

ORDINANCE NO. 1607

AN ORDINANCE AMENDING THE CITY OF GALVA
ANIMAL CONTROL ORDINANCE

*BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF GALVA, HENRY COUNTY, ILLINOIS, AS FOLLOWS:*

SECTION 1: DEFINITIONS

For the purposes of this Ordinance, all terms have the same meanings as in the Animal Control Act, 510 ILCS 5/1, *et. seq.* The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Administrator – A veterinarian licensed by the State of Illinois and appointed by the Mayor of Galva with the advice and consent of the City Council; or in the event a veterinarian cannot be found and appointed, a non-veterinarian may be appointed to serve as Administrator under this Ordinance. In the event the Administrator is not a veterinarian, the Administrator shall defer to a veterinarian regarding all veterinary medicine decisions.

Animal – Every living creature, other than man, which may be affected by rabies.

Animal Control Warden – Any person appointed by the Administrator to perform the duties set forth in this Ordinance, and those designated by the Chief of Police whose duty it is to enforce the provisions of this Ordinance.

At Large – Any animal not under restraint as defined herein.

Bite – To seize with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced; and further includes contact of saliva with any break or abrasion of the skin.

Cat – All members of the family Felidae.

Chief of Police – The Chief of the Galva Police Department.

City – Galva, Illinois.

City Animal Control Personnel – Personnel who are employed by the City and instructed to take up domestic animals and transport them to the

City Pound, or take up wild animals and dispose of them in accordance with the procedures set forth in this Ordinance.

City Police Department (or "Police Department") – Galva Police Department.

City Pound – The animal pound operated by the Stevens Veterinary Clinic and/or its successor, or such other animal pound as may be designated from time to time by the City.

Confined – Restriction of an animal at all times by the owner or his agent to an escape-proof building, house, or other enclosure away from other animals and the public.

Dangerous Dog – Any individual dog when not muzzled, unleashed, or unattended by its owner or custodian that behaves in any manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

Day – Generally a period of 24 hours; however, as it relates to Section 22, midnight shall begin each day.

Department of Agriculture – The Department of Agriculture of the State of Illinois.

Director – means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.

Dog – All members of the family Canidae.

Enclosure – A fence or structure of at least six (6) 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 that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The 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. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move freely within the entire residence if it is muzzled at all times.

Feral Cat – 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 and is no longer socialized or lives on a farm, or (iii) does not have appropriate registration tags and/or a microchip.

Fight – A prearranged conflict between or among two (2) or more animals, but does not include a conflict that is unorganized or accidental.

Humanely Destroy – Shall have the meaning ascribed under the Illinois Animal Control Act (510 ILCS 5/1 et. seq.) and/or the Illinois Humane Care for Animals Act (510 ILCS 70/1 et. seq.)

Impounded – Taken into custody of the animal control facility in the City where the animal is found.

Inoculation Against Rabies – The injection, subcutaneously or otherwise, as approved by the Department of Agriculture, of the canine anti-rabies vaccine approved by the Department.

Leash – A cord, chain, rope, strap or other such physical restraint having a tensile strength of not less than three hundred (300) pounds.

Livestock – Cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, and any other animals commonly recognized as livestock.

Muzzle – A device constructed of strong, soft material or of metal, made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but which will prevent the dog from biting any person or animal.

Nip – To pinch or squeeze with teeth with no breaking of skin or tissue.

Owner Or Keeper – A person having a right of property in an animal, who keeps or harbors such animal, who cares for or who acts as custodian, or who knowingly permits an animal to remain on or about any premises occupied by such person.

Police Animal – An animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

Pound or Animal Control Facility – May be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing this Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

Public Entrance – The entranceway of a residence or other building closest to the public street or sidewalk or one which would be reasonably perceived by the public to be the entrance to the dwelling available for public use.

Registration Certificate – A printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Ordinance or under the Animal Control Act.

Restraint – An animal is under restraint if it is (i) attached to a leash held by a responsible person, (ii) attached to a structure or fixture in such a manner that it is unable to reach beyond the limits of the owner’s or keeper’s property and is unable to reach or molest service persons or casual visitors to the owner’s or keeper’s property using the public entrance or persons placing mail in the mailbox or delivering newspapers at the request of the owners; or (iii) enclosed in a fenced yard from which it is unable to escape without assistance from a person; or (iv) on the property of its owner or keeper authorized by the owner, and under voice command; or (v) confined by a fence of sufficient height and security (which may be an electronic invisible fence system) to prevent it from leaving the area so encompassed. Herding of animals and tethering of animals for grazing purposes is not “under restraint” as defined herein.

Street Department – Galva Street Department.

Vicious Dog – A dog that, without justification, attacks a person and causes serious physical injury or death, or any dog that has been found to be a “dangerous dog” upon three (3) separate occasions.

Working Day – Any day when the office or public entity referred to is open for the transaction of business.

SECTION 2: EXERCISE OF CERTAIN POWERS

- A. The Chief of Police, police officers, and the Mayor shall have the exclusive power to request City Animal Control Personnel to take up and transport animals in accordance with this Ordinance and in accordance with contractual arrangements with the Administrator.
- B. Police officers on duty shall have the additional authority to take up and temporarily detain vicious animals and animals running at large pending the arrival of the Administrator or City Animal Control Personnel.

SECTION 3: KEEPING OF CERTAIN ANIMALS PROHIBITED

- A. The keeping of livestock within the corporate limits of the City is prohibited except where permitted by the City's Zoning Ordinance(s).
- B. The keeping of undomesticated animals within the City is prohibited.
- C. The keeping of more than five (5) dogs and cats in the aggregate (i.e., in any combination) on any one lot within the City (as established by zoning ordinance) is prohibited. This subsection does not apply to litters of pups or kittens less than five (5) months of age.

SECTION 4: RABIES INOCULATION

Each calendar year, or at such other intervals as may be required by the Department of Agriculture, every owner or keeper of a dog or cat which is four (4) months of age or older shall cause such dog or cat to be inoculated against rabies. Such owner or keeper of such dog or cat shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog or cat at all times.

SECTION 5: INOCULATION PERFORMED BY VETERINARIAN; ISSUANCE OF CERTIFICATE

- A. The inoculation of dogs and cats required by this Ordinance shall be performed by a veterinarian, duly licensed to practice in this State or in the State where the inoculation occurs. After performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate evidencing the inoculation.
- B. Each owner or keeper is responsible for obtaining annually from the Administrator a metallic tag suitable for attaching to the collar of such dog or cat which tag shall certify to the fact of inoculation against rabies. The tag shall be in such form as shall be determined by the Administrator.

SECTION 6: DURATION OF INOCULATION

The inoculation performed under the provisions of Section 4 shall be effective until the expiration of the calendar year in which the

vaccination was performed or the expiration of such other period of time as may be required by the Department of Agriculture.

SECTION 7: EXHIBITION OF CERTIFICATE ON REQUEST

At any reasonable time, on request of any member of the City Police Department, City Animal Control Personnel, or the Administrator, the owner or keeper of any dog or cat shall exhibit a current, valid certificate required under the provisions of this Ordinance, certifying the inoculation against rabies of any dog or cat owned or kept by him or her.

SECTION 8: RESTRAINT OF DOGS AND OTHER ANIMALS

Owners and keepers of dogs, cats and other animals shall keep the dogs, cats and other animals under restraint at all times and shall not permit such dogs, cats or other animals to be at large. Any animal found running at large contrary to the provisions of this Ordinance may be apprehended and may be impounded. Any animal shall be deemed to be running at large if such animal is not firmly held on a leash, or is not in an enclosed vehicle, or is not then and there under the complete control of a competent person and obedient to that person's command.

SECTION 9: ANIMALS AS NUISANCES

- A. The owner or keeper of an animal shall not suffer or permit the animal to bark, howl, cry, or make other distressing or loud or unusual noise or to disturb the peace or quiet of any place, neighborhood, family, or person in the City. The disturbing of any neighborhood or person by such animal is declared to be a nuisance and no person shall suffer or permit any such nuisance to exist.
- B. In addition to the general restrictions of subparagraph "A," for the purpose of this Section, an owner or keeper is in violation of this Section if he or she permits a dog to bark in a substantially continuous manner for a period of more than fifteen (15) minutes, or if he or she allows such animal to bark, howl or cry for numerous periods of time, regardless of duration, so as to disturb the quiet of the neighborhood or of a particular neighbor.
- C. In case any animal shall repeatedly disturb the peace or quiet of any neighborhood or neighbor or become a nuisance as defined in

this Ordinance, the City Police Department or City Animal Control Personnel may remove the animal for placement in the City Pound.

- D. The owner may redeem the animal from the City Pound pursuant to Section 22. Failure to redeem the animal will result in its disposition pursuant to Section 27.

SECTION 10: KEEPING ANIMALS

No person shall house or keep animals in any pen, stable, yard, confinement structure, or any other place in such a manner that causes debris or odors which are unreasonably offensive to persons residing in the vicinity or passing along any nearby street or alley, or which constitute a hazard to the health of persons residing nearby. Any pen, stable, yard, confinement structure or other place where animals are housed or kept in violation of this Section is declared to be a nuisance.

SECTION 11: BITING ANIMALS

No owner or keeper of an animal shall suffer, permit, or fail to prevent an animal from biting or attacking a person or another animal resulting in injury to the person or animal attacked. An attack on a person who is, or reasonably appears to be, in the commission of a criminal act is not prohibited if the animal is acting in the defense of the owner or keeper or of his or her family or premises, and the animal remains on its premises. For purposes of this Section, it is not necessary that the person bitten or attacked be arrested or convicted of a criminal offense.

SECTION 12: CONFINEMENT; WARNING OF DANGEROUS ANIMALS.

No person shall own, keep, or harbor within the City an animal known to be dangerous or vicious, unless such person shall keep such animal safely and securely confined so as to protect from injury any child or other person who may come on the premises in the vicinity where such animal may be located. Adequate warning, by sign or otherwise, shall be given to all persons coming on the premises in the vicinity of any such vicious or dangerous animal.

SECTION 13: KILLING OR ATTACKING ANIMALS.

No person shall kill, wound or attempt to kill or wound any animal within the City limits by the use of firearms, sling shot, bow and arrow, B-B gun, air rifle, or any other dangerous weapon. This Section shall not prohibit a person from defending himself or herself, or another person or animal, from attack by an animal. This Section does not prohibit the use of a weapon by a police officer to destroy animals which are seriously injured to avoid unnecessary suffering, or in self-defense, the defense of others, or the defense of other animals.

SECTION 14: CRUELTY TO ANIMALS.

No person shall commit acts of cruelty to animals. Cruelty to animals shall include, but not be limited to, the acts listed below in this Section. Cruelty to animals shall be defined as to mirror those acts and omissions as defined under Illinois statute (510 ILCS 70/3.01 et. seq.) Doctors of veterinary medicine, in the performance of their profession, are not subject to the provisions of this Section.

- A. Overloading, overdriving, overworking, beating, torturing, tormenting, mutilating, or killing any animal or causing or knowingly allowing the same to be done.
- B. Cruelly working any old, maimed, injured, sick, or disabled animal or causing or knowingly allowing the same to be done.
- C. Failing to provide any animal in one's charge or custody, as owner or keeper, with proper food, drink, shelter, air, sanitation, or medical care.
- D. Abandoning any animal without making provisions for its care and feeding.

SECTION 15: COCK FIGHTING; DOG FIGHTING.

No person shall use or keep animals, or be in any way connected with the management or operation of any place kept or used for the purpose of fighting or baiting any dogs, cocks, or other animals, or permit such place to be kept or used on premises owned or controlled by such person.

SECTION 16: DEAD ANIMALS.

- A. The owner or keeper of an animal shall be responsible for the disposal of such animal's remains upon its death, from whatever cause, and regardless of the location of the remains of such animal.

- B. Animals remains shall be disposed of:
 - a. By burial beneath at least eighteen (18) inches of compacted soil on the property of the animal's owner or keeper, or at any other location with the express permission of the owner of the property.

 - b. By or through the City Pound.

 - c. By or through a licensed veterinarian; or

 - d. By action of the City Police Department.

- C. The City Police Department may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of an animal as provided herein. Such person shall have twenty-four (24) hours from receipt of such notice to properly dispose of such remains. The notice shall be served on the violator personally or by leaving such notice at his or her usual place of abode with a family member of the age of thirteen (13) years or upwards and by informing that person of the contents thereof.

- D. The City may dispose of any animal's remains without notice to the owner or keeper when:
 - a. Such remains are located on a public roadway;

 - b. The remains are located on the property of a person other than the owner or keeper; or

 - c. Service of a notice on the owner or keeper is refused or cannot be made within a short time;
 - i. In any case where a disposal notice is required in accordance with paragraph "C" above, and the person served notice fails to properly dispose of such remains within the time allowed, the remains may be disposed of by an employee of the City and all costs of such

removal shall be paid to the City by the owner or keeper of the dead animal.

- ii. A minimum charge of Seventy-Five Dollars (\$75.00) per hour shall be levied against the owner or keeper of the dead animal for each hour or part of an hour spent by any employee of the City in disposing of the remains. The City may institute legal proceedings to collect any amount owed by said owner or keeper, provided that such suit is filed within two (2) years of the issuance of the notice or of disposal of the remains, if no notice is required.

SECTION 17: INJURED ANIMALS; ANIMALS FOUND DEAD ON PUBLIC WAYS.

- A. Any animal discovered injured on a public way shall be impounded or picked up by Animal Control Personnel at the direction of a police officer and processed in accordance with this Ordinance.
- B. When a domestic animal is discovered dead on a public way, the police officer on duty shall attempt to ascertain its owner and shall request that the owner dispose of the remains. If a wild animal is discovered on the public way, or the officer cannot ascertain the owner of a dead domestic animal, the officer shall contact the Street Department, and the Street Department shall dispose of the remains.

SECTION 18: INTERFERENCE WITH ENFORCEMENT.

No person shall interfere in any way with any person who is known to such person to be, or who identifies himself or herself to be and is in fact, a City employee or other officer enforcing the provision of this Ordinance or engaged in catching or impounding any animal under the authority of this Ordinance.

SECTION 19: AUTHORITY TO IMPOUND ANIMALS AND ENTER ONTO PRIVATE PROPERTY.

- A. It shall be the duty of police officers or City Animal Control Personnel to take up and impound in the City Pound any animal found at large or any dog or cat found in the City without inoculation tags contrary to any provision of this Ordinance or statutes of the State.

- B. Police officers and City Animal Control Personnel are authorized to go on private property in order to enforce this Ordinance or to take up any animal which is believed to be at large or take up any dog or cat without required inoculation tags; however, such persons may not enter a private dwelling for this purpose without a valid warrant or the consent of the occupant. Nor shall such persons remove an animal believed to be at large without reasonably attempting to ascertain whether the property on which the animal is found is owned by the owner or the authorized keeper of the animal.

SECTION 20: IMPOUNDMENT OF DOGS OR OTHER ANIMALS WHICH HAVE BITTEN PERSONS.

- A. Any dog or other animal, whether or not under restraint, which has bitten or otherwise injured any person or persons so as to cause an abrasion of the skin, shall be immediately taken by the Police Department or City Animal Control Personnel, impounded at the City Pound, and kept separated from other animals for ten (10) days. IF the owner can show valid proof that the dog or other animal has up to date vaccinations as deemed appropriate by the Administrator, the owner may elect to "home quarantine" the dog or other animal. The Mayor or the Chief of Police, in consultation with the Administrator, may reduce such period of confinement. The victim of such bite shall notify the Police Department of the bite within twenty-four (24) hours. If, during that period, such animal develops symptoms of illness, a veterinarian shall diagnose its condition. If the symptoms disclose or are such as to indicate the presence of rabies, the animal shall be destroyed in such manner as to preserve intact the head, which shall be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. The cost of the procedure by which the head is detached and sent to the diagnostic laboratory of the Department of Agriculture shall be borne by the owner or keeper of said dog or animal. If the animal cannot be safely taken up and impounded, it may be killed -- due care being taken to preserve the head intact, which shall be detached and immediately delivered to the diagnostic laboratory of the Department of Agriculture.
- B. If, at the expiration of the period of ten (10) days, no symptoms of rabies have developed in such animal so impounded, the animal may be redeemed by the owner or keeper on payment of the

redemption fees and charges specified by this Ordinance. No such animal shall be released

- C. After having been notified that his or her animal has bitten or otherwise injured any person, the owner or keeper of the animal shall not, under any circumstances, permit such animal to be outside of his or her premises except on a leash and under the control of responsible adult until the procedures prescribed in subsections "A" and "B" of this Section have been completed. An owner who has knowledge that his or her animal has bitten or otherwise injured any person and that the Police Department or City Animal Control Personnel or City Pound are investigating a claim shall not, under any circumstances, dispose of, bury, trade, sell, or give away the animal until such investigation is complete.

SECTION 21: NOTICE TO OWNERS OR KEEPERS OF IMPOUNDMENT AND VIOLATION

The Police Department shall use its best efforts to notify the owner or keeper (if known to the Department) of any animal impounded pursuant to this Ordinance of the impoundment and the procedures for redemption of the impounded animal. Such notification shall be independent of any citation for ordinance violation but may be served together with a citation for ordinance violation. Notice shall be sufficient if substantially in the form attached to this Ordinance as Appendix A. Notice shall be given within twenty-four (24) hours of impoundment, either by personal service, or if the owner is not at home when service is attempted, by affixing the notice to the front door of the residence of the owner, if known.

SECTION 22: REDEMPTION OF IMPOUNDED ANIMALS.

- A. In order to give the owner or keeper of an animal impounded under the provisions of this Ordinance an opportunity to redeem the animal, said animal shall be held for a minimum of three (3) calendar days if the owner is not known, or for a minimum of five (5) calendar days if the owner is known. Any animal which has bitten a person or persons is subject to an impoundment of at least ten (10) days in the City Pound. If the animal is not redeemed within the specified time, it will be disposed of pursuant to Section 27 of this Ordinance.
- B. Any owner or keeper desiring to redeem an impounded animal shall, prior to release of the animal:

- a. Show proof of inoculation or pay the City Pound for Veterinary Services charges for inoculation; and
 - b. Pay an impounding fee of \$30.00 per day per animal – said payment to be made to the City Hall in the form of cash, cashier’s check or money order; and
 - c. Pay to the City Hall all fees set forth in this Ordinance for responding to any and all calls with respect to the animal, picking up the animal, and boarding the animal - said payment to be made to the City Hall in the form of cash, cashier’s check or money order.
- C. In the event that the City is billed for any fees, costs or services rendered in connection in any way with impounding an animal pursuant to this Ordinance, the City will be entitled to collect from the owner or keeper of the animal: (1) \$75.00 per hour for each call, with a minimum one hour charge; (2) boarding fees for the impounded animal of \$30.00 per day; and (3) all other sums for fees, costs and services for which the City is billed.
- D. In the event that an employee from the veterinary clinic must report to the clinic after normal business hours (those normal hours of the clinic) to move an impounded animal from the kennel into the boarding portion of the office, the owner of said animal shall be responsible for an additional \$25.00 fee, payable to City Hall, prior to the release of the impounded animal.
- E. From time to time, the City shall enact different fee schedules applicable to the above referenced fines, costs and fees in this Section 22. Should the City so enact differing fees and costs than what are referenced herein, the fines, costs and fees referenced in the Fee Schedule Ordinance shall control.

SECTION 23: VICIOUS DOG

- A. In order to have a dog declared “vicious,” the Chief of Police or the City Attorney must notify the owner or keeper of the animal of the infraction that is the basis of the investigation. The police department shall conduct a thorough investigation, interview any witnesses, including the owner or keeper, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the

animal is a vicious animal and give the report to the City Attorney, the States Attorney's Office, and the owner or keeper. The State's Attorney or the City Attorney may file a complaint in the circuit court asking that the animal be declared a vicious animal, which proceedings shall be conducted in accordance with Section 15 of the Animal Control Act (510 ILCS 5/15) and this Ordinance.

- B. If the dog is found to be a vicious dog, the dog shall be spayed or neutered within ten (10) days of the finding, at the expense of its owner or keeper, microchipped, and confined in an enclosure. A dog found to be a vicious dog shall not be released to the owner or keeper until the Administrator or Chief of Police approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify the Administrator of his or her former residence and of his or her new location.
- C. It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. A vicious dog may be allowed out of the enclosure only if it is muzzled in its owner's residence, or at the following times, provided it is securely muzzled and restrained with a leash not exceeding six (6) feet in length, and is under the direct control and supervision of its owner or keeper:
 - a. To obtain necessary veterinary care for the dog;
 - b. In the case of an emergency or natural disaster, where the dog's life is threatened if it remains in the enclosure, or
 - c. To comply with the order of a court of competent jurisdiction.
- D. Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, the City Police Department or the law enforcement authority having jurisdiction in such area.
- E. If the owner of the dog has not appealed the impoundment order to the circuit court in Henry County within fifteen (15) working days, the dog may be euthanized.
- F. Upon the filing of a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The

owner shall bear the burden of timely written notification of the Administrator.

- G. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided 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 must have current inoculation against rabies in accordance with Sections 4 and 5 of this Ordinance. It shall be the duty of the owner of each exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police, fire and ambulance departments with a categorized list of all exempted dogs, and shall promptly notify such departments of any address changes reported to him or her. Notification to police, fire and ambulance departments shall be deemed sufficiently met upon notification by the Administrator to the City Clerk, who will relay said notice to the respective departments. Emotional support animals shall not be included as a protected category of "service animal" in this subsection.

SECTION 24: DANGEROUS DOG DETERMINATION

- A. After a thorough investigation -- which shall include: (1) written notice to the owner, to be sent within three days of the Chief of Police or Animal Control Warden becoming aware of the alleged infraction, of the alleged infraction and the initiation of an investigation; (2) an opportunity for the owner to meet with the Chief of Police or Animal Control Warden prior to the making of a determination; (3) gathering of any medical or veterinary evidence; (4) interviewing witnesses; and (4) making a detailed written report -- the Animal Control Warden or Chief of Police may ask the Administrator or his or her designee to declare a dog "dangerous." No dog shall be declared a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.
- B. A dog shall not be declared dangerous if the Administrator, his or her designee, or the Director determines the conduct of the dog was justified because of any of the following facts:

- a. The threat or injury was sustained by a person who at the time was committing an offense upon the owner or custodian of the dog;
 - b. The threatened or injured person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
 - c. The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
 - d. The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
- C. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- D. If a dog is declared dangerous, the Administrator (or his or her designee) or the Director shall order the dog to be spayed or neutered within fourteen (14) days at the owner's expense and microchipped (if the same has not already been done), and may also order that one or more of the following actions, as deemed appropriate under the circumstances and necessary for the protection of the public, be taken:
- a. Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field, and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection.
 - b. Direct supervision of the dog by an adult eighteen (18) years of age or older whenever the animal is on public premises.
- E. The Administrator or Chief of Police may order that a dangerous dog, whenever it is on public premises, be muzzled in a manner that will prevent it from biting any person or animal. Said muzzling shall not injure the dog or interfere with its vision or respiration.
- F. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are

exempt from this Section; provided 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 must have current inoculation against rabies in accordance with Sections 4 and 5 of this Ordinance. It shall be the duty of the owner of each exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police, fire and ambulance departments with a categorized list of all exempted dogs and shall promptly notify such departments of any address changes reported to him or her. Notification to police, fire and ambulance departments shall be deemed sufficiently met upon notification by the Administrator to the City Clerk, who will relay said notice to the respective departments. Emotional support animals shall not be included as a protected category of "service animal" in this subsection.

SECTION 25: DANGEROUS DOG; LEASH

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control method.

SECTION 26: DANGEROUS DOG; APPEAL

- A. The owner of a dog found by the Administrator to be a dangerous dog pursuant to this Ordinance may, within thirty-five (35) days of receipt of notification of the determination, file a complaint against the Administrator in Henry County Circuit Court for a *de novo* hearing on the determination pursuant to § 15.3 of the Animal Control Act (510 ILCS 5/15.6).
- B. The owner of a dog found by the Director to be a dangerous dog pursuant to this Act may, within fourteen (14) days of receipt of notification of the determination, request an administrative hearing to appeal the determination pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings (8 Ill. Adm. Code Part 1, Sub Parts A and B).
- C. Until the order has been reviewed, and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.

- D. At any time after a final order has been entered, the owner may petition the Henry County Circuit Court to reverse the determination that a dog is dangerous.

SECTION 27: DISPOSITION OF ANIMALS

Any dog or other animal, which has not been redeemed within the time specified in Section 22 shall be rehomed, humanely destroyed or otherwise disposed of by the Administrator or his/her designee.

SECTION 28: TRAPPING & REMOVING OF NUISANCE ANIMALS

No person shall trap or remove wild animals or nuisance animals without proper permits under Illinois law. The City of Galva may, from time to time, employ persons and/or companies to undertake the trapping and removing of certain nuisance animals. In such cases, no person shall tamper with, alter or remove such traps.

SECTION 29: PROOF OF VACCINATIONS

If any Section of this Ordinance shall require proof of current vaccinations, said burden shall be borne by the Owner or keeper of said animal.

SECTION 30: CITATIONS IN ORDINANCE VIOLATION CASES

- A. For violations of this Ordinance other than violations relating to dangerous, vicious and biting dogs and other animals, and as set forth in subparagraphs "B" and "C" of this Section, City police officers are authorized to issue Administrative Warning Tickets in lieu of a Notice To Appear in the Circuit Court, as defined in City of Galva Ordinance No. 1460 entitled "An Ordinance Establishing A Program And Procedure For the Use of Administrative Warning Tickets For Certain Ordinance Violations" passed by the City Council of the City of Galva, Henry County, Illinois and approved by the Mayor of Galva on 17 May, 2005, as amended.
- B. On receipt of an Administrative Warning Ticket for a violation of this Ordinance, the violator may settle and compromise the claim by paying to the City of Galva an administrative fee in the amount of Fifty Dollars (\$50.00) within fifteen (15) days of the date of issuance.

- C. In addition to paying an administrative fee as provided for in this Section, the violator will be required to correct the violation for which an Administrative Warning Ticket is issued as follows:
 - a. Immediately upon notification and issuance for violations of Sections 8,9,14 and 15 of this Ordinance.
 - b. Within twenty-four (24) hours for a violation of Sections 16 or 17 of this Ordinance.
 - c. Within forty-eight (48) hours for a violation of Section 12 of this Ordinance.
 - d. Within four (4) days for a violation of Sections 4 or 5 of this Ordinance.
 - e. Within fifteen (15) days for a violation of Section 3 of this Ordinance.
- D. Any person who has been issued an Administrative Warning Ticket for a violation of this Ordinance as specified in this Section and who subsequently fails to pay the administrative fee AND/OR who fails to correct the violation when required by this Section within the time allotted may be issued a Notice To Appear in Henry County Circuit Court or issued a Notice Of Complaint filed in Henry County Circuit Court, or a combination of a Notice To Appear and a Notice of Complaint filed in the Circuit Court of Henry County, and the person shall be subject to the fines and penalties set forth in Section 30 of this Ordinance.
- E. From time to time, the City of Galva may enact different fee schedules applicable to the above referenced fines, costs and fees in this Section 29. Should the City so enact differing fees and costs than what are referenced herein, the fines, costs and fees referenced in the Fee Schedule Ordinance shall control.

SECTION 31: PROSECUTION OF VIOLATIONS

- A. The City may, through its attorney, file a complaint and prosecute any alleged violation of this Ordinance:
 - a. Where a citation (other than an Administrative Warning Ticket as specified in Section 30 of this Ordinance) has been

issued -- after ten (10) working days have elapsed from the date of issuance of a citation;

b. Where no citation has been issued -- at any time.

B. In addition to the penalties set forth in this Ordinance, the City may pursue any and all other remedies available under State law, including, but not limited to, bringing actions to abate nuisances and seeking the destruction of dangerous or vicious animals.

SECTION 32: FINES AND PENALTIES

A. Any person found to have violated this Ordinance -- with the exception of those persons who have compromised and settled an Administrative Warning Ticket issued pursuant to Section 30 of this Ordinance and excepting violations relating to dangerous, vicious and biting dogs and other animals -- shall, in addition to boarding costs, impoundment fees, and other sums required herein, be fined not less than \$250.00 or more than \$750.00.

B. Each day an offense continues shall be considered a separate offense.

SECTION 33: EFFECTIVE DATE, REPEALER

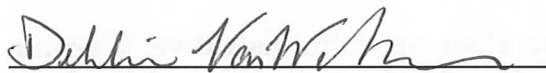
This Ordinance is effective upon its passage, approval and publication as required by law.

The Clerk shall publish this Ordinance in pamphlet form.

All prior ordinances of the City on the subject of animal control are hereby repealed.

PASSED by the City Council this 28th day of October, 2019.

AYES: 6
NAYS: 0
PRESENT: 6


Debbie VanWassenhove, City Clerk

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Debbie VanWassenhove, certify that I am the duly appointed and acting Municipal Clerk of the City of Galva, Henry County, Illinois.

I certify that on the 28th day of October, 2019, the corporate authorities of the City of Galva passed and approved Ordinance No. 1607, entitled "CITY OF GALVA ANIMAL CONTROL ORDINANCE", which provided by its terms that it should be published in pamphlet form.

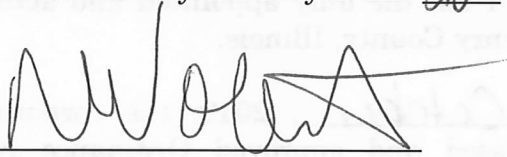
The pamphlet form of Ordinance No. 1607 was prepared, and a copy of such Ordinance was posted in the Galva Administration Building commencing on the 28th day of October, 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Galva, Illinois, this 28th day of October, 2019.

(SEAL) Debbie VanWassenhove
CITY CLERK

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

APPROVED by the Mayor this 28th day of October, 2019.



Richard Volkert, Mayor



Appendix A to City of Galva Animal Control Ordinance

NOTICE OF IMPOUNDMENT OF ANIMAL

To: _____
Name and address of person believed to be the animal's owner

PLEASE TAKE NOTICE that the following animal has been captured and impounded:

Type of Animal: Dog Cat Other _____

Breed: _____

Color: _____

Tag No., if applicable: _____

Other identifying characteristics: _____

The animal was found running at large at _____

Galva, IL on _____, 20____ at _____ a.m/p.m. and was therefore captured and impounded in accordance with the animal control provisions of the City of Galva's Animal Control Ordinance.

The City of Galva believes that you may be the owner of the animal. The animal may be redeemed at the Galva City Pound, _____, Galva, IL 61434, after payment of impoundment fees, costs and all other applicable charges to the Galva City Pound. You should pay all fees directly to the Galva City Pound. **Please note that the Galva City Pound will require cash, certified check, cashier's check or money order.**

Dated this _____ day of _____, 20____

Police Officer

Also, please take notice of the following:

- A. As set forth in the City's Animal Control Ordinance, if you have received an Administrative Warning Ticket along with this Ordinance, you must appear at the City Administration Building located at 311 N.W. 4th Ave., Galva, IL 61434 during normal working hours to pay the amount indicated on the Administrative Warning Ticket.*

- B. Violations of the City's Animal Control Ordinance for which a citation (rather than an Administrative Warning Ticket) is written, with the exception of those violations pertaining to vicious, dangerous or biting animals shall be fined not less than \$250.00 or more than \$750.00 per offense.*