

ORDINANCE # 573

AN ORDINANCE AMENDING CHAPTER 6 POLICE REGULATIONS ARTICLE 1 DOGS TO READ AS FOLLOWS.

Be it ordained by the Village of Hemingford Board of Trustees that Chapter 6 police regulations Article 1 dogs be amended to read as follows.

ARTICLE I

DOGS

6-101. DEFINITION OF TERMS.

As used in this Article:

(a) "Dog" shall be both male and female dogs more than one-hundred twenty (120) days of age.

(b) "Owner" shall be intended to mean any person who shall keep, harbor or permit a dog to remain for ten (10) days or more in or about the owner's home, place of business or enclosure. As the owner, such person shall be liable for the penalties prescribed for violations of the provisions of this Article by the owner of a dog.

(c) "At large" shall be intended to mean off the premises of the owner and not under the control of the owner, a member of his family, his agent or employee, either by leash, cord, chain or other similar device.

(d) "Vicious dog" shall be intended to mean any dog that bites, snaps at, chases, threatens pedestrians or people, horses or vehicles, or which destroys or damages property.

6-102 LICENSE; AT LARGE.

All dogs kept, harbored or maintained by their owners within the Village shall be licensed. No owner of any dog shall permit such dog to run at large at any time in the Village of Hemingford.

6-103. DOG LICENSE; RABIES VACCINATION.

It shall be unlawful for any person to own, keep or harbor any dog unless such dog is licensed. No license shall be issued unless the dog owner shall first produce satisfactory evidence that (a) the dog to be licensed has been vaccinated for rabies and that (b) the vaccination will be effective for the entire period to be covered by the license.

Young dogs shall be vaccinated within thirty (30) days after they have reached four months of age.

6-104. DOG LICENSE; FEE; TERM.

The dog license fee shall be as follows: For each neutered male dog and for each spayed female dog - \$4.00; for each unsprayed female or male dog - \$5.00. The license fee shall be paid to the Chief of Police or other official appointed for that purpose; either of whom shall provide a suitable plastic or metal license tag. The license tag shall be affixed to the dog's collar and

worn by the dog at all times. A license tag may only be worn by the dog for whom it is issued. In cases of the lost tag, the Chief of Police or other officer appointed for special duty may issue a duplicate and receive in payment therefore a fee of fifty cents (\$.50). The license year shall extend from January 1st through December 31st of each year.

6-105. IMPOUND DOGS.

It shall be the duty of any police officer or animal control officer to apprehend any dog found to be running at large, any dog found not wearing the current license tag which has been issued to its owner, and any dog declared a public nuisance. The dog shall be impounded in the Village Pound. Notice shall be posted at the police station for three days for an unlicensed dog and seven days for a licensed dog of its impoundment. Notice shall also be given to the owner if the owner's name is known or can be ascertained. The impoundment notice shall state that the dog will be euthanised if not redeemed within the time and in the manner hereinafter provided, at the owner's expense.

6-106. RELEASE FROM POUND.

Any dog owner whose dog has been impounded may, within the period during which notice of impoundment is required, redeem the dog by producing and exhibiting a license tag for the impounded dog and by paying the charges of impoundment, which are set by the Village Board.

6-107. DESTRUCTION OF DOGS.

If a dog which has been impounded is not redeemed within the time prescribed, such dog shall be euthanised and buried

6-108. BARKING DOGS.

It shall be unlawful for any person to own or harbor any dog which barks, howls or yelps loudly, continuously, or frequently, or which frequently barks at, snaps at, chases, threatens pedestrians, horses or vehicles, or which destroys or damages property. The provisions of this section shall not apply to the dog pound operated by the Village or animal shelter operated by a society or association for the prevention of cruelty to animals.

6-109. VICIOUS DOGS.

(a) Except as specifically permitted in Subsection (b) hereof, it shall be unlawful for the owner of a vicious dog to fail to confine said animal within a secure building or enclosure.

(b) The owner of a vicious dog may remove said dog from the enclosure described in Subsection (a) hereof only upon the satisfaction of each of the following conditions:

(1) the animal is completely and continuously restrained by a leash or chain of not more than 20 feet in length; and

(2) the animal has securely attached to its mouth a muzzle of sufficient construction to prevent said dog from harming any person or animal.

6-110. DOGS; PERSONAL PROPERTY; OWNER LIABLE FOR DAMAGES.

Dogs are hereby declared to be personal property for all intents and purposes, and the owner or owners of any dog or dogs shall be liable for any and all damages that may accrue (1) to any person, other than a trespasser, by reason of having been bitten by any such dog or dogs, and (2) to any person, firm or corporation by reason of such dog or dogs killing, sounding, worrying, or chasing any person or persons or any domestic animals belonging to such person, firm or corporation. Such damage may be recovered in any court having jurisdiction of the amount claimed.

6-111. DOGS PROHIBITED IN PUBLIC AREAS.

It shall be unlawful for the owner of any dog to permit his dog to be or remain either (a) within any portion of the Village Park System or any swimming pool situated therein; (b) within any enclosed athletic field or park; (c) upon any public school grounds, unless the dog shall be kept on a stout leash, rope or chain, one end of which shall be securely attached to a collar or harness worn by the dog and the other end of which shall be securely held and controlled by a person physically capable of holding and controlling the dog.

6-112. DOGS IN HEAT.

It shall be unlawful for the owner of any female dog, in heat, even though the dog is properly licensed, to permit the dog to be tied or confined in any unfenced area. Every female dog found in heat, running at large in violation of the provisions of this section is declared to be a public nuisance and shall be impounded.

6-113. DOG POUND; UNLAWFUL TO RELEASE OR INTERFERE.

It shall be unlawful for any person to break open, or to attempt to break open the dog pound, or to take out or release from the dog pound any dog impounded therein. It shall be unlawful to interfere with any police officer who is engaged in the performance of any duty required of him by the Article.

6-114. DOGS; OTHER PETS; RABID.

It shall be the duty of the Chairperson of the Board of Trustees whenever, in the Chairperson's opinion, there is danger to the public safety from rabid dogs or other pets, to issue a proclamation ordering all dog owners and owners of other pets to keep said animals muzzled or confined in a enclosure on the owner's premises from which the animals cannot escape. The proclamation shall set forth the period during which it shall be in effect, which shall not be more than 90 days from the date of the proclamation. Such proclamation shall be given public notice by publishing the text of the proclamation one time in a newspaper of general circulation in the Village. During the period the proclamation remains in force, it shall be unlawful for the owner to keep or harbor a dog or other pet, unless it be either muzzled or confined. Every dog or other pet kept or harbored in violation of the provisions of this section shall be impounded by the Chief of Police either at the Village Pound or at the owner's request, choice and expense at a veterinary hospital, for the duration of the period of time covered by the proclamation.

6-115. DOGS; POISONING.

It shall be unlawful for any person to administer, or cause to be administered, any poison of any sort whatsoever to any dog. It shall be unlawful for any person to place any poison or poisoned food where the same shall be accessible to any dog, provided, that this section shall not apply to Village Police, Animal Control Officers or Veterinarians.

6-116. DOGS; OTHER PETS; QUARANTINE.

Every dog or other pet which bites a person, or is suspected of having bitten a person, shall be reported promptly to the police department by the victim, the owner, or a complaining witness, and shall be quarantined immediately for a period of not less than 14 days. The Chief of Police will order a dog or other pet quarantined at the owner's expense, in a veterinary clinic or hospital of the owner's choice. It shall be unlawful for a dog owner, or the owner of any pet, to kill, destroy or otherwise dispose of the animal during the quarantine period.

6-117. DOGS; PATHOLOGICAL EXAMINATION.

When an animal under quarantine has been diagnosed as being rabid or suspected of being rabid by a licensed veterinarian, or dies while being observed in quarantine, the Chief of Police shall immediately send the animal's head to a competent laboratory for pathological examination. All costs shall be charged the owner for such examination. If, after the quarantine period, the animal has not exhibited symptoms to indicate he is afflicted with rabies, he may be released to the owner upon payment of the prescribed fees.

6-118. DOGS; RELEASE FROM POUND.

Any dog owner whose dog has been impounded may, within the period during which notice of impoundment is required, redeem the dog by producing and exhibiting a license tag for the impounded dog and by paying the charge of impoundment, which are as follows: a fee of twenty-five dollars (\$25.00) for the first impoundment, a fee of fifty dollars (\$50.00) for the second impoundment, and a fee of seventy-five dollars (\$75.00) for the third impoundment; and a fee of five dollars (\$5.00) per day for care, feed, and watering of the dog.

Passed and approved this 19th day of April, 1993.

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Timothy C. Horn
Chairman

ATTEST:

Margaret A. Reynolds
Village Clerk