

ORDINANCE NO. 9495-105

AN ORDINANCE AMENDING CHAPTERS ONE AND FOUR OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING VICIOUS DOGS

WHEREAS, vicious dogs have become a serious threat to the safety and welfare of the citizens of Urbana;

WHEREAS, the Urbana Police Department received over two hundred complaints of dogs running at large and over twenty reports of dog bites during 1994;

WHEREAS, some dog owners fail to take responsibility for properly training and confining their dogs;

WHEREAS, stronger regulations, including increased minimum fines and the destruction of dogs in certain situations, are necessary to limit the number of dog bite incidents.

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

Section 1. That Section 4-19 of Chapter 16, entitled "Animals and Fowl", of the Code of Ordinances, City of Urbana, Illinois is hereby amended to read as follows:

Sec. 4-19. Disposition of impounded dogs.

Except as provided in Section 4-26, any dog impounded as provided in this article may be redeemed by the owner or keeper of such dog upon payment of the impoundment fee as prescribed in section 14-7 of this code to the city collector for the care and feeding of such dog for each day or part of a day that it has been impounded. In case of any dog so impounded which has not been vaccinated against rabies, the impounder shall notify the county rabies control; giving the name and address of the owner. Any dog impounded as provided in this article not redeemed within seven (7) days after being impounded shall be disposed of in a manner consistent with the laws of the state.

Section 2. That Section 4-23 of Chapter 16, entitled "Animals and Fowl", of the Code of Ordinances, City of Urbana, Illinois is hereby amended to read as follows:

Sec. 4-23. Vicious dogs - Definitions.

As used in this Article, the following underlined terms shall have the meaning ascribed to each such term as set forth below:

(A) Confined means while on the premises of its owner, possessor, or keeper, said dog is securely confined indoors or is confined in a securely enclosed and locked pen or dog run area upon the premises of said person. Such pen or dog run area must be adequate to insure the confinement of such dog upon said premises.

(B) Vicious Dog means:

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness, or unprovoked attacks upon human beings or other animals.

(4) Any individual dog which when either unmuzzled, unleashed, or unattended by its owner, possessor, or keeper, in a vicious or terrorizing manner, has approached any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places on three or more separate occasions.

(5) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or solely because it is a professionally trained dog for law enforcement or guard duties.

(6) Vicious dogs shall not be classified in a manner that is specific as to breed.

(C) Found to be a vicious dog means

(1) That a hearing was held in accordance with Section 4-25 and a written finding was made that the dog is a vicious dog; or

(2) That a Circuit Court has entered a written order finding the dog to be a vicious dog.

(D) Hearing officer means the animal control officer or a designee appointed by the animal control officer.

Section 3. That Article II, "Dogs", of Chapter 4, "Animals and Fowl", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by adding new sections 4-24 to 4-28 to read as follows:

Sec. 4-24. Vicious dogs - Confinement.

(A) Any person who is the owner, possessor, or keeper of a vicious dog shall keep such animal confined on the premises of said person.

(B) If it is necessary for the owner, possessor, or keeper of a vicious dog to obtain veterinary care for the dog or to comply with the order of a court of competent jurisdiction, then the dog may be allowed off the premises of said person, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner, possessor, or keeper of the dog.

Sec. 4-25. Vicious dogs - Hearing and determination.

(A) If the animal control officer or a police officer determines that there exists probable cause to believe that a dog is a vicious dog, then the hearing officer shall conduct a hearing to determine whether the dog is a vicious dog.

(B) The owner, possessor, or keeper of the dog shall be served with notice of the hearing, either personally or by first-class mail to his or her last known address. The hearing shall be held promptly within no less than five working days nor more than ten working days after service of notice upon the owner, possessor, or keeper of the dog.

(C) The hearing shall be open to the public and shall be recorded. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and live testimony. The hearing officer shall determine, based upon a preponderance of the evidence, whether the dog is a vicious dog.

(D) The owner, possessor, or keeper of the dog shall be notified in writing of the determination of the hearing officer either personally or by first-class mail to his or her last known address.

(E) The determination of the hearing officer shall be final, unless the owner, possessor, or keeper of the dog files a timely complaint under the Administrative Review Law (735 ILCS 5/3-101 et seq.).

Sec. 4-26. Vicious dog - Impoundment and destruction.

Any dog which has been found to be a vicious dog and which is not confined shall be impounded by the Animal Control Officer or a Police Officer and shall be turned over to a licensed veterinarian for destruction by lethal injection.

Sec. 4-27. Vicious dog - Warning sign.

The owner, keeper, or possessor of dog found to be a vicious dog shall display a sign on the premises warning that there is a vicious dog on the property. This sign shall be visible and be capable of being read from the public highway or street. The sign shall conspicuously display a symbol warning children of the presence of a vicious dog.

Sec. 4-28. Vicious dog - Penalties.

(A) Any person found in violation of Section 4-24, in addition to any other penalties as may be appropriately applied under this Chapter, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(B) Any person found in violation of a second offense or any subsequent offenses under Section 4-24, in addition to any other penalties as may be appropriately applied under this Chapter, shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(C) Any person found in violation of Section 4-24 involving a dog that has been found to be a vicious dog, in addition to any other penalties as may be appropriately applied under this Chapter, shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(D) Any person found in violation of Section 4-24 involving a dog that unprovoked inflicted a bite or attacked a human being or other animal either on public or private property, in addition to any other penalties as may be appropriately applied under this Chapter, shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

Section 4. That Section 1-18 of Chapter 1, entitled "General Provisions", of the Code of Ordinances, City of Urbana, Illinois is hereby amended to read as follows:

Section 1-18. Minimum fine schedule for certain violations.

The minimum fine for violating certain sections of the Code of Ordinances, City of Urbana, Illinois shall be as follows:

Section	Section Title	Minimum Fine
<u>Chapter 3</u>	<u>Alcoholic Liquors</u>	
3-4	Hours of operation.	\$ 75
3-5	Sale to drunkards, insane persons, etc.	75
3-7	Transporting in motor vehicle	75
3-20	Allowing to frequent or remain in public areas of Class A establishments. (Minors)	75

3-21	Sale, delivery to minors.	75
3-22	Furnishing false identification for potential use. (Minors)	75
3-23	Licensee's duty to demand identification fraudulent use constitutes chapter violation. (Minors)	75
3-24	Purchase, possession prohibited; exceptions. (Minors)	75
3-39	Required. (Liquor license)	75
3-61	Possession of open container of alcoholic liquor on public property.	75
3-62	Carrying open container of alcoholic liquor out of liquor service premises.	50

Chapter 3.5 Ambulances

3.5-2	Cooperation with other public safety and emergency services.	75
3.5-3	Monitoring calls.	75
3.5-11	Required. (Ambulance license)	75

Chapter 3.7 Amusements

3.7-13	License required. (Amusement devices)	75
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Chapter 4 Animals and Fowl

4-1	Prohibited at large; responsibility of owner.	50
4-2	Cruelty.	75
4-3	Mistreating, interfering with, etc., police dogs.	75
4-4	Killing, injuring, etc., squirrels.	50
4-5	Disturbing the peace. (Animals)	50
4-6	Keeping of bees.	50
4-18	Subject to impoundment for running at large, etc. (Dogs)	50

Chapter 6 Civil Emergencies

6-1	Proclamation by mayor for public curfew.	75
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Chapter 8 Fire Prevention and Protection

8-2	Obstructing fire hydrants.	75
8-3	Removal of property salvaged at fires.	75

Chapter 9 Food and Food Establishments

9-13	Licenses and fees. (Food service license)	75
9-39	Required. (Food delivery license)	75

Chapter 9.5 Games of Chance

9.5-21	License required. (Raffle license)	75
9.5-27	Conduct of raffles; tickets; advertisements.	75

Chapter 10 Garbage and Refuse

10-1	Deposit of garbage, slops, filth, etc.;	
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	nonapplicability to certain recyclable materials.	50
10-2	Disposal of garbage.	50
10-3	Recycled materials to become property of the city; unauthorized collection.	50
10-3.1	Unlawful removal of materials set out for municipal collection.	50
10-5	Scattering waste paper, etc., prohibited.	50
10-6	Scattering dirt, gravel, etc., on public streets.	50
10-7	Placing grass, leaves or debris in streets and gutters.	50
10-20	Containers - Required.	50
10-21	Same - Offensive materials prohibited.	50
10-22	Same - Cleaning; disposal of contents.	50
10-37	Vehicle operating requirements.	75
10-78	Same - Failure to comply; penalty. (Animal waste)	50

Chapter 11 Health and Sanitation

11-19	Open burning.	50
11-34	Prohibitions generally. (Smoking)	50
11-36	Prohibited smoking on buses.	50
11-37	Responsibility of proprietors. (Smoking)	75

Chapter 13 Library

13-1	Creating disturbances.	75
13-2	Loitering.	75
13-3	Failure to return books or pay fines.	75
13-4	Mutilating, etc., books, etc.	75
13-5	Unlawful removal of articles.	75
13-6	Those prohibited from use not to visit.	75

Chapter 15 Miscellaneous Offenses and Provisions

15-3	Hindering performance by or refusing to obey direction of city officer or employee.	75
15-4	Impersonation of city officers and employees.	75
15-16	Assault.	100
15-17	Battery.	100
15-18	Reckless conduct.	100
15-31	Breaking and entering.	75
15-32	Theft.	75
15-33	Destroying or injuring property - Generally.	75
15-34	Same - Caps or lids connected with water, sewerage or gas companies.	75
15-35	Criminal trespass to land generally.	75
15-36	Criminal trespass to city-supported land.	75
15-43	Definitions. (Retail theft)	75
15-59	Loitering.	75
15-60	Disorderly conduct.	75
15-61	Mob action.	75

15-62	Fireworks.	75
15-63	Curfew for minors.	75
15-64	Public Urination and defecation prohibited.	75
15-71	Throwing stones, missiles, etc.	75
15-72	Use of slings and air guns prohibited.	75

Chapter 16 Noises and Vibrations

16-2	Prohibition generally.	50
16-7	Construction operations.	75
16-8	Motor vehicles.	50
16-9	Horns and signalling devices on vehicles.	50

Chapter 17 Peddlers, Solicitors and Transient Merchants

17-3	Refusing to leave premises; posting of premises.	75
17-4	Use of residential streets prohibited; exception peddlers and permit holders.	75
17-16	Required. (Solicitor license)	75

Chapter 20 Streets, Sidewalks and Other Public Places

20-44	Permission required. (Obstructions)	75
20-45	Merchandise. (Obstructions)	75
20-46	Building materials. (Obstructions)	75

Chapter 23 Traffic and Motor Vehicles

23-25	Required. (Bicycle permit)	50
23-44	Interference. (Parades)	75
23-45	Driving through parades.	75
23-54	Required. (Parade permit)	75

Chapter 26 Vehicles for Hire

26-27	Required. (Taxicab business license)	75
26-43	Required. (Taxicab driver's license)	75
26-46	State license required. (Taxicab)	75

Section 5. Council directs the staff to prepare a brochure regarding the responsibilities of dog owners, including a summary of Sections 4-18 through 4-28 of the Code of Ordinances, City of Urbana, Illinois. The brochure shall be made available for distribution by the County and local veterinarians.

Section 6. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. This Ordinance shall not be construed to affect any

suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 8. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with 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 5th day of June, 1995.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor, Whelan

NAYS:

PRESENT:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of June, 1995.

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 19____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE AMENDING CHAPTERS ONE AND FOUR OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING VICIOUS DOGS, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 19____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 19_____.

(SEAL)

CITY CLERK



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 5th day of June, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-105, entitled "AN ORDINANCE AMENDING CHAPTERS ONE AND FOUR OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING VICIOUS DOGS"

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

The pamphlet form of Ordinance No. 9495-105 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 16th day of June, 1995, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 16th, day of June, 1995.

(SEAL)



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Dep. Deborah J. Roberts, Deputy Clerk