

## CHAPTER 47

### CONTROL OF ANIMALS, FOWL AND DOGS

1. **DEFINITIONS.** Whenever used herein, the following words shall have the meaning set after them as follows:

(a) Dog - means all members of the family Canidae.

(b) Owner - means any person having a right of property in a dog or other animal or who keeps or harbors a dog or other animal or who has it in his care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.

(c) Own - have a right of property in, or keep, or harbor, or act as custodian of, or have the care of, or knowingly permit, or encourage, to remain on or about premises occupied by the owning person.

(d) Run at Large - suffering or permitting, or causing an animal to be at any place within the City, at any time, outside an escape-proof building or other enclosure without such animal being under direct, effective physical control of the owner thereof, or his agent, or a member of the immediate family of said owner unless within an area specifically designated by the City as an animal exercise run when said animal is under the control of a competent person.

(Amended, Ordinance No. 2007-47, May 21, 2007)

(e) Direct, effective, physical control - means mechanical exercise of authority over a dog or other animal by the person in control of the animal, by means of a leash, cord, rope, strap or chain which shall be fastened to the collar or harness of the animal and of sufficient strength to control the dog or animal.

Revised 09/2020

(f) Registration Certificate - a document or writing furnished by the Finance Department of the City of Decatur through veterinarians upon proper registration and upon payment of the registration fee herein imposed, unless exempt from payment of the registration fee.

(Amended, Ordinance No. 2007- 17, March 19, 2007)

(Amended, Ordinance No. 2006-14, March 20, 2006)

(Amended, Ordinance No. 89-42, May 1, 1989)

(g) Registration Tag - a tag, disk, plate of suitable and durable material furnished by the Finance Department through veterinarians. (Amended, Ordinance No. 2007-17)

(h) Vicious, dangerous or fierce - an animal which has once bitten a person, or an animal which, by barking, or snarling, or growling, or snapping at a person, or rushing at or upon, or chasing a person, or by any other overt action, displays an inclination to do harm to, or to frighten, a person, and includes an animal which attacks or worries or mutilates, or wounds, or kills a dog, or a cat, or a domestic animal.

(i) Administrator - means a veterinarian licensed by the State of Illinois and appointed by the Macon County Board pursuant to the State of Illinois "Animal Control Act" as amended.

(j) Cat - means all members of the family feline.

(k) Wild Animal - means any monkey, raccoon, skunk, fox, life threatening snake or reptile, leopard, panther, tiger, lion, lynx, bear, wolf, coyote, or any other animal or reptile which can normally be found in the wild state.

(l) Public Safety Agency - a functional division of a public agency which provides fire fighting, police, medical, or other emergency services.

(m) Educational Institution – property owned by an Illinois State Board of Education accredited entity which is used wholly for the instruction and recreation of students for grade 12

or under. (Amended, Ordinance No. 2019-09, March 18, 2019) (Amended, Ordinance No. 2006-14, March 20, 2006)

2. **RUNNING AT LARGE.** No owner or person shall permit any domestic animal of the species of horse, mule, pony, donkey, or burro, or any domestic fowl including, geese, chicken, turkey or duck, to run or go at large at any time within the City.

3. **FARM ANIMALS PERMITTED.** No person, firm or corporation shall keep any cattle, sheep, swine, or goats or any other type of animal typically found on a farm at any place upon any premises within the City except temporarily in stock yards for sale or shipment and except temporarily in packing plants for slaughter, and except as to property not previously within the corporate limits of the City upon which such animal or animals had been so kept, harbored or maintained for three months or more prior to the annexation of said property to the City, in which event said animal or animals may remain upon such annexed property unless or until the ownership of said property transfers to another. Educational institutions may keep cattle, sheep, goats, llamas and alpacas upon premises owned by the educational institution as may properties zoned in an Agriculture District. The minimum lot area for keeping a full-sized horse or animal of the equine family is one (1) acre for one equine and one (1) additional acre for each additional equine and in no case shall an equine be kept unless one (1) twelve foot by twelve foot stall enclosed with three (3) solid walls is provided for sheltering each equine kept on such lot. The minimum lot area for educational institutions keeping a miniature horse, pony or other small animal of the equine family, llamas, alpacas and cattle is one-half (1/2) acre for one animal and one-half (1/2) additional acre for each additional animal and in no case shall such animal be kept unless one (1) eight foot by eight foot stall enclosed with three (3) solid walls is provided for sheltering each animal kept on such lot. The minimum lot area for properties zoned

in an Agriculture District keeping a miniature horse, pony or other small animal of the equine family, llamas, alpacas and cattle is one (1) acre for one animal and one (1) additional acre for each additional animal and in no case shall such animal be kept unless one (1) eight foot by eight foot stall enclosed with three (3) solid walls is provided for sheltering each animal kept on such lot. The minimum lot area for educational institutions keeping sheep and goats is one-quarter (1/4) acre per animal and one-quarter (1/4) additional acre for each additional animal and in no case shall such animal be kept unless one (1) eight foot by eight foot stall enclosed with (3) solid walls is provided for sheltering no more than (3) such animals kept on such lot. The minimum lot area for properties zoned in an Agriculture District keeping sheep and goats is one-half (1/2) acre per animal and one-half (1/2) additional acre for each additional animal and in no case shall such animal be kept unless one (1) eight foot by eight foot stall enclosed with (3) solid walls is provided for sheltering no more than five (5) such animals kept on such lot. Lots and shelters must be enclosed and comply with all City of Decatur ordinances. No part of the animal shelter shall be within fifty (50) feet of any dwelling house occupied by human beings, except any dwelling house occupied by the owner or person in control of said animal(s). (Amended, Ordinance No. 2020-129, September 8, 2020) (Amended, Ordinance No. 2020-105, July 20, 2020) (Amended, Ordinance No. 2019-09, March 18, 2019) (Amended, Ordinance No. 2016-49, July 5, 2016)

4. **KEEPING CHICKENS, FOWLS OR RABBITS.** It shall be unlawful for any person, firm or corporation to keep on any premises owned, occupied or controlled by him in the City, any rabbits, chickens, ducks, pigeons, geese, or other domestic fowl unless such animals or fowl are kept in an enclosure no part of which is within 50 feet of any dwelling house occupied by human beings, except any dwelling house occupied by the owner or person in control of said

animal or fowl. Said animal or fowl shall not be located in the front yard or side yard as defined by the City of Decatur Zoning Ordinance. (Amended, Ordinance No. 2020-105, July 20, 2020) (Amended, Ordinance No. 2018-32, August 6, 2018)

5. **SANITATION.** All coops, hutches, doghouses, kennels, pens, enclosures or areas in which any such animal or fowl is kept must be maintained in a sanitary manner without the accumulation of dirt, offal, or urine and in such a manner as to prevent any disagreeable odor.

6. **SALE OF FOWL.** No person, firm or corporation shall sell or cause to be sold chickens, ducklings or other fowl younger than eight weeks of age in quantities of less than 4 in a single purchase for chickens and in quantities of less than two (2) in a single purchase for ducklings or other fowl. (Amended, Ordinance No. 2020-105, July 20, 2020)

7. **ANIMALS AS PRIZES PROHIBITED.** No person, firm or corporation shall give away or cause to be given away any live vertebrate animal as a prize for, or as an inducement to enter any contest, game or other competition, as an inducement to enter a place of amusement or to attract trade to a place of amusement.

8. **CRUELTY TO ANIMALS.** It shall be unlawful for any person to be cruel to any animal in any of the following ways:

(a) By over-loading, over-driving, over-working, beating, torturing, tormenting, mutilating, abusing or killing any animal or causing or knowingly allowing the same to be done.

(b) By cruelly working any animal, including old, maimed, infirm, sick or disabled animals, or causing or knowingly allowing the same to be done.

(c) By failing to provide any animal in his or her charge or custody, as owner or otherwise, with proper and necessary food, drink, shelter, heat, air, sanitation or veterinary care.

(d) By abandoning, or leaving an animal without proper care or feeding, or turning out to die any animal, including old, maimed, infirm, sick or disabled animals.

(e) By cropping an animal's ears, docking an animal's tail or performing similar surgeries except by a licensed veterinary by the State of Illinois.

(f) By tying, confining, or restraining any animal or bird in such a manner that it chokes the animal or bird or prevents it from moving about freely, or such that it forces the animal or bird to stand, lie or sit in its own excrement.

9. **KEEPING POISONOUS ANIMALS PROHIBITED.** No person, firm or corporation shall keep within the City any poisonous reptile, arachnid or other insect, including, but not limited to, poisonous snakes, scorpions, and spiders, except in a zoo.

10. **WILD ANIMALS PROHIBITED.** No person shall own, keep, or maintain any wild animal except when such animal is confined in a legally licensed zoological park, circus, scientific or educational institution, research laboratory, veterinarian hospital, or animal refuge.

It is no defense to this section that the owner or keeper of any animal or reptile which is prohibited has attempted to domesticate such animal or reptile.

11. **RUNNING AT LARGE PROHIBITED.** No owner shall permit or suffer a dog or cat to run at large within the City at anytime.

12. **IMPOUNDING.** Any dog or cat found running at large at any time within the City shall be taken up and impounded as hereinafter provided.

13. **DOG OR CAT IN ESTRUS.** The owner of any dog or cat shall during the period the female is in estrus or heat confine said animal in a building or secure enclosure in such a manner so that the female cannot come into contact with male dogs or cats, except for the purpose of a planned breeding.

**14. RABIES INOCULATION-DOGS.**

A. No person shall own within the City a dog over the age of four months which has not been inoculated against rabies.

B. No person shall fail to annually vaccinate a dog within 30 days following the previous year's vaccination date.

**15. RABIES INOCULATION-CATS.**

A. No person shall own within the City a cat over the age of four months which has not been inoculated against rabies.

B. No person shall fail to annually vaccinate a cat within 30 days following the previous year's vaccination date.

**16. VICIOUS DOG PROHIBITED.** No person shall keep within the City a vicious or dangerous or fierce animal. Exempt from this section are trained police dogs maintained by police officers for use in police or official duties.

**17. NUISANCE ANIMALS.** No person shall own within the City any animal which excessively or continuously make noises, including, but not limited to, barking, howling, whining, caterwauling, crowing or neighing; molests passers-by; chases vehicles; habitually attacks other domestic animals; trespasses on school grounds or private property in such a manner as to damage property or disturbs the peace and quiet of any person or neighborhood by the aforesaid actions. Such an animal is hereby declared to be a nuisance and may be taken up and impounded as hereinafter provided. (Amended, Ordinance No. 2015-48, September 8, 2015)

**18. BITING ANIMALS.** Any animal which shall bite a person, scratch a person, or injure a person so as to cause an abrasion or laceration or puncture of the skin of such person, is

hereby declared to be a nuisance and such animal shall be taken up and impounded as hereinafter provided.

19. **REGISTRATION.** No person shall own a dog or cat four months or more of age within the City unless said dog or cat has been registered in accordance with State Law and the provisions of this Chapter.

**20. REGISTRATION PROCEDURES.**

A. All dogs and cats kept and maintained within the corporate limits of the City of Decatur shall be registered by the owner or owners thereof. Such registration shall be valid for one year from the date of vaccination. The registration fee for dogs and cats registered within thirty (30) days of inoculation against rabies shall be Fifteen Dollars (\$15.00) if the dog or cat is spayed or neutered and Fifty Dollars (\$50.00) if the dog or cat is not so altered. The owner or owners thereof shall remit the required registration fee for each dog or cat owned at the time of inoculation. The veterinarian who inoculated the dog or cat shall collect the registration fees. The veterinarian shall remit the registration fees collected to the Finance Department. If the vaccination is obtained out of county, the registration fee must be paid to the Finance Department. The registration fee for any dog or cat registered more than thirty (30) days after the date of inoculation against rabies shall be double the original fee. Exempt from the registration fee are trained public safety agency owned dogs maintained by public safety officers for use in official public safety duties fulltime, with proof of such certification by the public safety agency's Chief or designee.

(Amended, Ordinance No. 2011-71, October 31, 2011)  
(Amended, Ordinance No. 2007-17, March 19, 2007)  
(Amended, Ordinance No. 2006-14, March 20, 2006)  
(Amended, Ordinance No. 2003-11, March 3, 2003)  
(Amended, Ordinance No. 93-80, November 15, 1993)  
(Amended, Ordinance No. 89-42, May 1, 1989)

B. Upon payment of the annual registration fee to the veterinarian, unless exempt for such payment, a registration certificate will be issued by the veterinarian who shall remit the original to the Finance Department. A copy of said certificate shall be kept by the owner and the D.V.M. inoculating the dog or cat. The Registration Certificate shall be appropriately numbered and serially filed by the Finance Department.

(Amended, Ordinance No. 2007-17, March 19, 2007)

(Amended, Ordinance No. 2006-14, March 20, 2006)

(Amended, Ordinance No. 89-42, May 1, 1989)

C. The provisions of this section shall not apply to dogs or cats the owners of which are not residents within the City and are temporarily within the City for a period of less than thirty (30) days.

## **21. REGISTRATION TAG.**

A. At the time an animal is registered as herein provided, the veterinarian who inoculated the dog or cat shall issue a registration tag furnished by the Finance Department bearing a number corresponding with the number on said registration certificate. The registration tag must be obtained at the Finance Department when a vaccination is obtained out of county after presenting proof of rabies vaccination. Registration tags shall be of suitable, durable material and of a size suitable to be affixed to a collar worn by the registered animal. Registration tags shall be varied either in color or in shape from registration period to registration period so that tags issued for a registration period may be readily distinguished from tags issued for prior periods in near proximity of time.

(Amended, Ordinance No. 2007-17, March 19, 2007)

(Amended, Ordinance No. 89-42, May 1, 1989)

B. Duplicate registration tags shall be issued by the Finance Department in the event the original tag is lost or destroyed, upon presentation of evidence of the prior payment of registration fee, unless exempt, for the animal for the current registration period along with an application for such duplicate registration tag and the payment of a fee equivalent to the City's cost for the duplicate tag.

(Amended, Ordinance No. 2006-14, March 20, 2006)

(Amended, Ordinance No. 89-42, May 1, 1989)

22. **TAG WORN.** Each registered animal shall be provided by the owner with a suitable collar or harness to which the registration tag for that animal shall be securely attached. Both collar or harness and registration tag shall be worn by such animals at all times. Any dog or cat found within the City, whether running at large or otherwise, without a registration tag thereon shall be impounded as herein provided.

23. **NON-TRANSFERRABLE.** Neither registration certificates nor registration tags shall be transferable. There shall be no refund for any reason of registration fee.

24. **IMPOUNDMENT.** Animals taken up under the foregoing provisions hereof shall be impounded in some suitable place provided by the City by contract or otherwise.

25. **ANIMAL BITING ANY PERSON OR SUFFERING RABIES.**

A. When the owner of any dog or other animal knows of or has been notified that such dog or other animal has bitten or has so injured any person as to cause an abrasion of the skin of such person, or is suffering from rabies, he shall forthwith deliver said dog or animal to a police officer or any person duly authorized by the City to enforce this Chapter within 24 hours, whereupon said dog or animal shall be securely confined for a period of ten (10) days under the observation of a licensed veterinarian.

Upon appearance of any symptoms of rabies, said dog or other animal shall be confined until death and then its head shall be removed in such a manner as not to injure the brain and delivered to the Administrator for examination. At the end of the confinement period such dog or other animal shall be examined by the Administrator or other licensed veterinarian, and if no symptoms have appeared such dog or other animal shall be returned to the owner or keeper.

B. It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to promptly notify the Administrator, a police officer or other person duly authorized by the City to enforce this Chapter. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away or otherwise dispose of any such dog or other animal known to have bitten a person until it is released by the Administrator or his authorized representative.

C. It is unlawful for any veterinarian or other person who discovers any dog or other animal within the City suffering with or showing symptoms of rabies to refuse or fail to report such fact immediately to the Administrator, a police officer or other person duly authorized by the City to enforce this Chapter. Any person who discovers such an animal shall give their name, address and location where the dog or other animal may be found.

D. All dogs or other animals taken up under the provisions of this Chapter shall be impounded as provided by ordinance, except that the owner of such dog or other animal, in lieu thereof, may at his own expense, deliver such dog or other animal to a licensed veterinarian within the City for observation. Such dog or other animal shall be confined for observation, provided that the veterinarian shall, before returning any such dog or other animal to the owner, notify the Administrator.

## **26. ENFORCEMENT.**

A. It shall be the duty of police officers, and other persons so authorized by the City, by contract or otherwise, to investigate violations of this Chapter and to enforce the provisions of this Chapter. Such enforcement shall include the issuance of warnings, the issuance of citations, taking and impounding of animals in violation hereof, and any other means necessary to enforce and effectuate the purposes of this Chapter.

(Amended, Ordinance No. 90-35, March 19, 1990)

B. No person shall in any way interfere, attempt to interfere or cause another person or animal to interfere or attempt to interfere with any authorized person engaged in the performance of his or her duties under this Chapter.

27. **OTHER ANIMALS.** All provisions of this Chapter with regard to suppression of rabies, confinement of animals, impoundment, or running at large shall also apply to animals other than dogs or cats, except when such animals are confined in a zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

28. **DEAD ANIMALS PROHIBITED.** No person shall fail to immediately remove a dead animal found upon property under his possession or control.

29. **VIOLATION NOTICE AND COMPLAINT.** (Amended, Ordinance No 2011-71)

A. Whenever a police officer or other person duly authorized by the City to enforce this Chapter witnesses or has knowledge, based on reasonable grounds, of a violation by any person of any section of this Chapter, except section 25, such person may be issued a Violation Notice and Complaint as set forth in Chapter 29 of this Code.

(Amended, Ordinance No. 2011-71; Ordinance No. 98-56)

B. The Finance Department may issue a Violation Notice and Complaint for violations of Sections 14, 15 and 19 of this Chapter as set forth in Chapter 29 of this Code.

(Amended, Ordinance No. 2011-71, October 31, 2011)

### **30. PAYMENT OF VIOLATION NOTICE AND COMPLAINT.**

(Amended, Ordinance No. 2011-71, October 31, 2011)

A person cited for a violation of any section of this Chapter as herein provided may terminate any further proceedings by the City due to said violation by making payment to the City at the office of the City Treasurer. Payment will be considered as being made only when the City Treasurer is in receipt of the full amount. If a person is cited for more than one violation of this Chapter on a single Violation Notice and Complaint the fine must be paid for each violation listed in order to terminate any further proceedings.

(Amended, Ordinance No. 2011-71, October 31, 2011)

(Amended, Ordinance No. 2003-11, March 3, 2003)

(Amended, Ordinance No. 93-80, November 15, 1993)

### **31. PENALTY.**

A. Any person, firm or corporation who shall violate any of the provisions hereof, shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred (\$500.00) for each offense, and every day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-71; Ordinance No. 93-80)

B. The Circuit Court of Macon County may enter an Order that any vicious, dangerous, fierce, or biting animal as defined by this Chapter be humanely dispatched.

(Amended, Ordinance No. 91-55, July 15, 1991)

### **32. CITY-DESIGNATED ANIMAL EXERCISE RUN**

The City of Decatur designates “Fido Fields” located in Fairview Park and Nelson Park dog park as animal exercise runs. (Amended, Ordinance No. 2018-23, May 21, 2018)

(Amended, Ordinance No. 2007-47, May 21, 2007)

33. **APPEAL PROCEDURE.** A person cited for a violation of any section of this Chapter may appeal the issuance of the citation in writing within 30 (thirty) days of the date of issuance of the citation. Such written appeal must be received by the City of Decatur Administrative Court Clerk by said 30<sup>th</sup> day. Appeals will not be accepted on citations for which more than 30 days have elapsed from the date of issuance of the citation. An administrative hearing shall be held, pursuant to Chapter 29 of City Code. The City shall serve notice of the hearing in a manner reasonably calculated to give actual notice, as outlined in Chapter 29, Section 5, of City Code. All parties shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply, and hearsay evidence shall be admissible. The hearing shall be open to the public and recorded. The decision of the Hearing Officer shall be a final and appealable administrative decision. (Amended, Ordinance No. 2015-48, September 8, 2015)