

ORDINANCE NO. 8283- 42

AN ORDINANCE
AMENDING SECTIONS 4-18 AND 4-23 OF THE
CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS

WHEREAS, the Appellate Court of Illinois for the Fourth District in the case of the City of Champaign v. Auler (No. 482-0215, November 17, 1982), has held that the element of knowledge or scienter is required of the owner of a dog in order to find such owner in violation of an ordinance providing that no person owning any dog shall suffer or permit such dog to run at large; and

WHEREAS, the City Council of the City of Urbana, Illinois, had previously intended and also now intends, following said decision, to prohibit dogs from running at large without requiring proof of knowledge or negligent conduct on the part of the owner, possessor or keeper of any such dog, and as such to continue to have such sections of its Code of Ordinances be construed as malum prohibitum offenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That subsection (a) of Section 4-18, entitled "Subject to impoundment for running at large, etc.," of the Code of Ordinances, City of Urbana, Illinois, be and the same is amended so that such section shall read as follows:

(a) The running at large of any dog within the corporate limits of the City is hereby declared a nuisance and is prohibited. Any dog is subject to impoundment when the owner, possessor or keeper of any dog does not keep such dog under restraint at all times and such dog is found to be at large off the premises or property of such owner, possessor or keeper. Any dog shall be deemed at large when it is off the property of its owner, possessor or keeper, and not under control of the owner, possessor or keeper either by leash, cord, chain or otherwise. A dog is under restraint within the meaning of this section if it is controlled by a leash, or at heel beside owner, possessor or keeper or is obedient to that person's commands, or within a vehicle driven or parked on the streets, or within the property limits of its owner, possessor or keeper.

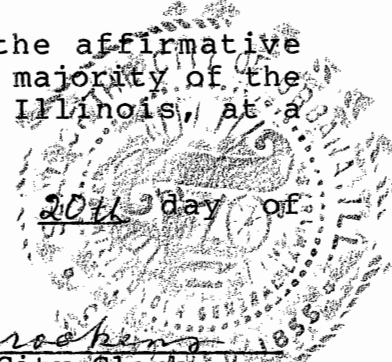
Section 2. That subsection (a) of Section 4-23, entitled "Public nuisance; penalties," of the Code of Ordinances, City of Urbana, Illinois, be and the same is amended so that such section shall read as follows:

(a) Any person who is the owner, possessor or keeper of a dog which is a public nuisance is guilty of maintaining a public nuisance, or if any person is the owner, possessor or keeper of a dog otherwise subject to impounding under section 4-18, then such person shall be fined ten dollars (\$10.00) for the first violation, twenty dollars (\$20.00) for the second violation and between twenty dollars (\$20.00) and two hundred dollars (\$200.00) for each additional violation.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 20th day of December, 1982.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 25th day of December, 1982.


Jeffrey T. Markland, Mayor

CERTIFICATION OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana News-Gazette on the 7th day of January, 1983.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned, M. J. Deuca, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by

its controller, does hereby
certify that said Corporation is the publisher of The News-Gazette and that the same is
a daily secular newspaper of general circulation published in Champaign, Champaign
County, Illinois, and which said newspaper had been regularly published for more
than six months prior to the first publication of the annexed notice; said publisher
further certifies that the annexed notice was published once each week for _____
consecutive weeks in said newspaper, namely on the following dates:

Jan 7, A. D. 19 83

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, A. D. 19

, A. D. 19

Said publisher further certifies that the date of the first paper containing the said
notice was on the first date hereinabove set forth, and that the date of the last paper
containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By _____

Controller

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$

49.98

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CITY OF URBANA, ILL.
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CITY CLERK'S OFFICE