

CITY OF LE ROY  
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 11-08-02-~~18~~<sup>70</sup>

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE MUNICIPAL  
CODE, LE ROY, ILLINOIS, 2003  
TITLE 5, POLICE REGULATIONS**

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS  
1st DAY OF AUGUST, 2011

PRESENTED: August 1, 2011

PASSED: August 1, 2011

APPROVED: August 1, 2011

RECORDED: August 1, 2011

PUBLISHED: August 1, 2011

In Pamphlet Form

Voting "Aye" (7)

Voting "Nay" (0)

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The undersigned being the duly qualified and Acting City Clerk of City of Le Roy does hereby certify that this document constitutes the publication in pamphlet form, in connection with a pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded, and published as above stated.

(SEAL)



City Clerk of the City of Le Roy,  
McLean County, Illinois

Dated: August 1, 2011

**ORDINANCE NO. 11-08-02-10**

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE MUNICIPAL  
CODE OF LE ROY, ILLINOIS, 2003  
TITLE 5, POLICE REGULATIONS**

**WHEREAS**, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, deem it to be in the best interests of the city and its residents that the police regulations ordinance amendments hereinafter set forth be approved, and

**WHEREAS**, all things required by law and ordinance to be done in regard to the amendment of the hereinafter described text have been completed,

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Le Roy, Illinois in lawful meeting assembled, as follows:

**SECTION 1.** Title 5, Chapter 1, Section 1, sub-section A,B and C, Section 2, sub-section A and B and Section 3 is hereby repealed, and in its place the following text is hereby adopted in amendment of the aforesaid section in words and figures as follows:

**DOGS, CATS, AND OTHER ANIMALS**

**SECTION:**

- 5-1-1: Definitions
- 5-1-2: General Regulations and Licensing
- 5-1-3: Animals in Heat
- 5-1-4: Exemptions; injunction or nuisance
- 5-1-5: Exceptions
- 5-1-6: Penalties
- 5-1-7: Dog Fighting
- 5-1-8: Keeping, Breeding, Caring for and Possessing certain birds and  
animals

## **DEFINITIONS:**

Used in this chapter, the following words, terms, and titles shall have the following meanings:

**ANIMAL:** Any mammal, reptile, or fowl, domestic or wild; or any living creature, domestic or wild.

**ANIMAL CONTROL OFFICER:** Any persons authorized by the Le Roy City Council to primarily catch strayed animals, care for impounded animals, and enforce this chapter. The Animal Control Officer shall have the power to issue citations, notices to appear, sign complaints and do all other acts and deeds reasonably necessary to effectuate the requirements of this chapter. Appointment of a person as an Animal Control Officer does not deny any Le Roy Police Officer the power to enforce this chapter.

**ANIMAL IN HEAT:** That period or duration of time when there is sexual excitement in a female animal.

**CAT:** All domestic members of the feline family, *Felis catus*.

**COMPETENT PERSON:** A human being who is capable of controlling the animal in question, and to whose commands the animal is obedient.

**DANGEROUS ANIMAL/ DOG:** Means any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal, or a dog that, without justification, bites a person and does not cause serious physical injury.

**DOG:** A domesticated carnivore, scientifically known as *Canis familiaris*, of whatever breed, sex or variety.

**DOMESTIC ANIMALS:** The following are considered to be domestic animals.

1. Dogs (not including hybrids of dogs).
2. Cats (not including hybrids of cats).
3. Domestic rodents (hamsters, guinea pigs, white mice, white rats, etc.).
4. Farm animals (equines, bovines, swine, ovine, caprine, poultry, rabbits).
5. Non life threatening, nonpoisonous reptiles or amphibians.
6. Non life threatening, nonpoisonous fish.
7. All birds, except those protected as wild birds by state or federal statute.
8. Breeding: Allowing more than one litter per residence, business, household, building or establishment annually.

**EXOTIC ANIMALS:** Any non-domestic animal not native to the state.

**FERAE NATURAE:** Any animal which yet, as a species, retains its wild nature; any non-domestic animal; any untamed animal.

**IMPOUNDMENT:** The physical restraint of any animal pending the judicial and/ or administrative process.

**INOCULATION AGAINST RABIES:** The injection, subcutaneously or otherwise, as approved by the Illinois Department of Agriculture, of antirabic vaccine approved by said Department.

**KEEP:** Owning, possessing or harboring. The term "harboring" shall include regular feeding.

**LIVESTOCK:** Any domestic animal.

**NUISANCE:** For purposes of this chapter, an animal is considered a nuisance when it causes inconvenience or disturbance to other persons by reason of noise, odor or when said animal:

1. Damages real or personal property other than the owner's;
2. Causes unsanitary, dangerous or unreasonably offensive conditions;
3. Causes a disturbance by excessive barking, caterwauling or other noisemaking.
4. Chases vehicles;
5. Chases, molests, attacks, bites, interferes with physically or intimidates any person while on or off the premises of the owner;
6. Chases, molests, attacks, bites, or interferes with other animals while off the premises of the owner.

**OWNER:** Any person having a right of property in an animal; or any person who keeps or harbors such animal; or has an animal in his/ her care; or who acts as such animal's custodian; or who knowingly permits such animal to remain on or about any premises occupied by such person.

**VICIOUS ANIMAL/DOG:** Means any dog that without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "Dangerous Dog" upon three (3) separate occasions.

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animal; or
2. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
3. Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.

A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely closed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

**WILD ANIMAL:** Any living member of the animal kingdom (including exotic animals) other than a domestic animal.

## 5-1-2: GENERAL REGULATIONS AND LICENSING:

- (A) **Cruelty:** No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, overloads, abandons or neglects any animal shall be deemed guilty of a violation of this section.
- (B) **Dangerous Animals:** It shall be unlawful to keep any dangerous animal or vicious animal of any kind within the corporate limits of the city. Whenever any dangerous animal or any vicious animal bites or attacks any person or any animal, the City Attorney may petition any court of competent jurisdiction to obtain a court order directing the dangerous animal or the vicious animal to be destroyed. In addition to the foregoing facts, proof by a preponderance of the evidence that any animal has caused annoyance to persons using the public sidewalks, streets, or roads; or has chased, worried, or molested any other animal or child; or, has in any other manner caused damage or injury to property or person, to include injury to other animals, shall be deemed, prima facie evidence of a dangerous or a vicious animal.

1. **Leash and Muzzle:** Pending the decision of the Court when a complaint has been filed by the City Attorney requesting that an animal be declared dangerous or vicious the owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respirations, but shall prevent it from biting any human or animal.

2. **Signs:** Pending the decision of the Court when a complaint has been filed by the City Attorney requesting that an animal be declared dangerous or vicious, the owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

- (C) **Noises:** It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

Testimony of one or more persons residing or being in the neighborhood that such animal disturbed their peace and quiet shall be prima facie proof that such animal disturbed the peace and quiet of that neighborhood.

- (D) **Strays:** It shall be unlawful to permit, suffer, or allow any cattle, horse, swine, sheep, goats, poultry, or other animal, except as hereinafter provided, to run at large in the City; any such animal running at large in any public place or on property not owned or controlled by such animal's owner or keeper, shall be impounded in the manner provided in this chapter. It shall be unlawful to picket or tie any such animal in any of the streets or other public places of the City for the purpose of grazing or feeding. This offense is malum prohibitum in nature and no specific intent or special state of mind is required to constitute an offense.
- (E) **Killing Dangerous Animals:** The members of the Le Roy Police Department or the Animal Control Officer, are authorized to kill any dangerous animal of any kind when reasonably necessary for the protection of any person.

(F) **Diseased Animals:** No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner or keeper thereof, except under the supervision of the Animal Control Officer, or in their absence the Chief of Police.

(G) **Housing:** No person shall cause or allow any place where any animal is or may be kept to become unclean, or unwholesome, and it shall be unlawful to have or keep any live goats, cattle, chickens, horses, rabbits, swine pigs, or other barnyard farm animals in the City.

(H) **License Required:** No dog or cat shall be permitted to be or remain in the City without being licensed through the McLean County Animal Control Office.

(I) **Animals Running at Large To Be Restrained:** It is unlawful for any owner or keeper of any animal to permit, suffer, or allow such animals to be off the premises of such owner or keeper unless such animal is under restraint, or unless such animal is upon the property of another with that property owner's consent. This offense is malum prohibitum in nature and no specific intent or special state of mind is required to constitute an offense. As used in this subsection, "restraint" shall be taken to mean:

1. Under control by a line or leash not more than six feet (6') in length, when said line or leash is held by a competent person; or
2. When within a vehicle or enclosure, to include pen or kennels.

(J) **Animal Control Officer:** The Animal Control Officer is hereby charged with the duty of impounding all strayed animals, all animals running at large, and all animals alleged to be dangerous animals or vicious animals. The Animal Control Officer may declare an animal as dangerous or vicious based on the definitions set forth in section 5-1-1 of this chapter. The Animal Control Officer shall serve the owner or keeper of the animal with notice that the animal has been preliminarily declared dangerous or vicious and said notice will provide the opportunity to object to such classification. Service of the notice can be effected by in person delivery or by registered mail at the address where the animal was last registered with McLean County. The owner or keeper of the animal has the opportunity to object to the classification of the animal as dangerous or vicious before a Judge of the McLean County Ordinance Court after receiving a summons which will also include a separate written notification declaring an animal dangerous or vicious.

1. At the McLean County Ordinance Court, the city and the keeper or owner of the dog will have the opportunity to present testimony and evidence as to the nature of the animal. If the presiding Judge of the Ordinance court upholds the designation of dangerous or vicious, the presiding Judge may order that the animal be spayed or neutered and/or micro chipped at the owner's or keeper's expense, restrained or other reasonable action which will protect the public. The order of the presiding Judge is in addition to any penalties that may be sought by the City Attorney for violations of this code.

Any subsequent violations of subsection 5-1-2 [B] of this chapter will handled under subsection (B) of this section.

(K) **Redemption of Impounded Animal:** Any animal impounded under this chapter may be redeemed by such animal's owner or keeper by paying all applicable fees as assessed by each restraining animal control facility. Said fees will be due and payable to the restraining animal control facility. Said animal(s) if impounded locally at the City of LeRoy facility may be redeemed at the City Street Department located at 410 N. Hemlock St., or if they are transferred to the McLean County Animal Control Facility they may be redeemed at, at 9279 N 1375 East Road, Bloomington, Illinois 61704, Phone #: (309) 888-5060, FAX#: (309) 888-5061.

1. Said fees are subject to revision from time to time as the City and/ or County Animal Control Facilities deem appropriate.

2. No animal shall be released from impoundment unless all applicable fees are paid to the City, and proof of proper rabies inoculation is presented to the City Animal Control Officer, a release form will be prepared by the Animal Control Officer. If the animal(s) have been transferred to the McLean County Animal Control Shelter the County shall not release the animal(s) unless a valid City of LeRoy release form is presented by the owner along with proof of proper rabies inoculation.

(L) **Impoundment Of Licensed Animals: Notice:** In addition to the notice requirements of **subsection (K)** of this section, written notice shall be mailed to the registered owner of any animal wearing a current license tag concurrently with the posting of notice required by **subsection (K)** of this section. The Animal Control Officer shall give such written notice and shall retain a copy of such notice with proof of service for the City files.

(M) **Animal Bites:** Whenever any animal bites a person, the owner or keeper of such animal, or, person having knowledge of such bite, shall immediately notify the on duty Police Officer who shall order in writing that such animal be impounded as above set forth for a period of **ten (10)** consecutive days, exclusive of the day of the bite. The animal shall be examined immediately after it has bitten a person by a veterinarian licensed to practice in the state and shall be examined again at the end of such **ten (10)** day period by the same veterinarian. If, at the end of the **ten (10)** day period the same veterinarian, in writing, certifies the animal to be free from rabies, such animal shall be released from impoundment if its owner or keeper first pays all impoundment costs and fees as above set forth in **subsection (K)**, and, also, first reimburses the City for the actual expenses of having such animal examined by a veterinarian as aforesaid. If the owner or keeper fails to redeem such animal from impoundment, it shall be euthanized at the end of the said **ten (10)** day period. If the animal dies during the **ten (10)** day impoundment period, its head shall be sent to the appropriate State authorities for examination for rabies. The **ten (10)** day impoundment period contemplated in this subsection may be extended for such other reasonable period as may seem necessary to protect the public health and/or safety by the Animal Control Officer or in their absence the Chief of Police.

(N) **Nuisance By Animals:** It is unlawful for any owner, keeper or walker of any animal to permit such animal to discharge or deposit such animal's excreta upon any public or private property, other than the property of the owner or keeper of such animal, if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property. Nothing in this subsection shall be construed to negate the requirement of this chapter relating to unclean or unwholesome housing of animals or to negate the requirements of any other portion of this chapter.

(O) **Mandatory Rabies Inoculation:** Every owner or keeper of a dog or cat kept or found within the corporate limits of the City shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian at such intervals as may be established by regulations promulgated pursuant to the Illinois Animal Control Act. For purposes of this subsection the term "cat" is defined as a domesticated carnivorous mammal scientifically known as *Felis domestica*, of whatever breed, sex or variety.

**5-1-3: ANIMALS IN HEAT:**

A female animal which has not been spayed and when in heat shall be confined by her owner in an enclosed place so that male animals of the same species cannot enter such place.

**5-1-4: EXEMPTIONS; INJUNCTION OR NUISANCE:**

(A) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with state law. It shall be the duty of the owner of such exempted dog to notify the Animal Control Officer of changes of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Officer advised of the location where such dog will be stationed. The Animal Control Officer shall provide Police and Fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(B) The City, or any citizen of the City in which a dangerous dog or other animal exists may file a complaint in the name of the City to enjoin persons maintaining or permitting such, to abate the same, to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon filing of a complaint in the circuit court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this section, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely euthanized.

**5-1-5: EXCEPTIONS:**

None of the provisions of this chapter shall be interpreted to unreasonably be applied to the owners or users of seeing eye dogs.

#### **5-1-6: PENALTIES**

Any person who is convicted of violating any of the provisions of this chapter shall be subject to a fine exclusive of court costs, for each such occurrence as follows:

1. For violations of Section 5-1-2 (D), (G), (H), (I), (N), (O), first offense, \$100.00, second offense \$150.00, and third offense and any subsequent offenses \$200.00.
2. For violations of Section 5-1-2 (A), (B), (B1), (B2), (F), and (M) first offense \$200.00, second offense \$250.00, third offense and any subsequent offenses \$300.00.
3. For violations of Section 5-1-2 (C), first offense \$50.00, second offense \$75.00, third offense and any subsequent violations \$100.00.
4. For violations of Section 5-1-7, first offense \$200.00, second offense \$250.00, third offense, and any subsequent violations \$300.00.
5. For violations of Section 5-1-8 (A), (B), (C), (D), (E), first offense \$100.00, second offense \$200.00, third offense, any subsequent violations \$300.00.
6. Impound fee: \$75.00 for each animal impounded.

#### **5-1-7: DOG FIGHTING:**

Dogfighting: No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dogfighting, or train, torment, badger bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

#### **5-1-8: KEEPING, BREEDING, CARING FOR AND POSSESSING CERTAIN BIRDS AND ANIMALS:**

(A) **Possession Of Certain Animals Prohibited:** No person, partnership, firm or corporation shall keep, harbor, possess, care for, act as custodian for or have a right of property in:

1. A wild animal (including, but not limited to, all animals enumerated in section 1 of the dangerous animal act of Illinois) except circuses, zoos, veterinary hospitals or clinics, animal shelters which must be legally licensed pursuant to federal and/or state statutes, or facilities licensed and regularly inspected by the USDA and which are located within a proper zoning classification.
2. Any animal or bird which has been declared "rare" and/or "endangered" by any national government, recognized international organization or by interim treaty, including animals listed in the federal animal welfare act.
3. Any exotic animal or bird.

- (B) **Sale, Lease, Or Transfer:** No person shall sell, lease or transfer any of the animals described in **subsection (A)** of this section except to a legally licensed dealer, circus or zoo.
- (C) **Limit On The Number Of Animals:** No household shall harbor **nine (9)** or more animals, (as defined in this chapter) over the age of **six (6) months** on property within the City, and
1. No household shall harbor **four (4)** or more adult animals of the same type, ie: dogs, cats, birds, etc.
  2. The limit on the number of animals shall not apply to property operated as an animal hospital or veterinary clinic when operated by a veterinarian licensed under the Illinois veterinary medicine and surgical practice of 2004.
- (D) **Farm Animals:** Except as otherwise provided in the zoning ordinances of the City, all farm animals, including those classified as pets, shall be prohibited.
- (E) **Public Display:** It shall be unlawful for any person to display in public in the City any animal, bird or reptile which will reasonably cause fear or apprehension of bodily injury in a person of normal sensibilities. This subsection shall not apply to animals, birds or reptiles in confinement or cages.
- (F) **Severability:** If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such a decision shall not affect the validity of the remaining portions of this section.

**SECTION 2.** This ordinance shall be in full force and effect from and after its passage and approval as required by law.

**PASSED** by the City Council of the City of Le Roy, Illinois, upon the motion by Jeff Lewis, seconded by, T.A. Whitsitt by roll call vote on the 1<sup>st</sup> day of August, 2011, as follows:

Council members elected 8 Council members present 7

**VOTING AYE:** Jeff Lewis, T.A. Whitsitt, Monti Albert, Mike Bailey, Boyd Denner, Rae Ann Ahlers, Dawn Hanafin

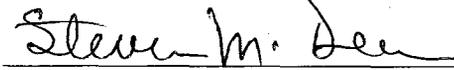
**VOTING NAY: 0**

**ABSENT:** John Haney

and deposited and filed in the Office of the City Clerk in said municipality on the 1<sup>st</sup> day of August, 2011.

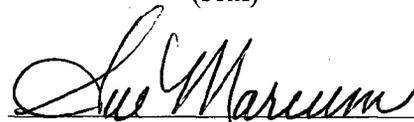
  
Sue Marcum, City Clerk of the  
City of Le Roy, McLean County, IL

**APPROVED BY** the Mayor of the City of Le Roy, Illinois, the 1<sup>st</sup> day of August, 2011.

  
Steven Dean, Mayor of the City of  
Le Roy, McLean County, IL

**ATTEST:**

(seal)

  
Sue Marcum, City Clerk of the  
City of Le Roy, McLean County, IL

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on August 1<sup>st</sup>, 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 11-08-02-~~10~~, entitled:

<sup>70</sup>  
AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE MUNICIPAL  
CODE, LE ROY, ILLINOIS, 2003  
TITLE 5, POLICE REGULATIONS

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 11-08-02-<sup>70</sup>~~10~~, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on August 1<sup>st</sup>, 2011, and continuing for at least ten days thereafter. Copies of such Ordinances were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 1<sup>st</sup> day of August, 2011.

(SEAL)

  
Municipal Clerk

STATE OF ILLINOIS     )  
  ) SS:  
COUNTY OF MCLEAN    )

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am keeper of the records and the files of the Mayor and the City Council of the said City.

I do further certify that the forgoing is true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE MUNICIPAL CODE, LE ROY, ILLINOIS, 2003 TITLE 5, POLICE REGULATIONS**

I do further certify said ordinance was adopted by the City Council of the City of Le Roy at a regular meeting on the 1st day of August, 2011, and a faithful record of said ordinance has been made in the record books.

Dated this 1st day of August, 2011

  
\_\_\_\_\_  
City Clerk

(SEAL)