

Chapter 5

ANIMALS AND FOWL

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**Section 5.100ART. Article I. In General**

(Ord. 5384, Renumbered, 05/06/2014)

**Section 5.101. Definitions.**

The following words, terms and phrases when used in this Chapter shall have the following meanings:

**Animal.** Every living creature, domestic or wild, not including human beings.

**Animal Control Officer.** An agent or employee appointed by the Village Manager with authority to investigate violations of and shall be responsible for the administration of this Chapter.

**Animal Shelter.** Any facility operated, owned or maintained by a duly incorporated humane society, animal welfare society or other nonprofit organization, whose purpose is to provide for and promote the welfare, protection and humane treatment of animals.

**Cat.** All members of the feline species.

**Dangerous Animal.** Any animal which, without provocation, attacks or injures a person who is peaceably conducting himself in any place where he lawfully may be. Dangerous animals shall include any animal which, because of its size, vicious propensity or other characteristics, would constitute a danger to human life, property or domestic animals if not restrained or kept in a safe manner. Examples of Dangerous Animals include: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile.

**Dangerous Dog.** Any individual dog which, when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, approaches any person in a ferocious or terrorizing manner, and in an apparent attitude of attack.

**Dog.** All members of the canine species.

**Domestic Animal.** Any animal which is not wild, and is tame and owned as a pet.

**Enclosure.** A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

**Farm Animal.** Breeds of animals which can or may be used in and for the preparation of meat or meat products for consumption by human beings or animals, including but not limited to, cattle, sheep, swine, horses, mules, goats, other animals, or fowl.

**Hen.** The female of the species *Gallus gallus domesticus*.

**Impounded.** Taken into the custody of the Village of Downers Grove.

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**Kennel.** Any establishment or premises where more than four (4) dogs or cats, or any combination thereof, more than four (4) months of age, are boarded or kept for any purpose whatsoever, with the exception of regularly established veterinarian hospitals, pet shops, pounds or shelters.

**Owner.** Any person owning, harboring, or keeping an animal. For the purpose of this Chapter, a person owning, occupying or lawfully in control of any premises on which an animal remains or to which it customarily returns daily for a period of ten days or longer, or who knowingly permits an animal to remain on such premises, or who acts as custodian of an animal, shall be presumed to be owning, harboring or keeping such animal.

**Person.** Any individual, firm, association, partnership, corporation, or other legal entity.

**Pet Shop.** Any establishment, other than a pound or animal shelter, where animals are sold or offered for sale or exchange. Any person who sells, offers to sell or offers for adoption only such animals that he/she has bred and raised shall not be considered as operating a Pet Shop.

**Pound.** Any facility owned by, or operated under contract with, the Village, for the purpose of impounding, housing, or harboring seized, stray, homeless, abandoned, or unwanted animals.

**Run Line.** A system of tying a dog in place with either rope or chain having a tensile strength of at least three hundred pounds.

**Vicious Dog means:**

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property; or

(2) Any individual dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(3) Any individual dog which has been found to be a "Dangerous Dog" upon three separate occasions; or

(4) 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 dog for law enforcement or guard duties.

**Wild Animal.** Any naturally wild animals, including but not limited to feral cats, feral dogs, raccoons, skunk, opossum or coyote.

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.102. Dispatch of Dangerous Animals.**

The Animal Control Officer or any Village police officer is authorized to dispatch:

1. Any dangerous animal of any kind when it is necessary for the protection of any person or property; or

2. Any mortally wounded animal if the owner cannot be located.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.200ART. Article II. Dogs and Cats**

(Ord. 5384, Renumbered, 05/06/2014)

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### **Section 5.201. Trespass.**

No owner shall permit any dog or cat to enter or remain upon the premises of another within the Village without the consent of the person owning, occupying or lawfully in control of such premises.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.202. Removal of dog excrement from property not of owner.**

It shall be unlawful for any person to cause or permit a dog under his ownership or control to be on any property, public or private, not owned by such person, unless such person shall have in his possession a device for the removal of any excrement which might be deposited by such dog. Any person who owns or controls a dog which deposits excrement upon any property, public or private, shall promptly remove such excrement to a public receptacle or a proper receptacle located on property owned or possessed by such person. This provision shall not apply to blind or physically handicapped persons while walking with their guide dog.

(Ord. 5384, Renumbered, 05/06/2014; 3464, Amended, 05/18/1993)

### **Section 5.203. Removal of cat excrement from property not of owner.**

It shall be unlawful for a cat owner to permit any cat excrement to remain on any property, public or private, not owned by the cat owner, upon notification to the cat owner by the person owning, occupying, or lawfully in control of such property that the owner's cat has defecated on such property. Upon such notification, the cat owner shall immediately remove the excrement from such property to a public receptacle or a proper receptacle on property owned or possessed by such cat owner.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.204. Vaccination required.**

The owner of a dog or cat age four (4) months or older within the Village shall have such dog or cat vaccinated against rabies by a licensed veterinarian with an approved rabies vaccine, on an annual basis or as otherwise required by State law. The standard vaccination tag issued by such licensed veterinarian shall be affixed to a collar firmly attached around the neck of such dog or cat at all times. (Ord. No. 579, § 1; Ord. No. 1793, § 3; Ord. No. 1854, § 5; Ord. No. 2261, § 24.)

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.205. Number of cats and dogs.**

The number of dogs and cats that a person may keep on his/her property in the Village is limited to a maximum of no more than four (4) total, with the following exceptions:

- (1) a litter may be kept for a period of time not exceeding four (4) months from birth;
- (2) animals kept at a lawfully operating Kennel, Pet Shop, Pound or Animal Shelter.

To otherwise exceed this maximum shall be unlawful.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.300ART. Article III. Hens**

(Ord. 5384, Renumbered, 05/06/2014)

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### **Section 5.301. Limit to number of hens permitted.**

Except for hens associated with veterinary hospitals, animal shelters, and educational institutions, no person shall keep more than four (4) hens. Roosters shall be prohibited. (Ord. No. 3060, § 3.) (Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.302. Confinement.**

All hens kept in the Village shall be entirely confined in a pen, coop, building, or other enclosure at all times. (Ord. No. 3060, § 3.) (Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.303. Structures--Location restricted.**

No structure housing hens shall be erected or maintained within fifty (50) feet of any property line of the property of the owner of such structure unless such property owner obtains a permit pursuant to this Chapter. (Ord. No. 3060, § 3.) (Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.304. Same--Maintenance of sanitary conditions.**

All pens, coops, buildings, yards, or enclosures for hens shall be kept clean, sanitary and free from all refuse. Such areas shall be thoroughly cleaned at least once every twenty-four hours and all refuse shall be disposed of in a clean and sanitary fashion. (Ord. No. 3060, § 3.) (Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.305. Storage of food.**

All feed for hens shall be kept in rodent-proof containers. (Ord. No. 3060, § 3.) (Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.306. Permit required.**

Any pen, coop, building or other enclosure used for the purpose of housing Hens located within fifty (50) feet of any property line of the property of the owner of such structure may be erected only after obtaining a permit as provided for herein. (Ord. 5384, Add, 05/06/2014)

### **Section 5.307. Permit process.**

- A. An applicant must submit the following to the Community Development Director:
1. A completed application for a permit on forms provided by the Village;
  2. Current Plat of Survey accurately depicting the potential location of the proposed structure housing hens on applicant's property;
  3. A fully executed consent form, as provided by the Village, acknowledging consent for the placement of the structure from each adjacent property owner and tenant, except property owners that are municipalities or utilities;  
(i) For purposes of this Section, adjacent property shall mean all parcels of property the applicant's property comes into contact with at one (1) or more points.
  4. The required permit fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

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- B. Any structure housing Hens shall be located in the rear yard and set back at least seven (7) feet from all property lines of an adjacent property.
- C. A permit shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a structure that complies with all provisions of this Chapter will be erected.
- D. Permits shall be limited to parcels improved with single-family detached homes.
- E. Permits shall not run with the land and shall expire and become invalid five (5) years after the date of issuance. A person who wishes to continue to keep hens shall obtain a new permit on or before the expiration date of the previous permit.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.400ART. Article IV. Care and Treatment**

(Ord. 5384, Add, 05/06/2014)

#### **Section 5.401. Humane care.**

No person shall cruelly treat, beat, torment, overload, overwork, slaughter, or otherwise abuse any animal. No owner of an animal shall fail to provide such animal with sufficient and wholesome food and water, proper shelter, veterinary care when necessary, and humane care and treatment.

(Ord. 5384, Add, 05/06/2014)

#### **Section 5.402. Cruel and inhumane treatment.**

No person shall cause any animal to be subject to cruel or inhumane treatment, including, but not limited to:

- (1) The unnecessary separation of a female animal from its offspring before such time as the offspring can survive such separation;
- (2) Painting, dyeing, or otherwise coloring the animal as a novelty or offering such animal for sale, exchange or adoption;
- (3) Promoting, inciting, or conducting animal fights or intentionally killing animals for wagering or entertainment;
- (4) Keeping an animal in a container or other enclosed area without sufficient food, water, light, ventilation and care for an unreasonable length of time so as to cause undue discomfort or suffering; and
- (5) The transporting of any living animal on the running board, fender, hood or other outside part of any vehicle unless suitable harness, cage, or enclosure is provided so as to protect the animal from falling or being thrown therefrom.

(Ord. 5384, Add, 05/06/2014)

#### **Section 5.403. Maintenance of premises.**

No owner or keeper of a dog, cat, or other domestic animal shall cause or allow any condition to exist with respect to the health of the domestic animal or animals which:

- (1) Results in the premises upon which such domestic animal is kept to violate the provisions of the Village-adopted property maintenance code; or

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- (2) Results in any condition that is injurious to the health and safety of the public.  
(Ord. 5384, Add, 05/06/2014)

### **Section 5.404. Diseased animals.**

No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of humans or other animals may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of a licensed veterinarian. No such diseased animal shall be brought into the Village nor shall such animal be kept in any place within the Village without authorization from the county animal control department.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.405. Rabid animals - Report of.**

It shall be the duty of every veterinarian or other person who discovers any animal suffering from rabies to report such fact immediately to the county animal control department. Such report shall give the name of the owner, if known, the place of residence of the person owning or harboring such animal, the place where the animal can be found and, in the case of dogs or cats, the license number of such animal, if known.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.406. Rabid animals - Destruction of.**

If upon examination it is determined that any animal is suffering from rabies, such animal shall be destroyed by the county animal control department or by a licensed veterinarian pursuant to State law.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.500ART. Article V. Prohibited Acts and Conditions.**

(Ord. 5384, Add, 05/06/2014)

### **Section 5.501. Running at large.**

(a) No owner of a dog shall fail to keep any dog under restraint. A dog shall be deemed under restraint if:

- (1) It is under the control of the owner or other responsible person by means of a leash, cord, rope, strap, chain, or lead held by such owner or person, and securely fastened to the collar or harness attached to the dog; or
- (2) It is securely enclosed, confined, or restrained on premises where it lawfully may be located, so as to be unable to enter upon the public way or adjacent properties or to interfere with persons lawfully using the public way or adjacent properties.

(b) It shall be prohibited to allow any animal to chase, run after, or jump at vehicles using the public right-of-way, or to permit any animal to damage or destroy the property of another. It shall also be unlawful for any person having charge or custody of any animals associated with a fair or circus permitted by the Village to allow such animals to run at large in the Village. (Ord. R.O. 1925, § 113; Ord. No. 600, § 1; Ord. No. 1564 § 1; Ord. No. 1793 § 3; Ord. No. 2261 § 24.)

(Ord. 5384, Renumbered, 05/06/2014; 3871, Amended, 08/05/1996)

**Section 5.502. Dangerous animals prohibited.**

No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his/her possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge in an escape-proof enclosure. (Ord. No. 3180, § 1.)

(Ord. 5384, Renumbered, 05/06/2014; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

**Section 5.503. Domestication no defense; seizure and confiscation.**

It is no defense to a violation of Section 5-502 that the person violating such section has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal found not in compliance with the provisions of this ordinance may be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of Section 5-502, the animal with regard to which the conviction was obtained, may be confiscated and placed in an approved facility. The owner shall be responsible for all costs connected with the seizure and confiscation of such animal. Approved facilities include, but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuge. (Ord. No. 3180, § 1.)

(Ord. 5384, Renumbered, 05/06/2014)

**Section 5.504. Keeping or maintaining vicious dogs.**

It shall be unlawful for any person to keep or maintain any vicious dog, unless such dog is at all times kept in an enclosure or on a run line. The only times that a vicious dog may be allowed out of the enclosure or off the run line are (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or (2) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. (Ord. No. 3180, § 1.)

(Ord. 5384, Renumbered, 05/06/2014)

**Section 5.505. Sale or giving away of vicious dogs.**

No owner or keeper of a vicious dog shall sell or give away any vicious dog. (Ord. No. 3180, § 1.)

(Ord. 5384, Renumbered, 05/06/2014)

**Section 5.506. Same--Exceptions.**

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from Sections 5-502 and 5-504, provided that any attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section each such dog shall be currently inoculated against rabies. (Ord. No. 3180, § 1.)

(Ord. 5384, Renumbered, 05/06/2014)

**Section 5.507. Keeping farm animals within Village.**

It shall be unlawful to keep any Farm Animals or similar animals anywhere in the Village except as provided for in this Chapter and for animals kept under control and properly maintained at an authorized fair, circus, zoo or animal park.

(Ord. 5384, Add, 05/06/2014)

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### **Section 5.508. Hunting or trapping prohibited.**

It shall be unlawful for any person to hunt or trap animals within the Village without proper permits and authorization from the Illinois Department of Natural Resources.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.509. Extermination of pests.**

This article does not affect the extermination of animal pests such as rats, mice, or moles.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.510. Feeding wild animals.**

It shall be unlawful to intentionally feed wild animals so as to constitute a nuisance as set forth in Chapter 13.7(b).

(Ord. 5384, Add, 05/06/2014)

### **Section 5.511. Killing or wounding of birds prohibited; exceptions.**

No person shall kill or wound, or attempt to kill or wound, by the use of firearms, bow and arrow, pelting with stones or otherwise any bird within the Village, or rob or destroy the nest of any bird within the Village, or enter upon any private enclosure or public grounds belonging to the Village for the purpose of doing any act prohibited in this section; provided, that this section shall not apply to English sparrows and starlings. (R.O. 1925, § 430.)

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.600ART. Article VI. Animal Control Officer**

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.601. Appointment.**

The Village Manager shall appoint an employee of the Village as Animal Control Officer, who shall serve from time to time at the discretion of the Village Manager. (Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.)

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.602. Powers and duties.**

In addition to all other powers and duties provided by law, the Animal Control Officer shall have the power and duty to investigate violations of the provisions of this chapter, to impound or cause to be impounded animals except wild animals in a natural state found running at large within the Village, to transport or cause to be transported the same to the Village pound for impoundment and, at the direction of the Village Manager, to declare animals which are injurious or potentially injurious to the health, safety or welfare of persons or property within the Village to be a public nuisance and to apply to the appropriate court for an abatement thereof.

The Animal Control Officer shall also have the power and duty to establish a trapping program whereby animal traps are loaned to residents to catch wild animals that are a nuisance as defined by the

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Village trapping program as established by the Animal Control Officer. The Animal Control Officer shall recommend the amount of any administrative fee to be charged as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" for the rental of the traps and Village removal of the animals. (Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.)

(Ord. 5384, Renumbered, 05/06/2014; Ord. 5132, Amended, 04/20/2010; 3890, Amended, 10/28/1996)

### **Section 5.700ART. Article VII. Impounding**

Note: For state law as to impounding of stray animals, .510 ILCS 5/1 et seq. Animal Control Act.

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.701. Impounding--Generally.**

The police department, the Animal Control Officer or such other Village agent or employee authorized by the Village Manager shall impound any animal, except a wild animal in a natural state, found running at large within the Village. (R.O. 1925, § 64; Ord. No. 1793, § 1.)

(Ord. 5384, Renumbered, 05/06/2014)

### **Section 5.702. Notice to owner.**

Upon the impounding of any animal described in Section 5-701, the Village shall forthwith notify the owner or keeper of such animal of such impounding, unless such owner or keeper is unknown or cannot be found. The owner or keeper shall be advised that unless such animal is redeemed within three (3) days, the animal will be transferred to the animal control administrator of the County.

(Ord. 5384, Add, 05/06/2014)

### **Section 5.703. Disposition of impounded animals.**

(a) All animals which have been impounded pursuant to Section 5.701 shall be detained by the animal control officer until further disposition to the animal control administrator of the county, or his/her agent. Prior to such disposition the owner of any animal which has been impounded may redeem such animal by presenting proof of ownership and current vaccination against rabies, as required by Section 5.204 and paying to the Village all fees, costs and expenses of impoundment imposed by this Chapter.

(b) The owner of any impounded animal who is unable to show proof of the animal's current vaccination against rabies may redeem such animal by posting with the Village a cash bond in an amount determined by the Village Manager or his/her designee. The cash bond as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" will be returned upon the owner's presentation, within thirty (30) days, of proof of the animal's vaccination against rabies prior to the impoundment. After thirty days, the cash bond will no longer be subject to redemption and will be transferred to the corporate fund of the Village.

(c) Pending the further disposition to the animal control administrator of the county, any injured animal which has been impounded may be given medical treatment or may be humanely dispatched by and under the direction of a licensed Illinois veterinarian in accordance with applicable law. The fee or charges for such veterinary services shall be deemed to be and shall be included as a cost and expense incurred in the impoundment. (Ord. No. 1793, § 1; Ord. No. 1854, § 1; Ord. No. 2712, § 1.)

(Ord. 5384, Renumbered, 05/06/2014; Ord. 5132, Amended, 04/20/2010; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4695, Amended, 07/05/2005)

### **Section 5.703. Fees.**

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The fees which shall be charged for impounding, maintaining and feeding all animals shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(a) All animals :

(1) For impounding and releasing each animal.

(2) For feeding and maintaining each animal.

(3) If any of the animals owned by a person or family are impounded by the Village more than once during a six month period an additional fee shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(R.O. 1925, §§ 67, 220; Ord. No. 1793, § 1; Ord. No. 2345, § 1.)

(Ord. 5384, Renumbered, 05/06/2014; Ord. 5132, Amended, 04/20/2010; Ord. 4723, Amended, 11/15/2005; Ord. 4695, Amended, 07/05/2005; 3890, Amended, 10/28/1996)

### **Section 5.800ART. Article VIII. Fines and Penalties.**

(Ord. 5384, Add, 05/06/2014)

#### **Section 5.801. Penalty for Violation of this Chapter**

Unless as otherwise provided in Section 1.16 of the Downers Grove Municipal Code, any person who pleads guilty to or is found guilty of an offense violating any provisions of this chapter shall be punished by a fine of not less than seventy-five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

(Ord. 5384, Add, 05/06/2014)