

**AMENDING THE MUNICIPAL CODE OF THE
CITY OF DEKALB, ILLINOIS, CHAPTER 18,
“DOGS AND OTHER ANIMALS,” SECTION
18.03, RELATING TO “RESTRAINT” FOR THE
CITY OF DEKALB.**

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the Corporate Authorities of the City have heretofore provided a process for the issuance of “mail-in” citations for violations of certain specified City Ordinances; and,

WHEREAS, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the utilization of such policies; and,

WHEREAS, in order to effectuate such policies and to better serve the public, the Council has determined that it is appropriate to amend such policies as outlined below;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. That the Municipal Code of the City of DeKalb, Chapter 18, Section 18.03 be amended as follows:

18.03 DOG 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.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: October 23, 2012. Effective date: November 1, 2012.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 22nd day of October, 2012 and approved by me as Mayor on the same day. Second reading waived and passed on roll call vote 7-0-1. Aye: Jacobson, Teresinski, Lash, Naylor, Baker, O'Leary, Povlsen. Absent: Gallagher.

ATTEST:



DIANE K. WRIGHT, City Clerk



KRIS POVlsen, Mayor

