

## SECTION 8-3

### ANIMAL CONTROL ORDINANCE

#### **8-3-1 ANIMALS RUNNING AT LARGE**

#### **8-3-2 IMPOUNDMENT**

#### **8-3-3 CITATIONS, CRIMINAL PROCEEDINGS**

#### **8-3-4 PENALTIES, ANIMALS RUNNING AT LARGE**

#### **8-3-5 VICIOUS ANIMALS KILLING OR INJURING LIVESTOCK; DAMAGES; VICIOUS ANIMALS TO BE KILLED; APPEALS**

#### **8-3-6 SEVERABILITY**

#### **8-3-7 REPEAL**

#### **8-3-1 ANIMALS RUNNING AT LARGE.**

It shall be unlawful for any owner, possessor, or keeper to allow or permit any animal(s) to run at large as defined in 8-1-2, or on any street, alley, sidewalk, vacant lot, public property, other unenclosed place in the Village or private property without the permission of the owner thereof. Any such animal(s) permitted to be at large is in violation of this section is hereby declared to be a nuisance and menace to the public health and safety.

Every fierce, dangerous or vicious animal(s), when running at large upon the streets or in any other public place, are hereby declared to be a public nuisance. An animal(s) shall be deemed fierce, dangerous or vicious if it runs after, chases or attempts to bite any person or other animal(s).

#### **8-3-2 IMPOUNDMENT.**

An animal control officer or municipal police officer may impound any animal(s) found running at large unaccompanied by and not under the control of the owner or handler. Any fee charged shall be paid pursuant to 8-1-5.

#### **8-3-3 CITATIONS, CRIMINAL PROCEEDINGS.**

Any animal control officer or municipal police officer may issue a citation and/or file a criminal complaint which is sworn to and filed upon the officer's information and belief. Any individual may file a complaint against the owner or keeper of an animal(s) running at large.

The court shall issue a summons to the owner or keeper of said animal(s) for appearance in court and schedule for a hearing on the merits.

**8-3-4 PENALTIES, ANIMALS RUNNING AT LARGE.**

- A) Upon a finding by the municipal court that any animal is running at large, the court shall issue the following penalties:
  - 1. First Offense: No less than \$25.00
  - 2. Second Offense: No less than \$100.00
  - 3. Third and Subsequent Offense: No less than \$250.00 per offense.
- B) If the same owner or keeper has more than one animal adjudicated as running at large, then each animal in violation of this ordinance shall be considered a separate offense and distinct offense pursuant to this ordinance.

**8-3-5 VICIOUS ANIMALS KILLING OR INJURING LIVESTOCK; DAMAGES; VICIOUS ANIMALS TO BE KILLED; APPEALS.**

- A) If any vicious animal(s) shall kill or injure any livestock or poultry, the owner or keeper of such vicious animal(s) shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction.

It shall be unlawful to keep such vicious animal(s) after it is known that the vicious animal(s) is liable to kill livestock or attack humans, and it shall be the duty of the owner to kill, or have killed, the vicious animal(s) upon order of the court after a finding that the vicious animal(s) has killed or injured livestock without a justifiable and/or legitimate defense and/or reason.

- B) If the same owner or keeper has more than one vicious animal adjudicated as having killed or injured livestock or poultry then each animal in violation of this ordinance shall be considered a separate and distinct offense pursuant to this ordinance.
- C) Any person aggrieved by a decision by this ordinance may file an appeal to the district court within 15 days to obtain the appropriate relief as may be provided by law for the stay and/or appeal of a decision made as provided for by this ordinance.

**8-3-6 SEVERABILITY.**

The provisions of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

**8-3-7 REPEAL.**

Ordinance number 89-8 is hereby repealed.

(ADOPTED 8/19/93)