

ORDINANCE NO. _____
Date Passed: February 28, 2011

**AN ORDINANCE AMENDING CHAPTER 14 OF THE MUNICIPAL CODE OF
THE CITY OF ROCHELLE TO AUTHORIZE THE REGULATION OF
VICIOUS ANIMALS**

WHEREAS, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-60-2, provides “the corporate authorities of each municipality may define, prevent, and abate nuisances”; and

WHEREAS, the Illinois Animal Control Act, 510 ILCS 5/24, provides “nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed”; and

WHEREAS, Chapter 14 (Animals) of the Rochelle Municipal Code currently lacks a clear definition, regulation, and prohibition of vicious animals within the city limits; and

WHEREAS, the City Council deems it appropriate to define, prevent, and abate nuisances caused by the presence of vicious animals within the city limits;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, that Chapter 14 of the Municipal Code of the City of Rochelle be amended as follows (changes in red):

1. by adding:

“Sec. 14-9. Vicious Animals.

(a) **Definitions.**

(1) **Vicious Animal.** “Vicious Animal” means:

- a. **Any animal that has a propensity, tendency or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury or damage, or which may otherwise endanger the safety of any human being or domestic animal; or**
- b. **Any animal documented by any law enforcement agency to have demonstrated a propensity, tendency or disposition to attack, without provocation, in a manner which may cause**

- death, injury or damage, or which may otherwise endanger the safety of any human being or domestic animal; or
 - c. Any animal trained or used for fighting against another animal.
 - d. Notwithstanding the provisions of this Section, no animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such death, injury or damage was sustained, was committing a criminal trespass upon the premises occupied by the owner of the animal, or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.
 - e. Notwithstanding the provisions of this Section, no animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such death, injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.
 - f. Notwithstanding the provisions of this Section, no animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
 - g. Notwithstanding the provisions of this Section, no dog may be declared vicious for acts committed by the dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.
 - (2) Owner.
 - a. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has an animal in his care, or acts as an animal's custodian, or who knowingly permits an animal to remain on any premises occupied by him or her.
 - b. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.
- (b) Prohibition. No person shall own, possess, harbor, keep or maintain a vicious animal within the City limits of the City of Rochelle.
- (c) Determination of Vicious Animal.
 - (1) Any police officer or other officer designated by the city is authorized to declare an animal vicious and take appropriate steps to secure the animal.
 - (2) Any animal declared vicious by a police officer or other designated officer will be impounded with a licensed veterinarian for up to ten (10) days.
 - (3) During the initial impoundment of a vicious animal, the Chief of Police shall make a determination as to whether the animal is vicious. If the animal is determined to be vicious, the Chief of Police shall give an appropriate order to exterminate the animal.

- (4) Any dispute concerning the determination of an animal as a vicious animal shall be heard and determined by the City Manager. An appeal to the City Manager must be made within five (5) days from the determination by the Chief of Police that such animal is vicious. If the City Manager determines the animal is vicious, the City Manager shall give an appropriate order to exterminate the animal.
- (5) Any order to exterminate the animal shall not be carried out for a period of five (5) days from the entry of the last order entered relative to the animal.
- (6) The costs of impounding the animal during this process shall be the responsibility of the owner of the animal.
- (d) In addition, a complaint may be filed with the Ogle County Animal Control Administrator to take appropriate action.
- (e) Any owner found to have a vicious animal within the City limits may be punished pursuant to Section 1-15 of this Code.”

2. by amending Section 14-32 to read in its entirety:

“Sec. 14-32. Prohibited acts; committing nuisance.

No dog or cat shall be permitted to commit any of the following acts on any premises or property, private or public:

- (1) Bite or charge any person;
 - (a) “Bite” means to seize with the teeth or jaws so that the person seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.
- (2) Destroy private property;
- (3) Scatter refuse;
- (4) Chase vehicles;
- (5) Deposit fecal matter on any property not of its owner; or
- (6) Commit any nuisance defined by this article or other city ordinance.”

This ordinance shall become effective after its passage, approval and publication as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 28th day of February, 2011.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk