

ORDINANCE NO. 398

AN ORDINANCE PROVIDING FOR THE REGISTRATION,  
CONFINEMENT, IMPOUNDING AND DISPOSITION OF  
DOGS WITHIN THE CORPORATE LIMITS OF THE VILLAGE  
OF WINNEBAGO, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of  
Winnebago, Illinois:

Section 1.

Definitions: As used in this ordinance, the word "dog" shall include  
all animals, regardless of sex, of the canine species. The words "owner",  
"keeper" or "person" shall include any individual, association of individuals or  
any corporation.

Section 2.

Canine Control Officer: There is hereby created the office of canine  
control officer, an Executive Officer of the Village of Winnebago. The Canine  
Control Officer shall be appointed by the President of the Village by and with the  
advice and consent of the Board of Trustees. It shall be the duty of the Canine  
Control Officer to take up and impound in such place as may be designated and set  
apart for that purpose, any dog found running loose or at large in the Village of Winn-  
ebago contrary to any of the provisions of this Ordinance, and he shall perform such  
other duties as are provided herein and as are required by law or ordinance.

Section 3.

Public Pound - Establishment: The Village shall contract for the use of  
a duly licensed dog pound or animal shelter as a place to securely impound dogs  
taken up or captured by persons charged with the duty of enforcing the provisions  
of this ordinance. Such dog pound shall comply, in all respects, with the rules and  
regulations promulgated by the Department of Public Health of the State of Illinois  
and shall, at all times, provide humane treatment for animals confined therein.

Section 4.

Providing collar and Registration: Every dog kept within the Village of  
Winnebago, Illinois, shall be provided by its owner or keeper with a collar made

of leather, metal or other substantial material to which the annual registration or license tag issued by the County Clerk shall be securely fastened. No dog shall be permitted to be kept or to remain within the Village unless the owner or keeper thereof shall have caused such dog to be registered and provided with a collar and tag as herein provided.

Section 5.

Dogs running at large - Prohibited - Confinement: No person who owns, keeps or harbors a dog shall cause or permit such dog to run at large at any time during the year in the Village of Winnebago, on any public way or public place or upon the private premises of any person other than that of the owner or keeper of such dog. All dogs kept within the Village of Winnebago shall be confined by means of a secure leash or chain, or confined within a fenced area in such a manner as to prevent the dog from running at large. Any dog found running at large in violation hereof, shall be taken up and impounded in the manner provided in this Ordinance.

Section 6.

Impounding dogs - Notice to Owner: The Control Officer shall, immediately upon taking up or receiving any dog, make a complete registry thereof, entering the breed, color and sex of such animal, whether licensed or not, and if bearing a tag, the license number thereof. The registered owner of each licensed dog impounded shall be sent a notice by the Control Officer at his last known address, such notice to be sent by registered or certified mail with a return receipt requested.

Section 7.

Impounded dogs - Redemption fees - Unredeemed dogs: For every dog taken up and impounded, as provided by this Ordinance, there shall be paid to the Dog Control Officer, for the use of the Village, by the owner, keeper or other person desiring to redeem such dog, the following fees: a redemption fee of \$5.00

for taking up and impounding such dog, and the cost of boarding such animal while impounded at the rate of \$2.00 per day or fraction thereof, and exhibits a receipt for registration or the registration tag issued by the County Clerk. If such amounts are paid and registration exhibited by the owner or keeper desiring to redeem such impounded dog within 7 days after impounding thereof, such owner or keeper shall be entitled to redeem such dog. If any dog is not redeemed by its owner or keeper within 7 days after impounding, the Control Officer may deliver possession of such animal to any person seeking to adopt such animal who, in the discretion of the Control Officer will provide a suitable home for such animal, on such terms and conditions as the Control Officer shall deem proper. If, in the opinion of the Control Officer such animal is not adoptable, it may be destroyed after having been impounded for a period of 7 days. However, in no event shall a licensed dog, bearing a tag, be placed for adoption or destroyed unless the Control Officer has notified the owner of said dog as hereinbefore provided for, or the registered or certified letter to the registered owner has been returned undelivered. If such dog has bitten a person or caused an abrasion of the skin of any person, the impoundment period shall not be less than 10 days from the date of the biting or causing of an abrasion before disposition of such animal may be made under the provisions of this section.

Section 8.

Vicious dogs - Definition - Confining - Warning: A vicious, fierce or dangerous dog is defined as any dog which shall have, at any time, bitten or injured any human being.

No person shall own, keep or harbor a vicious, fierce, or dangerous dog within the Village of Winnebago, unless such person shall keep such dog safely and securely confined so as to protect from injury any child or person who shall lawfully come upon the premises where such dog may be located. All persons maintaining premises upon which a vicious, fierce or dangerous dog is confined,

shall provide suitable and adequate warning of the presence of such dog by appropriate signs or other means so as to advise all persons lawfully entering upon such premises that a vicious, fierce or dangerous dog is found or confined thereon.

Section 9.

Vicious dogs running at large - Declared Nuisance - Procedure when person is bitten:

a. A vicious, fierce or dangerous dog running at large within the Village on any public way or public place, or upon the private premises of any person other than those of the owner or keeper of such dog, or any dog found within the Village which shall have bitten a person or injured a person so as to have caused an abrasion of the skin is hereby declared to be a nuisance, and such dog shall be taken up and impounded in the manner provided in this Ordinance.

b. It shall be unlawful for the owner or keeper of any dog, when notified that such dog has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the Village. It shall be the duty of such owner or keeper, upon receiving notice of the character aforesaid, to deliver such dog to the Control Officer, whereupon such officer shall forthwith convey such dog to the dog pound, where such dog shall be securely confined for a period of at least 10 days from the date of said biting, and examined by the Village veterinarian. If any dangerous, fierce or vicious dog cannot be safely taken up and impounded, such dog may be destroyed by the Control Officer; provided further, in all cases where such dog has bitten a person or caused an abrasion of the skin of any person, is so slain and a period of less than 10 days has elapsed since the day upon which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the Control Officer destroying such dog to forthwith deliver the carcass and the brain of such dog to the Village Veterinarian for examination.

c. Any dog which has bitten a person or caused an abrasion of the skin of any person and has not been surrendered immediately by its owner to the Control Officer, must be delivered without delay and within 24 hours to a licensed veterinarian for impounding at the expense of the owner. The Veterinarian impounding such dog shall report to the Village Veterinarian within 24 hours, the owner's name, address, the date of impounding and date of biting or abrasion of the skin of a person, shall impound the animal for a period of 10 days from the date of biting or abrasion of the skin of any person, and shall notify the Village Veterinarian, in writing, of the result of his examination of the dog and the final disposition of the animal at the termination of the period of impoundment.

Section 10.

Stray dogs and packs of stray dogs - Declared Nuisance - Impounding and Disposition: Any stray dog or pack of stray dogs that shall attack a person, agriculture animals or otherwise menace the public welfare, is hereby declared a nuisance, and such animals shall be taken up, impounded and disposed of in the manner hereinbefore provided. However, if such dogs are dangerous, fierce or vicious and cannot be safely taken up and impounded, such animals may be destroyed by the Control Officer; provided, further, that in all cases where such dog has bitten a person or caused an abrasion of the skin of any person is so slain and a period of less than 10 days has elapsed since the day upon which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the Control Officer destroying such dog, to deliver the carcass and the brain of such dog to the Village Veterinarian.

Section 11.

Mad and Rabid Dogs - Declared Nuisance - Surrender: Any mad dog or dog suffering from rabies of any dog bit by a dog suffering from rabies is hereby declared to be a nuisance, and such dog may be slain by the Control Officer or any peace officer. It shall be the duty of any person owning or exercising ownership

or agency of such dog to surrender the dog to the Control Officer or a peace officer upon demand.

Section 12.

Barking dogs - Declared nuisance - Exceptions: It shall be unlawful for any person to own, keep, have in his possession or harbor any dog which by frequent or habitual barking, howling, yelping or by other loud noise shall cause annoyance of any family or person, or shall disturb the peace or quiet of any neighborhood or place within the Village. Such annoyance of any family or person or the disturbance of the peace or quiet of any neighborhood or place within the Village by any dog, is hereby declared to be a public nuisance, and it shall be unlawful for any person to suffer or permit such nuisance to exist.

The provisions of this section shall not apply to duly licensed and approved hospitals maintained for the treatment of small animals or the premises occupied by properly authorized or licensed dog pound or animal shelter.

Section 13.

Female dogs in season - Confining: No person having or exercising agency or ownership in or over any female dog, and no person, agent or other person at whose house or premises, building or dwelling place any female dog is usually found or permitted to remain shall permit or suffer her to run at large while she is in heat, in the Village of Winnebago, or any public way or public place or upon the premises of any other person other than that of the owner or keeper of such dog. Every female dog found running at large in violation hereof, is hereby deemed to be a nuisance, and shall be taken up and impounded in the manner provided in this ordinance. If such female dog cannot be safely taken up and impounded, such dog may be destroyed by the Control Officer or any peace officer.

Section 14.

Disposition: All dogs to be disposed of as herein provided and dogs suffering from disease, severe injury or other physical disability, shall be disposed

of in a humane manner employing the latest accepted practice for the destruction of such animals.

Section 15.

Enforcement - Exemption from liability: The Control Officer, Peace Officers or other persons authorized to enforce the provisions of this Ordinance shall not be held liable for the injury, death or disease which may occur to any dog as a consequence of the enforcement of the provisions of this Ordinance.

Section 16.


Penalties: Any person convicted of violating any of the provisions of this Ordinance or neglecting or refusing to comply with any of the provisions hereof, shall be fined not less than \$5.00 nor more than \$100.00 for each such offense.

Section 17.

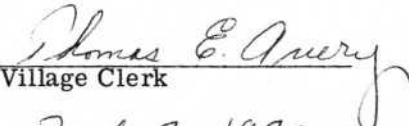
Partial Invalidity: If any provisions of this Ordinance or the application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Ordinance, which can be given effect without the invalid portion or application, and to this end the provisions of this Ordinance are declared to be severable.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided bylaw.

APPROVED:

  
President of the Board of Trustees  
of the Village of Winnebago, Illinois

ATTEST:

  
Village Clerk

PASSED:

Feb 7, 1972

APPROVED:

Feb 7, 1972

PUBLISHED:

Feb 17, 1972