

AMENDING CHAPTER 18 "DOGS AND OTHER ANIMALS", SECTION 18.04 "IMPOUNDMENT", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE TO INCREASE THE FEES FOR IMPOUNDMENT.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City's corporate authorities find that the City's fees for the impoundment of animals have not increased since 1990; and

WHEREAS, the City's corporate authorities find that it is reasonable and necessary to increase the City's fees for the impoundment of animals to adequately provide for the City's costs and expenses associated with the City's impoundment of animals; and

WHEREAS, the City's corporate authorities find that it is in the City's best interests for the promotion of the public health, morals and welfare to amend Chapter 18 "Dogs and Other Animals, Section 18.04 "Impoundment", of the DeKalb Municipal Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City's corporate authorities adopt and approve an amendment to Chapter 18 "Dogs and Other Animals", Section 18.04 "Impoundment", of the DeKalb Municipal Code as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent this Ordinance is inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

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

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 24th day of October 2022 and approved by me as Mayor on the same day. Passed on First Reading by a 7-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Faivre, Barnes. Nay: McAdams. Second Reading waived by a 7-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Faivre, Barnes. Nay: McAdams.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

**CHAPTER 18
DOGS AND OTHER ANIMALS**

LATEST REVISION: August 24, 2015 (Ordinance 2015-036)

SECTIONS:

- 18.01 DEFINITIONS.**
- 18.02 LICENSING.**
- 18.03 DOGS AT LARGE.**
- 18.04 IMPOUNDMENT.**
- 18.05 BITING DOGS AND ANIMALS.**
- 18.06 VICIOUS DOG.**
- 18.07 BARKING DOGS.**
- 18.08 NUMBER OF CATS AND DOGS.**
- 18.09 PROCLAMATION.**
- 18.10 PENALTY.**
- 18.11 DOGS PROHIBITED AT CORNFEST.**
- 18.16 CLEANING UP AFTER PETS.**
- 18.17 ANIMALS PROHIBITED.**
- 18.19 ABUSING ANIMALS.**
- 18.20 INJURING BIRDS OR SQUIRRELS.**
- 18.21 INTERFERING WITH OFFICER.**
- 18.22 SERVICE ANIMALS.**

18.01 DEFINITIONS.

Definitions as used in this Chapter:

"Animal" means any animal other than a dog which may be affected by rabies.

"Biting" means has been seized with the teeth or jaws, so that the person or thing seized has been nipped or gripped or has been wounded or pierced and includes contact of saliva with any break or abrasion of skin.

"Dog" means all animals of the canine species, both male and female.

"Owner" means any person or persons who collectively possess a legal or equitable interest in a property as a household, whereas any person having any right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has a dog or other animal in his care, or acts as its custodian or who knowingly permits a dog or any other animal to remain on or about any premises occupied by him. (93-05)

"Household" means an individual or group of individuals living together as a single housekeeping unit within a dwelling unit.

"Spayed Female Dog" means a female dog certified by a licensed veterinarian to have been spayed.

"Spayed Female Cat" means a female cat certified by a licensed veterinarian to have been spayed.

18.02 LICENSING.

License requirements suspended by Ordinance 1991-099.

18.03 DOGS AT LARGE.

- a) An owner or keeper of any dog shall not permit a dog to run at large within the limits of the City of DeKalb. Dogs at all times shall be kept on a leash or tied, except when confined within or on the premises of the owner or keeper thereof. It shall be unlawful for dogs shall not be permitted to bite, scratch, or otherwise attack people, dogs, or other animals.
- b) Violations
 - 1. Any person violating this Section 18.03 by permitting a dog to run at large *without any physical contact with another person or animal* shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.
 - 2. Any person violating this Section 18.03 by permitting a dog to run at large, where such dog running at large bites, scratches, physically attacks, or engages in threatening behavior reasonably perceived by the victim to be suggestive of an imminent attack, shall be fined not less than Five Hundred Dollars (\$500.00), nor more than the maximum amount permitted under Illinois law.
 - 3. Any person violating this Section 18.03 and also engaging in behavior that violates the applicable provisions of the Illinois Animal Control Act or other applicable state or local law relating to the care/management/supervision/restraint of animals may, in lieu of or in addition to prosecution for a local ordinance violation, be referred to the DeKalb County State's Attorney (or City Attorney, if permitted by law) for prosecution as a vicious animal, dangerous animal, or other applicable statutory designation.
 - 4. In addition to any other fine or penalty imposed hereunder, any person violating this Section 18.03 shall pay restitution for out-of-pocket expenses for any injury or damage caused by the dog.

18.04 IMPOUNDMENT.

- a) Any dog not licensed pursuant to this Chapter, or any dog not under restraint or any dog or cat which is abandoned, may be seized, and impounded by any police officer or other person authorized to enforce these Sections.
- b) Whenever any impounded dog shall bear a license tag, the owner shall be promptly notified by telephone or mail.
- c) Any impounded dog shall be held by the City for a period of three (3) days after which, if such dog is still unclaimed, such dog shall be turned over to DeKalb County Animal Control who shall keep such dog for an additional four (4) days, after which they may keep such dog for an additional period of time, or place such dog for adoption or may cause such dog to be euthanized by means of a manner prescribed by the Humane Society of the United States.
- d) Any cat impounded shall be held by the City for a period of three (3) days after which, if such cat is still unclaimed, such cat shall be euthanized by means of a manner prescribed by the Humane Society of the United States.
- e) Before any dog or cat shall be released from the City pound, the owner thereof shall pay to the

City a ~~three (\$3.00)~~ **ten (\$10.00)** dollar per diem ~~day~~ fee for the care, keep and food of such animal and a ~~fifteen (\$15.00)~~ **fifty (\$50.00)** dollar pick up fee. If an impounded dog does not have a current license, a license shall be obtained by the owner prior to the dog being released from the pound.

- f) The ~~City's animal control officer~~ **Police Department** shall **keep** an accurate record of all dogs and cats impounded, with a description of the dog or cat, the date of apprehension and the disposition of such animal.
- g) Nothing in this Section 18.04 shall preclude or inhibit the ability of the City to prosecute the owner or harbinger of an impounded dog under Section 18.02 of the DeKalb Municipal Code.

18.05 BITING DOGS AND ANIMALS.

Any dog or animal which shall have bitten any person shall be reported to the Chief of Police or any person or persons authorized by him to impound dogs and animals. The Chief of Police or any person authorized by him to impound dogs and animals shall apprehend and cause to be impounded said dog or animal unless, in the case of a dog, it is wearing evidence of inoculation and a Certificate of Inoculation can be produced pursuant to 510 ILCS 5/1, et. seq.

In lieu of causing to be impounded any dog or animal the Chief of Police or any person authorized by him may release the dog or animal to any authorized employee of DeKalb County or a licensed veterinarian if the owner requests.

In the event a dog or other animal is released by DeKalb County or a licensed veterinarian, it shall be the responsibility of DeKalb County or the veterinarian to ensure compliance with all statutory County regulations, including impoundment, notification, and disposition requirements.

18.06 VICIOUS DOG.

No person owning or having in his possession or under his control, any dog which shall have attacked any person in any street or public place either by chasing, biting, or attempting to bite any person, shall after notice or having knowledge of such attack, or of the vicious propensity of such dog, suffer such dog to go or be upon any street or public place.

18.07 BARKING DOGS.

Any person who shall own or keep upon his property any dog and permit the same to bark, growl, howl, or whine in a loud manner, disturbing the quiet and peace and the peaceful enjoyment of others of the adjoining property or vicinity shall be deemed to be unlawfully creating, maintaining, and suffering to exist a public nuisance.

18.08 NUMBER OF CATS AND DOGS.

As a matter of public health, no household shall keep more than three (3) dogs or cats or any combination thereof totaling three (3) in any single dwelling unit. Provided that the above limitation shall not apply for a period of ninety (90) days from the date of birth of the offspring of dogs or cats in a dwelling unit as described above. Provided, further, that the number limitation does not apply to hospitals, clinics and other facilities operated by a licensed veterinarian for the care and treatment of animals.

18.09 PROCLAMATION.

Whenever it appears to the City Manager that any dog or dogs within the City, or in the vicinity

thereof, are mad or rabid, or have been bitten by any mad or rabid animal, it shall be the duty of the City Manager to issue a proclamation requiring that every dog shall, for a period to be stated in the proclamation, have placed upon his mouth a good and substantial wire, gauze or leather muzzle so as to prevent the dog from biting. Any dog running at large in the City during the period mentioned in such proclamation, without being muzzled, shall be deemed a nuisance, and shall be killed and buried by the Chief of Police or any other officer of the City.

It is the duty of the Chief of Police, and of such other officer or persons as may be appointed by the City Manager, to enforce the provisions of this Section.

18.10 PENALTY.

Any person violating any of the provisions of this Chapter 18, Sections 18.01 through 18.09, except Section 18.03, shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Three Hundred Dollars (\$300.00) for each offense.

18.11 DOGS PROHIBITED AT CORNFEST.

It shall be unlawful for any person to walk or carry a dog upon any public way within the Central Business District from Friday at 8:00 a.m. through Sunday at 6:00 p.m. during the annual DeKalb Corn Fest. Persons violating this section shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each offense. This ordinance shall not be applicable to any service animal afforded protection under any applicable federal or state law.

18.16 CLEANING UP AFTER PETS.

a) Any person owning, keeping possessing or harboring any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on any public property and on any private property not owned by such person or lawfully occupied by such person.

b) Any person violating the provisions of this Section 8.16 shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each offense.

18.17 ANIMALS PROHIBITED.

It shall be unlawful for any person to keep any horse, mule, sheep, goat, cattle, hogs, other domesticated animal or fowl, chickens, ducks, snakes over six feet in length, or other life-threatening reptiles, within the City. Bee keeping is prohibited in the City of DeKalb. In addition, no person shall have a right of property in, or keep, harbor, care for, act as custodian of, or maintain in his possession any dangerous animal (defined as lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf, or coyote), except at a properly maintained zoological park, federally licensed exhibit, circus, scientific, educational institution, research laboratory, veterinary hospital or animal refuge in an escape-proof enclosure.

18.19 ABUSING ANIMALS.

No person shall inhumanly, unnecessarily, or cruelly beat, injure, or otherwise abuse any dumb animal, or fail to provide any animal in his charge or custody with proper and necessary food, drink, or shelter.

18.20 INJURING BIRDS OR SQUIRRELS.

No person shall take, kill or wound, attempt to kill or wound, by the use of firearms, slingshot, bow and arrows, air gun, pelting with stones or other-wise, any squirrel or bird within the City or shoot an

arrow or throw a stone or club or other missile at any squirrel or bird within any private grounds or public park, or ground, or take the eggs or young of any such squirrel or bird.

18.21 INTERFERING WITH OFFICER.

No person shall molest, resist, interfere with, hinder, or prevent any officer in discharge of the duties or powers conferred by this Chapter.

18.22 SERVICE ANIMALS.

It is the express policy of the City of DeKalb that service animals are permitted and encouraged within the confines of applicable law. This ordinance shall supersede any contrary ordinance to the extent that federal or state law supersedes local control, with regard to any restriction or code which otherwise would prohibit the use or presence of service animals. It is the policy of the City to permit service animals at City events and functions, and otherwise to comply with applicable federal and state laws and regulations.

CHAPTER 18
“DOGS AND OTHER ANIMALS”
TABLE OF AMENDMENTS

The following table provides for the amendments made to this Municipal Code Chapter since its original effective date of _____ (Ordinance _____).

Effective Date	Ordinance No.	Description of Amendment
12/9/1968	1968-033	Amending Chapter 18 “Dogs and Other Animals” Section 18.22, Authorizing the Keeping of Homing Pigeons within the City of DeKalb, and Authorizing the Issuance of Permits for Structures to House Homing Pigeons, and Providing a Penalty for Violation of this Ordinance.
10/27/1969	1969-036	Amending Chapter 18 “Dogs and Other Animals”, by Deleting Section 18.01 through Section 18.08 in their Entirety and Adding New Sections as follows: 18.01 “Definitions”, 18.02 “Licensing”, 18.03 “Restraint”, 18.04 “Impoundment”, 18.05 “Biting Dogs and Animals”, 18.06 “Vicious Dog”, 18.07 “Barking Dogs”, and 18.08 “Number of Dogs”.
7/24/1972	1972-029	Amending Chapter 18 “Dogs and Other Animals”, Section 18.05 “Biting Dogs and Animals”, Providing Procedures to Deal with Biting Dogs and Animals.
9/11/1972	1972-032	Amending Chapter 18 “Dogs and Other Animals”.
9/8/1975	1975-052	Amending Chapter 18 “Dogs and Other Animals”, Section 18.17 “Hogs and Swine”, and Section 18.175 “Horses”; and Chapter 51 “Traffic”, Section 51.23 “Prohibition of Horses in Certain Congested Areas”.
4/11/1977	1977-027	Amending Chapter 18 “Dogs and Other Animals”, Section 18.02(a) “Licensing”, by Amending the Fee for Licensing Dogs and Cats.
6/13/1977	1977-043	Amending Chapter 18 “Dogs and Other Animals”, Section 18.02 “Licensing”, by Conforming Said Chapter to the Illinois Revised Statutes, Chapter 8, Section 358.
2/11/1980	1980-010	Amending Chapter 18 “Dogs and Other Animals”, Section 18.22 “Homing Pigeons”.
2/25/1980	1980-021	Amending Chapter 18 “Dogs and Other Animals”, Section 18.22 “Homing Pigeons”.
9/22/1980	1980-076	Amending Chapter 18 “Dogs and Other Animals”, Section 18.22 “Homing Pigeons”, by Prohibiting the Issuance of Additional Permits for the Maintenance of Pigeon Lofts.

Effective Date	Ordinance No.	Description of Amendment
2/22/1982	1982-009	Amending Chapter 18 "Dogs and Other Animals", Section 18.02(a) "Licensing", by Deleting the Provision for a \$25.00 Late Charge.
3/22/1982	1982-016	Amending Chapter 18 "Dogs and Other Animals", Section 18.02 "Licensing", by Amending the Date for Obtaining a License and Providing for an Optional Three- Year License.
12/16/1985	1985-076	Amending Chapter 18 "Dogs and Other Animals" by Deleting Section 18.22 "Homing Pigeons".
6/9/1986	1986-033	Amending Chapter 18 "Dogs and Other Animals", Section 18.10 "Penalty", by Increasing the Minimum Fine.
6/30/1986	1986-039	Amending Chapter 18 "Dogs and Other Animals", by Deleting Section 18.02 "Licensing", and Amending Section 18.04 "Impoundment", and Section 18.05 "Biting Dogs and Animals".
7/23/1990	1990-073	Amending Chapter 18 "Dogs and Other Animals" by Adding and Deleting Various Sections.
9/23/1991	1991-099	Suspending the Licensing Provisions Chapter 18 "Dogs and Other Animals", Section 18.02 "Licensing", and Deleting in their Entirety Section 18.16 "Animals and Fowls at Large", Section 18.17 "Animals Prohibited", Section 18.175 "Horses", and Section 18.18 "Bee Keeping", and Inserting New Section 18.17 "Animals Prohibited".
12/14/1992	1992-159	Amending Chapter 18 "Dogs and Other Animals", Section 18.17 "Animals Prohibited", by Adding Snakes and Life-Threatening Reptiles.
1/25/1993	1993-004	Amending Chapter 18 "Dogs and Other Animals", Section 18.17 "Animals Prohibited", by Adding Snakes, Life Threatening Animals, and Reptiles.
1/25/1993	1993-005	Amending Chapter 18 "Dogs and Other Animals", Section 18.01 "Owner", and Section 18.08 "Number of Dogs and Cats".
3/8/1993	1993-036	Amending Chapter 18 "Dogs and Other Animals", Section 18.10 "Penalty".
7/28/1997	1997-064	Amending Chapter 18 "Dogs and Other Animals" by Adding a New Section 18.11 "Dogs Prohibited at Corn Fest".
9/8/1997	1997-077	Amending Chapter 18 "Dogs and Other Animals" by Adding a New Section 18.16 "Cleaning Up After Pets".

Effective Date	Ordinance No.	Description of Amendment
10/28/2002	2002-090	Amending Chapter 18 "Dogs and Other Animals", Section 18.03 "Restraint".
5/27/2003	2003-049	Amending Chapter 18 "Dogs and Other Animals", Section 18.10 "Penalty", by Increasing the Fines for Violation.
1/14/2008	2008-002	Amending Chapter 18 "Dogs and Other Animals", Section 18.03 "Restraint", and Section 18.10 "Penalty".
10/22/2012	2012-083	Amending Chapter 18 "Dogs And Other Animals", Section 18.03 Relating to "Restraint".
8/24/2015	2015-036	Amending Chapter 49 "Human Relations Commission", Section 49.01 "Establishment" as it Pertains to Service Animals. (This ordinance also amended Chapter 18 "Dogs and Other Animals", by amending Section 18.11 "Dogs Prohibited at Corn Fest" and adding Section 18.22 "Service Animals".)