

ORDINANCE 61
CONTROL OF ANIMALS

Section 1. Purpose

The village enacts this ordinance to secure the public peace, health, safety, comfort and general welfare of the community through the proper control and care of animals by their owners and others. The purpose of the ordinance is designed to regulate and limit the keeping, owning, raising or control over domestic and exotic animals within the boundaries of the Village and to provide penalties for the violation of this ordinance and to repeal any ordinance/s or parts of ordinances in conflict herewith.

Section 2. Definition

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- “Fowl” Means domesticated animals (such as chickens, turkeys, ducks or geese) raised for meat or eggs
- “Wild animal” means any live monkey or other primate, raccoon, skunk, fox, snake or other reptile, leopard, cheetah panther, cougar, tiger, jaguar, lion, lynx, wolf, puma, bear, part-wolf, coyote or other animal or any bird of prey, which can normally be found in the wild state.
- “Livestock” means animals used for human food and fiber or animals used for service to human beings Includes, but is not limited, to, cattle, swine, sheep, llamas, goats, bison, and horses. Livestock does not include dogs, cats, or rabbits.

Section 3. Keeping of Livestock

- It shall be unlawful to keep, possess, harbor, shelter, or have custody of any livestock, except that same may be kept temporarily during parade or festival periods, when they will be ridden, driven or shown.
- This provision of this section shall not apply to any public zoo maintained under municipal supervision or at any livestock auction barn lawfully established prior to the effective date of this chapter, or to livestock kept in connection with the operation of a farm, in an area designated by the ordinance of the village or amendments thereto as an agricultural area.

Section 4. Keeping of Fowl(s)

- It shall be unlawful to keep, possess, harbor, shelter, or have custody of any fowl(s) except that same may be kept temporarily during parade or festival periods, when they will be ridden, driven or shown.
- This provision of this section shall not apply to any public zoo maintained under municipal supervision or at any fowl(s) auction barn lawfully established prior to the effective date of this chapter, or to fowl(s) kept in connection with the operation of a

farm, in an area designated by the ordinance of the village or amendments thereto as an agricultural area.

Section 5. Keeping of Wild Animals

No person, corporation or organization shall own, keep, house, harbor or maintain, in any dwelling or building, or upon any lot located within the village any exotic or wild animal.

Section 6. Dogs at Large

It shall be unlawful for the owner or any other person having the possession, care, custody or control thereof, to permit any dog to run at large upon the public streets, walks, parks or other public places within the village, or on the property of another without the permission of the owner of that property, unless the dog is attached to a leash of sufficient strength to restrain the dog in such manner as to be kept under the control of the person accompanying it.

Section 7. Loud or Barking Dog(s).

It shall be unlawful for any person, firm or corporation to keep or harbor a dog which by reason of frequent or habitual loud barking, yelping, yowling or howling shall cause serious annoyance amounting to nuisance to the people of the village where such dog is kept, or to people using the public streets in the Village, or which disturbs the public peace and quiet.

Section 8. Cats at large

It shall be unlawful for the owner or any other person having the possession, care, custody or control thereof, to permit any cat to run at large upon the public streets, walks, parks or other public places within the village, or on the property of another without the permission of the owner of that property.

Section 9. Sanitation

Owners shall be responsible for the proper disposal of any solid dog or cat waste(s) deposited by his/her dog(s) or cat(s) at near or upon public walkways, or upon public or private property within the village.

Section 10. Number of Dogs, Cats and Rabbits

No person shall keep more than four dogs, cats, rabbits or any combination of four dogs and/or cats, and/or rabbits in his or her premises.

Section 11. License Required for Dogs

- No owner of any dog shall own, harbor, maintain, possess or permit any dog to remain on such owner's premises within the Village unless the owner shall have complied with the laws of the state providing for the licensing and registration of such dog.
- Every owner shall be required to provide any dog owned by him with a collar to which the license tag issued for such dog shall be affixed, and the owner shall be responsible for seeing that the collar and tag are worn by each dog constantly when off the premises of the owner.

Section 12. Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 13. Penalty

(A) Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction, and upon an admission of responsibility or a finding of responsibility, shall be subject to payment of a civil fine of not less than \$50.00 or more than \$300.00, plus costs and other sanctions, including but not limited to injunctive relief, for each infraction.

(B) Repeat offenses shall be subject to increased fines in accordance with this section.

(C) The increased fine for a repeat offense under this section shall be as follows: 1. The fine for any offense which is a first repeat offense shall be no less than \$75.00 or more than \$300.00, plus costs and other sanctions; and, 2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$100.00 or more than \$300.00, plus costs and sanctions.

Section 14. Effective Date

- This ordinance must be published and recorded as provided in the Village Charter and takes effect on the date of publication, but not less than twenty (20) days after its adoption by the Village Council.
- Any current resident of the village who would otherwise not be in violation of this ordinance, but would be in violation of the ordinance after it has taken effect is grandfathered in this ordinance; provided said resident provides proof to the village within 30 days of the Ordinance taking effect, the number of dog(s)/cat(s) or fowl(s) or livestock in their current possession and in the future will not increase the number provided or replace when the number decreases.

BOARD ACTION

Motion by Trustee Vander Werff, supported by Trustee Kacos to adopt Ordinance 61, Control of Animals.

Roll Call Vote:

Ayes: Trustees Kacos, Nelson, Stewart, Piselli, Vander Werff, Garber, President Hyland

Nays: none

Absent: none

MOTION CARRIED

Certified proceedings: Susan Craft, Muir Village Clerk

June 8, 2021

Introduced: May 11, 2021

Adopted: June 8, 2021

Published: June 12, 2021

Effective: June 12, 2021