period specified in this Section.

(3) Exemptions: The payment of license fees shall not be required for service animals or dogs used for law enforcement purposes.

(d) Proof of sterilization. Any owner claiming that his or her dog or cat has been spayed, neutered, or micro-chipped must submit a signed original written certification from a licensed veterinarian showing that such an operation has been performed.

4-5.3 DENIAL OR REVOCATION OF LICENSE.

(a) Denial of License. No license shall be issued to any person who has:

(1) failed to confine a vicious dog as ordered by an administrative tribunal or court of competent jurisdiction or, has failed to confine or surrender an infectious dog or cat as ordered by the village or otherwise required under this Chapter;

(2) failed to reimburse the village or animal control facility for costs and expenses associated with the seizure, confinement, treatment, or disposition of an animal impounded pursuant to this Chapter (except that upon full payment of amounts due a license may thereafter issue);

(3) been found guilty on two or more occasions of violating Section 4-3.1 or Section 4-3.2;

(4) been previously been issued the maximum applicable number of dog and/or cat licenses, except upon the submission of an affidavit stating that one or more of the dogs and/or cats previously licensed at the applicant's dwelling has died, been permanently transferred to a person not at the same dwelling, or has been reported as lost and has not been located by the owner for at least two (2) months; or,

(5) refused, when so ordered, to voluntarily surrender a dog or cat that has attacked or bitten a person or other animal.

(b) Revocation. Any license issued under this Chapter may be revoked if it is shown that the applicant withheld or falsified any material information set forth on the license application.

4-5.4 ISSUANCE OF TAGS.

(a) License tags. Upon approval of the license application and payment of the license fee, the village shall issue a tag made of metal or other durable material stamped with the "Village of Wilmette," an identifying number. License tags shall be worn at all times when the animal is off the owner's property.

(b) It shall be unlawful to transfer a license tag from one dog or cat to another or to obscure or deface a tag in any way.

(c) In the event of a lost tag, a replacement tag will be issued for upon payment of a \$5.00 fee

4-5.5 PENALTIES; PAYMENT WITHOUT PROSECUTION.

(a) Any person who violates the provisions of Sections 4-5.1 or 4-5.4 shall be fined not less than \$75.00 or more than \$750.00. The fine for a second violation of Sections 4-5.1 or 4-5.4 shall not be less than \$150.00.

(b) Except as provided below, any person may avoid prosecution for violating the provisions of Sections 4-5.1 or 4-5.4 by surrendering the citation or notice of violation before legal action has been brought against them and paying \$75.00 to the Wilmette Police Department within 10 days from the date appearing on said violation notice; or if not paid within 10 days from the date of said notice of violation, then the sum of \$85.00 for the first violation and \$160.00 for a second violation.

(c) In any prosecution under this Section it shall be presumed that no valid, current license exists for an animal hereunder unless at the time of the alleged offense the animal was wearing the license tag furnished by the village.

4-6 NUISANCES.

4-6.1 NUISANCES DEFINED.

(a) It shall be unlawful for the owner of any animal to create a nuisance, fail to exercise reasonable care and control so as to prevent a nuisance, or allow any animal to create or become an animal nuisance.

(b) A nuisance under subsection (a) shall be deemed to include, but not be limited to, violation of any of the following requirements and/or prohibitions:

(1) The owner of any female animal in heat (estrus) shall confine such animal in a building or secure enclosure and shall attend to the female animal in such a manner that it cannot come into contact with a male of the same species, except for planned breeding.

(2) No animal owner shall, without the consent of the owner of the property affected, permit any animal to injure, destroy or carry away any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on said premises or which may be planted or seeded there.

(3) No animal owner shall, without authorization, allow or cause its animal to enter onto, across, or under the private property of another, including but not limited to, reaching over, under, or through a fence of another.

(4) No animal owner shall cause or allow its animal to soil, defile, or defecate on any public property, sidewalk, public way, or upon the private property of another (other than that of the animal owner) unless such animal owner immediately removes and properly disposes of all feces deposited by its animal by the following methods:

(a) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and,

(b) Removal of such bag or container to the property of the animal owner or otherwise properly dispose of the waste in a manner permitted by law.

(c) It shall not be a violation of this Chapter for a blind or disabled person with a service animal to fail to promptly and properly collect and dispose of any animal waste or excrement on any public or private property.

(5) No animal owner shall allow or permit animal waste to collect, accumulate and remain on the property of the owner so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition on the owner's property, or on that of any adjacent property owner.

(6) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the private property of others, or upon the streets and public ways within the village.

(7) It shall be unlawful for any dog, even though on a leash, to be or enter upon any public hall, restaurant, store, or place where food is served or offered for sale, or any other office, store, or retail establishment anywhere within the village, except any retail establishment for the sale of animal pets, any animal hospital, kennel, boarding facility or veterinarian's office. This subsection shall not apply to service animals and dogs used for law enforcement purposes.

(8) It shall be unlawful for any dog, even though on a leash, to go or be upon any school premises, public playground, or other public area within the village, or upon a

path or sidewalk extending through or within any of the foregoing, or on any public property which has been posted with signs indicating that no dogs are allowed; except that dogs are allowed in public areas that have been specifically designated and posted as permissible dog areas, provided that any dog is under the immediate control of the animal owner. This subsection shall not apply to service animals and dogs used for law enforcement purposes.

(9) It shall be unlawful for any person to construct or maintain a dog run in violation of the regulations herein and those set forth in the Zoning Ordinance. (Chapter 20 of the Wilmette Village Code, 1993, as amended).

(10) Any dog, while on a street, sidewalk, or other public way shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, except that this requirement shall not apply to any service animal or any dog being used for law enforcement purposes.

(11) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to adjacent property owners or occupants or others in close proximity to the premises where the animal is being kept shall be deemed a nuisance under this Chapter.

(12) Any animal that without provocation and in a manner reasonably considered by another person to be threatening, interferes with the freedom of movement of such person in a public right-of-way shall be deemed a nuisance under this Chapter.

(13) Any animal that chases motor vehicles in a public right-of-way shall be deemed a nuisance under this Chapter.

(14) Any animal that bites, threatens to bite, attacks or threatens to attack a person or other animal shall be deemed a nuisance and shall be impounded as provided under the terms of this Chapter.

4-6.2 ABATEMENT OF NUISANCES.

Violation of any of the provisions set forth in Section 4-6.1 shall constitute a public nuisance, and therefore nothing in this Chapter shall be construed to prevent the village from acting summarily to abate the nuisance. All costs and expenses incurred by the village in abating any nuisance shall be reimbursed by the person who allowed, caused, or maintained said nuisance. Such action on the part of the village shall be in addition to any other remedy provided for in this Chapter and shall not affect the right of the village to enforce any penalty provided for herein. Nor shall this Chapter be construed to deny any common law right to any person to abate a nuisance.

4-6.3 VIOLATIONS; PENALTIES; ANIMAL SURRENDER OR SEIZURE.

(a) Fines. Any person who violates any of the provisions of Section 4-6.1 shall be fined not less than \$75.00 or more than \$750.00. Each violation of any of the provisions of Section 4-6.1 shall constitute a separate offense. The fine for a second violation of the same subsection of Section 4-6.1 occurring within any 12-month period shall be not less than \$100.00.

(b) Except as provided below, any person may avoid prosecution for violating any of the provisions of Section 4-6.1 by surrendering the citation or other notice of violation before legal action has been brought against them and paying \$75.00 to the Wilmette Police Department within 10 days from the date appearing on said notice of violation; or if not paid within 10 days from the date of said notice of violation, then the sum of \$85.00 for the first violation and \$135.00 for a second violation of the same subsection within any 12-month period.

(c) For any third and subsequent violation of any of the provisions of Section 4-6.1 occurring within any 12-month period, the Wilmette Police may, in its discretion, issue a citation or other notice of violation which shall include a mandatory court date. In such a case, a penalty amount will not be set and prepayment will not be allowed.

(d) The fines stated herein shall be in addition to any and all impoundment fees and costs imposed pursuant to this Chapter.

4-7. ANIMALS CAUSING INJURY TO PERSONS OR OTHER ANIMALS.

4-7.1 ATTACK OR BITE OF PERSONS OR ANIMALS.

Any animal that bites, threatens to bite, attacks, or threatens to attack a person, or that attacks or bites another animal, shall be deemed a nuisance and shall be impounded as provided herein and the owner of such animal shall comply with the requirements set forth in this Chapter.

4-7.2 DUTIES OF ANIMAL OWNER.

(a) It shall be the duty and responsibility of any animal owner having personal knowledge or a reasonable basis to believe that a person or other animal has been attacked or bitten by the owner's animal to immediately report the incident to the Wilmette Police Department and provide all information requested.

(b) It shall be unlawful for any animal owner who has personal knowledge or a reasonable basis to believe that a person or other animal was attacked or bitten by the owner's animal to allow that animal to be euthanized, sold, given away, or taken outside the village limits prior to the expiration of the impoundment period set forth herein.

(c) It shall be the duty and responsibility of any animal owner having personal knowledge or a reasonable basis to believe that a person or other animal has been attacked or bitten by the owner's animal, to surrender said animal for impoundment to the village's designated animal control facility for an observation period of at least ten (10) days, all at the sole cost and expense of said owner. The village shall have the authority to seize and impound any such animal when the owner of said animal is unwilling to voluntarily surrender said animal for the required observation.

4-7.3 DANGEROUS ANIMALS DEFINED.

(a) "Dangerous Animal" Defined. "Dangerous animal" shall mean an animal that:

(1) Has without provocation attacked, bitten, or otherwise caused physical injury to a person; or

(2) Has without provocation attacked, bitten, or otherwise caused serious physical injury to another animal; or,

(3) Has without provocation chased or approached any person on any public property, or on any private property that is not the property of the animal's owner, in an apparent attempt to attack or injure that person or in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury to such person or a companion animal.

(b) Exception. Dangerous animal does not include a dog used for law enforcement purposes which exhibits behavior that may otherwise fall within the definition of dangerous animal.

(c) "Without Provocation" Defined. "Without provocation" when applied to the threat of or injury to a person by an animal means that: (i) the threatened or injured person was not committing or attempting to commit a trespass or other criminal offense on the property of the animal owner; (ii) the threatened or injured person was not committing or attempting to commit an act of abuse, assault, or attack upon the animal; (iii) the threatened or injured person was not taunting or tormenting the animal; and, (iv) the animal was not responding to pain or injury, or was not protecting itself or coming to the aid or defense of its owner, custodian, member of its household, or offspring.

(d) Burden of Proof. Any animal that has attacked, bitten, or otherwise caused physical injury to a person or another animal, or has chased or approached any person in an apparent attempt to attack or injure that person or in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury to a person or a companion animal shall be *prima facie* dangerous, and the burden of proof as to provocation shall be upon the animal owner.

(e) Upon a finding that an animal is dangerous, the animal owner may be ordered, among other things, to muzzle the dangerous animal whenever it is off the owner's property so as to prevent the animal from biting any person or other animal.

(f) Upon a finding that an animal is dangerous, the animal owner, at the owner's expense, shall have an identifying microchip implanted under the animal's skin by an authorized veterinarian, if not done already; and, the animal shall be spayed or neutered, if not done already, at the owner's expense.

4-7.4 VICIOUS ANIMAL DEFINED.

(a) "Vicious animal" means any animal that, without provocation, bites or attacks a person and causes serious physical injury or death to that person or, any animal that has been found to be a "dangerous animal" on three (3) separate occasions.

(b) "Vicious animal" does not include a dog that has killed or caused serious physical injury to any person or animal during the performance of law enforcement purposes.

4-7.5 DISPOSITION OF VICIOUS ANIMAL.

(a) Humane Destruction.

(1) Where an animal is deemed to be vicious, the village may request an order from a court of competent jurisdiction for the humane destruction of said animal, where appropriate, taking into consideration the severity and the circumstances of the matter.

(2) Where an animal is declared to be vicious, and the animal has caused death to any person, the court shall order the humane destruction of said animal.

(b) Permanent Confinement. In all cases where an animal is deemed to be vicious and the animal will not be humanely destroyed, the animal owner shall be ordered to comply with the following requirements:

(1) While on the animal owner's property, the owner must confine the dangerous animal inside the dwelling or within a secure and locked enclosure. If the enclosure is a room within the dwelling, then the animal shall not have direct ingress from or egress to the outdoors unless that ingress and egress is directly to a secure and locked enclosure. A vicious animal may be allowed to move about freely within the entire dwelling upon the condition that the animal is muzzled at all times.

(2) If the animal has ingress and egress directly to an outside enclosure that has no bottom secured to the sides, then the sides of the enclosure must be embedded into the ground no less than two (2) feet deep. The enclosure must also meet the minimum requirements for the protection of persons and animals stated in this Chapter.

(3) The owner must confine the vicious animal to the enclosure described above at all times. The animal shall be allowed out only when it is necessary to obtain veterinary care for the animal or to comply with a court order. While off of the owner's property, a vicious animal must be muzzled, restrained by a leash not exceeding six (6) feet in length, and must at all times be under the control of a person 18 years of age or older. The muzzle must be made in a manner that will not cause injury to the animal or impair its vision or respiration but must prevent the animal from biting any person or other animal.

(4) The animal owner must post a sign, in a conspicuous location on the owner's premises, warning that a vicious animal is on the premises. This sign must be visible from at least 50 feet away from the public sidewalk or street and shall state in bold capital letters: "**DANGER--VICIOUS ANIMAL--KEEP AWAY.**" A second identical sign shall be posted in a conspicuous location on the exterior of any outside enclosure.

(5) The owner, at the owner's expense, shall have an identifying microchip implanted under the animal's skin by an authorized veterinarian, if not done already.

(6) The animal shall be spayed or neutered, if not done already, at the owner's expense.

(7) Within ten (10) business days of an order issued under this subsection, the animal owner shall obtain, and maintain in effect at all times that the dog remains within the village, liability insurance in an amount not less than \$150,000.00 which includes coverage of claims arising from the conduct of said vicious animal.

(c) Violation of Confinement Requirements. It shall be unlawful for any person to allow a vicious dog to be out of the required enclosure, except that a vicious dog may be allowed outside of the enclosure when: (1) it is necessary to obtain veterinary care for the dog; (2) in the case of an emergency or natural disaster where the dog's life is threatened; or, (3) to comply with the order of a court of competent jurisdiction, provided that the vicious animal remains muzzled at all times.

(d) A vicious dog which is found at large more than twice shall be permanently removed from the village or humanely euthanized. An animal which is returned to the village after removal under this Section shall be humanely euthanized.

4-8 IMPOUNDMENT.

4-8.1 AUTHORITY TO IMPOUND.

(a) Impoundment for Observation. The village shall have the authority to seize and impound to a designated animal control facility any animal which the animal control officer has knowledge or a reasonable basis to believe:

- (1) has threatened to bite, or has bitten, threatened to attack, or has attacked a person;
- (2) has attacked or bitten another animal; or,
- (3) has rabies, or has been bitten by an animal that is reasonably suspected of having rabies.

Any animal impounded pursuant to subsection (a) shall be under the observation of a licensed veterinarian for a period of 10 days, or otherwise in accordance with the applicable state requirements.

(b) Impoundment at Owner's Dwelling. When evidence is presented that the animal has been properly vaccinated against rabies within the time prescribed by law, the animal may be confined to the animal owner's dwelling, or, in a manner which will prohibit it from being out in public and biting any person, if a licensed veterinarian concludes that such confinement will be satisfactory and the conditions for redemption of impounded animals have been satisfied. At the end of the 10-day confinement period, the animal shall be taken to, and examined by, the same licensed veterinarian.

(c) Impoundment for Violations and Other Matters. In addition to any other remedies provided for in this Chapter, the animal control officer may seize, impound, and confine to an animal control facility any of the following animals:

- (1) Any dog or cat without a valid and current animal license tag;

- (2) Stray animals or animals at large;
- (3) Any animal constituting a public nuisance or considered to be a danger to the public;
- (4) Any animal that is in violation of any temporary or permanent quarantine or confinement order;
- (5) Any unattended animal that is ill, injured, or otherwise in need of care, or reasonably believed to have been abused or neglected;
- (6) Any prohibited animal under this Chapter;
- (7) Any animal that a court of competent jurisdiction has ordered impounded or destroyed; or,
- (8) Any animal that is part of an unlawful animal fight under Section 4-3.3 of this Chapter.

4-8.2 NOTICE TO ANIMAL OWNER.

(1) When impoundment of a dog or cat occurs pursuant to this Section and there is no evidence of ownership or other animal identification, either by collar, license tag or microchip, the Wilmette Police Department shall make every reasonable attempt to locate and contact the owner as soon as practicable. If the owner cannot be ascertained, the village shall post written notice for seven (7) days at three (3) or more conspicuous locations within the village describing the animal and the time and place of taking.

(2) Any notice to an animal owner, whether by posting or written notice to the last known address, shall also include the location of the animal control facility where the animal is confined, the hours during which the animal can be reclaimed, the conditions under which redemption of said animal can be made, and the fees to be paid by the animal owner prior to redemption. The animal owner shall also be advised that the failure to redeem the animal within the period of time specified may result in the disposition of the animal.

4-9 REDEMPTION.

4-9.1 CONDITIONS FOR REDEMPTION.

(a) Any animal impounded for rabies observation, evidence, or other purpose may be redeemed by the owner thereof only upon satisfaction of the following conditions.

- (1) the animal has been properly licensed, if not already;
- (2) a microchip or electronic animal identification device has been implanted into the animal for purposes of identification and/or recovery, if it has not been done already;
- (3) an impoundment fee of \$100 has been paid to the village, except that if any such animal has been previously impounded the impoundment fee shall be doubled, and then tripled, for any third and subsequent impoundment.

(4) the animal has been spayed or neutered, as applicable, unless the veterinarian determines that sterilization would endanger the life or health of the animal; and,

(5) the animal control facility, animal hospital or animal shelter has been paid for all boarding charges and any cost or expense of any necessary medical treatment provided to the animal, including the cost of spaying or neutering, implanting a microchip, and vaccinating for rabies, if applicable.

(b) When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. When redemption of an animal does not occur, the manner of disposition of said animal shall be within the discretion of the village in accordance with state law, except that any such disposition does not relieve the animal owner of liability for violations, or for the costs associated with the animal's disposition, any impoundment fees, accrued boarding charges and necessary medical expenses. After contact has been made or attempted, dogs or cats not redeemed yet deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group, or otherwise dispose of in accordance with state law.

4-9.2 LIABILITY FOR ALL AMOUNTS DUE.

(a) Payment of impoundment fees and other charges required prior to redemption shall be in addition to, and not in lieu of, any fine, penalty, or other fees imposed under this Chapter.

(b) In addition any right of action to recover unpaid fees, costs, or expenses provided for under this Chapter, the village shall be authorized to place a lien on the property of any owner who fails to make payments as required.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication required by law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **10th** day of **May, 2011**, according to the following roll call vote:

AYES: Trustees Swanson, Bielinski, Basil, Krueger, McKenna, Wolf and President Canning.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

Clerk of the Village of Wilmette, Illinois

APPROVED by the President of the Village of Wilmette, Illinois this **10th** day of **May**,
2011.

President of the Village of Wilmette, Illinois

ATTEST:

Clerk of the Village of Wilmette, Illinois