

CHAPTER 4 - DOGS, CATS, ANIMALS AND FOWL

SECTION:

9-4-1. - DEFINITIONS.

As used in this Chapter the following terms mean:

<i>ANIMAL:</i>	Any nonhuman living creature, domestic or wild.
<i>ANIMAL CONTROL WARDEN:</i>	The Chief of Police shall be ex officio animal control warden for the City. Provision shall be made for the appointment of such deputies as may be necessary.
<i>ANIMAL SHELTER:</i>	Any premises designated by City administrative authority for the purpose of impounding and caring for animals held under authority of this Chapter.
<i>CIRCUS:</i>	A nonresident variety show which features animal acts.
<i>KENNEL:</i>	Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes.
<i>OWNER:</i>	Any person, partnership or corporation owning, keeping or harboring animals.
<i>PERSON:</i>	An individual, partnership or corporation owning, keeping or harboring animals.
<i>PET SHOP:</i>	Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.
<i>RESTRAINT:</i>	An animal shall be deemed to be under restraint if on the enclosed premises of its owner or upon a leash and under the control of a responsible person.
<i>THEATRICAL EXHIBIT:</i>	Any exhibition or act featuring performing animals.
<i>VETERINARY HOSPITAL:</i>	Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.
<i>WILD ANIMAL:</i>	An animal of a species not generally amenable to control or restraint.

<i>ZOOLOGICAL GARDEN:</i>	Any park or zoo operated by a person or private corporation.
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(Code 1979; Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-1)), 1-23-2012)

9-4-2. - ANIMAL CONTROL WARDEN, POWERS.

The Animal Control Warden or his/her deputies shall have police powers in the enforcement of this Chapter, and no person shall interfere with, hinder, molest or abuse said animal control warden or his/her deputies in the exercise of such powers.

(Code 1979; Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-2)), 1-23-2012)

9-4-3. - LICENSE PROVISIONS.

9-4-3-1. - REQUIRED DUE DATE.

No person shall, without first obtaining a license therefor in writing from the City Manager or his/her designee, own, keep, harbor or have custody of any animal over four (4) months of age; provided, however, that nothing contained herein shall be construed to require the owners of small cage birds, aquatic and amphibian animals, small cage rodents or nonpoisonous snakes less than three feet (3') in length, which are kept solely as pets, to obtain such license. Such license shall be obtained on or before the last day of February of each year, except for an animal less than four (4) months old on that day, in which case a license shall be procured when the animal attains that age.

(Ord. No. 17-0-02; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-3-1)), 1-23-2012)

9-4-3-2. - LIMITATION ON NUMBER OF DOGS.

- (A) The occupancy of any premises by more than three (3) dogs, whether licensed or unlicensed, shall be prohibited. Said prohibition shall not include dogs less than four (4) months of age. Exempted from this limitation are those commercial uses, specifically authorized elsewhere in this Code, for which occupancy by dogs is customary (such as, but not limited to, kennels, pet shops and veterinarians).
- (B) The occupancy of any lot area by more than one dangerous dog or the ownership, care, custody or control of more than one dangerous dog shall be prohibited. Exempted from this limitation are veterinarians, but only to the extent necessary to render care or treatment. The terms "structure" and "lot area" shall have the same meanings as in Section 6-18-3 of this Code.

(Ord. No. 70-0-87; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-3-2)), 1-23-2012)

9-4-3-3. - ADMINISTRATION.

The City Manager or his/her designee shall promulgate regulations governing the issuance of licenses and for compliance with all provisions of this Chapter and other applicable state and local laws including the Illinois Animal Control Act 510 ILCS 5/1 et seq.

(Ord. No. 9-0-85; Ord. No. 17-0-02; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-3-3)), 1-23-2012)

9-4-3-4. - APPLICATION; REQUIREMENTS.

At the time of making application for an animal license, the owner shall furnish the following information and material to the City Manager or his/her designee:

(Ord. No. 70-0-87; Ord. No. 17-0-02)

- (A) The name and address of the owner of the animal.
- (B) The sex and breed of the animal.
- (C) A certificate of inoculation against rabies issued by the county rabies inspector, his/her deputy or a licensed veterinarian bearing proof that such inoculation shall be effective throughout the full license period, shall be submitted to the City Manager or his/her designee for his/her inspection.
- (D) The name and address of the issuer of the certificate of inoculation.
- (E) The number of other dogs, if any, occupying and/or licensed for the same premises as applicant.
- (F) That the dog is a dangerous dog, if, on or prior to the date of registration, the owner has been advised of that fact in writing by the Chief of Police or his/her designee, the dog has been adjudicated as dangerous by a court of competent jurisdiction, or the owner has reason to believe that the dog is dangerous.

(Ord. No. 70-0-87; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-3-4)), 1-23-2012)

9-4-3-5. - PERIOD OF VALIDITY; TRANSFERAL.

A license, if not revoked, shall be valid until December 31 following the date of issuance. A new license shall be obtained each year by every owner and a new fee paid. If there is a change in ownership of an animal or facility, the new owner may have the current license transferred to his/her name upon payment of an one dollar (\$1.00) transfer fee.

(Ord. No. 43-0-74; Ord. No. 9-0-85; Ord. No. 17-0-02; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-3-5)), 1-23-2012)

9-4-3-6. - TAG.

Upon issuing a license to keep any animal, the City Manager or his/her designee shall issue to the owner a durable tag or identification collar, stamped with an identifying number and with the year of issuance. Tags should be so designed that they may conveniently be fastened to the animal's collar or harness. Animals must wear identification tags or collars at all times when they are off the premises of the owner. The City Manager or his/her designee shall maintain a record of the identifying numbers and shall make this record available to the public.

(Ord. No. 43-0-74; Ord. No. 9-0-85; Ord. No. 17-0-02; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-6)), 1-23-2012)

9-4-3-7. - REVOCATION.

The City Manager or his/her designee, after convening an administrative hearing, may revoke any license if the person holding the license refuses or fails to comply with this Chapter, the regulations promulgated by the City Manager or his/her designee, or any State or local law governing cruelty to animals or the keeping of animals including Section 9-4-14 of this Code. Any person whose license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals being owned, kept or harbored by such person and no part of the license fee shall be refunded. It shall be a condition of the issuance of any license to any owner of animals kept for commercial purposes that the Animal Control Warden or

veterinarian acting for the City shall be permitted to inspect all animals and the premises where animals are kept at any time and the City Manager or his/her designee shall, if permission for such inspection is refused, revoke the license of the refusing owner.

(Ord. No. 9-0-85; Ord. No. 17-0-02)

9-4-4. - LICENSE FEES.

- (A) *General:* Upon furnishing of the information required by Section 9-4-3-4 of this Chapter and a showing by any applicant for a license that he/she is prepared to comply with the regulations promulgated by the City Manager or his/her designee, a license shall be issued following the payment of the applicable fee as follows:

Hen coop fee \$ 50.00

Neutered dogs and cats 10.00

Dangerous dogs 100.00

All other cats and nondangerous dogs 15.00

Each kennel or pet shop, covering all animals kept during the year 60.00

Any zoological garden or animal act, covering all animals kept 120.00

No fee shall be required of any humane society, veterinary hospital, or municipal animal control facility.

- (B) *Senior citizens' reduction:* Notwithstanding the requirements aforesaid, excepting those relating to dangerous dogs, an applicant, upon presentation of proof that said applicant is beyond the age of sixty-five (65) years or is within that class of persons designated by the standards of the United States Department of Health and Human Services as below the prevailing poverty level, such applicant shall be issued a license for an animal upon payment of one-half of the established fee for a nonneutered animal. There shall be no fee reduction for a dangerous dog.

(Ord. No. 70-0-87; Ord. No. 17-0-02; Ord. No. 23-0-10, § 2, 9-27-2010; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-4)), 1-23-2012)

9-4-5. - CERTAIN ANIMALS PROHIBITED.

- (A) It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of hens as herein provided), skunks, or poisonous reptiles within the corporation limits of the City of Evanston.
- (B) Hens shall mean the female of the species *Gallus Gallus Domesticas*.
- (C) It shall be unlawful to keep roosters within City limits.
1. The number of hens allowed shall be no less than two (2), and no more than six (6).
 2. Any structures housing hens shall be termed an "accessory structure" as defined in Title 6, Chapter 18, Section 3 of the Evanston City Code, and shall abide by all requirements set forth in Title 6, Chapter 4, Section 6-2, "General Provisions for Accessory Uses and Structures," and Title 5, Chapter 1, "Property Maintenance Code" of the Evanston City Code.
 3. Applicants shall register with the Illinois Department of Agriculture Livestock Premises Registration, and

must have proof of registration on-site.

4. Care for hens shall follow the provisions set forth in this Chapter.
5. Hens shall be kept in such a way so as not to cause a nuisance as defined in Title 1, Chapter 3, Section 2, and enumerated in Title 8, Chapter 4, Section 1 of the Evanston City Code and shall be kept in conformance with the following requirements:
 - a. Hen yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the hen yard and coop do not become nuisances as defined in Title 8, Chapter 4, Section 1 of the Evanston City Code.
 - b. Hens shall be kept in an enclosure which shall be maintained in such a manner so as to protect the hens from predators and trespassers.
 - c. Hen coops shall be built and kept in such a manner so as to allow for easy ingress and egress for the hens and shall offer protection from weather elements including cold temperatures.
 - d. Hen coops and yards shall be large enough to provide at least four (4) feet per hen.
6. Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.
 - a. Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.
 - b. A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a hen yard and coop that comply with this Section have been erected.
 - c. Coop licenses shall not run with the land.
 - d. Applications shall be submitted to the City of Evanston Public Health Director who shall have the authority to enforce this Section.
 - e. An applicant who lives in an apartment or condominium building is not eligible to receive a coop license.
 - f. No more than twenty (20) valid coop licenses shall be active within the City of Evanston at any given time for the first calendar year that the ordinance codified in this Section is in effect.
7. No person shall slaughter any hen, or any other animal, within City limits. Nothing in this Section is to be interpreted as prohibiting any establishment that is licensed to slaughter, from slaughtering for food purposes any animals which are specifically raised for food purposes.
8. Any person found to be in violation of this Section shall be fined not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. In the event that an owner is adjudged to have three (3) violations of this Section, the owner's coop license shall be revoked. Each day an owner is not compliant with this Section shall constitute a separate offense.

(Ord. No. 43-0-74; Ord. No. 23-0-10, § 1, 9-27-2010; Ord. No. 85-0-10, § 1, 12-13-2010; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-5)), 1-23-2012)

9-4-6. - NONRESIDENTS; DOMESTIC PETS OF.

The sections of this Chapter requiring a license shall not apply to nonresidents of the City who are keeping only domestic pets; provided that, animals of such owners shall not be kept in the City longer than thirty (30) days and that the animals are kept under restraint.

(Ord. No. 43-0-74; Ord. No. 17-0-02; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-6)), 1-23-2012)

9-4-7. - RESTRAINT OF ANIMALS REQUIRED.

- (A) All animals except cats shall be kept under restraint.
- (B) It shall be unlawful for any animal, even though on leash, to be or enter upon any public hall, restaurant, confectionery shop, coffee shop, ice cream or soft drink establishment, office, store, grocery, meat market, bakery or any store or shop for the sale of food, except any shop for the sale of animal pets, anywhere within the City during the time that any of such places or establishments are open for use by the public or persons entitled to use the same.
- (C) It shall be unlawful for any dog or cat, even though on leash, to go or be upon any school premises or public bathing beach within the City or upon a path or sidewalk extending through or within any school premises or public bathing beach within the City. The foregoing shall not apply to any City-designated dog beach, as described in Section 7-11-8 of this Code, as amended.
- (D) It shall be unlawful for any dog or cat, unless on leash, to go or be upon any public playground or public park within the City or upon a path or sidewalk through or within any public park or playground within the City.
- (E) The provisions of this Section shall not apply to working service animals.

(Ord. No. 43-0-74; Ord. No. 55-0-80; Ord. No. 50-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-7)), 1-23-2012)

9-4-8. - IMPOUNDMENT PROCEDURES.

- (A) *Disposition of Unredeemed Animals:* Unrestrained dogs may be taken by police or the animal control officer and impounded in an animal shelter, and confined in a humane manner. Impounded animals must be kept for not less than seven (7) days unless reclaimed, upon a showing of proof of rabies inoculation by their owners. If the owner can be identified by a license tag or other means, the Animal Control Warden must immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Animals not claimed by their owners within seven (7) days become the property of the City of Evanston and any such animal's subsequent disposition will be in accordance with the policies and procedures set forth by the City of Evanston.
- (B) *Redemption of Impounded Animals.* An owner reclaiming an impounded animal shall pay a fee of ten dollars (\$10.00) plus three dollars (\$3.00) for each day that the animal has been impounded; provided, however, that where such animal is unlicensed the fee shall be increased by the cost of the license, said amount to include the issuance of a license.
- (C) *Option of Animal Control Warden to Proceed Against Owner For Violation.* In addition to the authority granted in Subsection (A) of this Section, the Animal Control Warden, or a police officer, shall issue to any person violating any provisions of this Chapter a notice of ordinance violation. Such notice shall disclose the penalty provided by ordinance for such violation which may, at the discretion of the violator, be paid to the City Collector within ten (10) days of the issuance of said notice in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the ten (10) day period, a complaint may be filed in the circuit court of Cook County and upon conviction thereof the violator shall be punished in accordance with the provisions of Section 9-4-20 of this Chapter.

(Ord. No. 43-0-74; Ord. No. 86-0-74; Ord. No. 60-0-77; Ord. No. 17-0-02; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-8)), 1-23-2012; Ord. No. 94-O-16, § 1, 9-9-2016)

9-4-9. - RABIES PREVENTION.

- (A) *Procedure When Animal is Suspected of Having Rabies; Release of Animal:* All animals which have attacked, bitten or otherwise injured any person so as to cause an abrasion or breaking of the skin of such person shall be impounded for a period of not less than ten (10) days. If, however, a licensed veterinarian or rabies inspector receives information or evidence that the animal has been previously vaccinated in accordance with the requirements of the State of Illinois, said animal shall be confined either in a kennel under veterinary supervision or said animal shall be confined in the home of the said owner and shall not be permitted upon the public streets. If the animal's rabies vaccinations are up to date, the animal shall be presented for examination and observation by a licensed veterinarian on the first and last days of a ten (10) day period that shall commence no later than twenty four (24) hours after the attack, bite, scratch, or other injury causing the breaking of the victim's skin. If the animal's rabies vaccinations are not up to date, the animal shall be impounded in the care of a licensed veterinarian, at the owner's expense, for at least ten (10) consecutive days. All reports of rabies received by a veterinarian shall be reported in writing to the rabies inspector within twenty four (24) hours after the other animal is confined and such report shall contain the owner's name, address, the date of confinement, the breed, description, age and sex of the dog or other animal. Upon the completion of confinement of the dog or other animal for the ten (10) day period, the veterinarian shall notify the rabies inspector and the local health department in writing of the disposition of the dog or other animal. Failure to comply with the provisions hereof shall subject the owner of such animal to a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each day that said violation continues.
- (B) *Recent Vaccination of Animal:* Where a biting dog or other animal has been properly vaccinated for the first time, less than thirty (30) days prior to the biting incident, said animal shall then be impounded for the full ten (10) days under the supervision of a veterinarian or at the municipal impounding facility.
- (C) *Duty of Owner to Surrender Animal:* The owner or custodian of any dog suffering from or suspected to be suffering from rabies as provided in Subsection (A) of this Section shall surrender possession of such dog to any police officer of the City on demand.
- (D) *Killing of Rabid Animals Prohibited; Exception:* Except in cases of emergency, no police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid. If, after the animal has been placed in quarantine, a licensed veterinarian tentatively diagnoses rabies in that animal, then the animal shall be allowed to die by natural cause after which the head of such animal will be sent to a laboratory for pathological examination and confirmation of the diagnosis.

(Ord. No. 43-0-74; Ord. No. 104-0-76; Ord. No. 50-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-91)), 1-23-2012)

9-4-10. - QUARANTINE.

Whenever the number of dangerous dogs or dogs suffering from rabies running at large in the City shall be such as to endanger the public health, public safety or general welfare, the City shall apply to the Illinois Department of Agriculture for a quarantine. A proclamation of the City Manager containing such declaration shall be published at least once in some newspaper of general circulation in the City. After the first publication of such proclamation by the City Manager, it shall be unlawful for the owner or custodian of any dog to permit such dog to be at large contrary to the terms of such proclamation.

(Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-10)), 1-23-2012)

9-4-11. - FEMALE DOGS OR CATS IN HEAT.

Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-11)), 1-23-2012)

9-4-12. - CONTROL OF DEFEICATION.

- (A) It shall be unlawful for any person to cause or permit a dog to be on any property, public or private, not owned or possessed by such person unless such person has in his/her immediate possession a device for the removal of excrement and a depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
- (B) All persons in control of, causing or permitting any dog to be on any property, public or private, not owned or possessed by such person shall remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person.

(Ord. No. 8-0-76; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-12)), 1-23-2012)

9-4-13. - EXCESSIVE BARKING, ACTIONS.

All owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

(Ord. No. 43-0-74)

(Ord. No. 43-0-74; Ord. No. 8-0-76; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-13)), 1-23-2012)

9-4-14. - CRUELTY TO ANIMALS.

All owners shall provide their animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dogfight or other combat between animals or between animals and humans. No person shall crop a dog's ears except upon the issuance of a signed certificate therefor by a licensed veterinarian who shall perform such an operation.

(Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-14)), 1-23-2012)

9-4-15. - BIRDS; KILLING OR WOUNDING.

Any person who kills, wounds or attempts to kill or wound, any game or song bird in the City or takes the eggs or young of any such bird shall be guilty of an offense and subject to the penalty prescribed by this Chapter.

(Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-15)), 1-23-2012)

9-4-16. - WILD, VICIOUS ANIMALS.

No person shall keep or permit to be kept on his/her premises any wild or vicious animal. This Section shall not be construed so as to apply to a licensed or permitted "zoological garden," "theatrical exhibit" or "circus" as defined in Section 9-4-1 of this Chapter, except that no theatrical exhibit or act shall be held in which animals are encouraged to perform through the use of chemical, electrical or mechanical devices.

(Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-16)), 1-23-2012)

9-4-17. - DANGEROUS DOGS.

(A) *Designation of Dangerous Dogs.*

1. The Chief of Police or his/her designee may, after conducting an investigation, declare a dog to be a "dangerous dog." The investigation shall include one or all of the following:
 - a. Consideration of evidence pertaining to the temperament of the dog;
 - b. Evaluation of any and all testimony, documentation, or information regarding any pending or prior complaints, citations, or arrests regarding the animal; or
 - c. Any medical or veterinary evidence regarding the animal.
2. Dangerous Dogs shall be defined as:
 - a. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - b. Any dog which attacks a human being or domestic animal without provocation;
 - c. Any dog which, without provocation, in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated;
 - d. Any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting;
 - e. Any dog which has been trained as an attack dog, except such dogs which may be used by the Evanston Police Department or at its direction; or
 - f. No dog shall be deemed dangerous solely on the grounds that it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused the dog.

(Ord. No. 70-0-87; Ord. No. 52-0-11, § 2, 10-10-2011)

(B) *Regulations:*

1. No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined" as the term is used in this Section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or a dog run area upon the premises of said person. Such pen or dog run area must also have sides at least six feet (6') high and a secure top. The pen or structure must have a concrete bottom and sides secured to said bottom. All structures erected to house dangerous dogs must comply with all zoning and building regulations of the City. All such structures must be of adequate size to permit the dog to move about freely, must be adequately lighted, ventilated, and kept in a clean and sanitary condition.

(Ord. No. 50-0-08; Ord. No. 52-0-11, § 3(9-4-17(B)), 10-10-2011)

2. No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. No such animal may be kept in a house or structure when the windows are open or when screen doors or screen windows are the only obstacle preventing the dog from exiting the structure.
3. All owners, keepers or harborers of dangerous dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dangerous Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal. The owner, keeper,

or harborer of the dangerous dog shall have two (2) signs produced at their own expense which meets the requirements of this Section upon payment of the annual two hundred and fifty dollars (\$250.00) dangerous dog license fee, more fully set forth in Subsection 9-4-4(A) of this Chapter.

4. Any dog which has been found to be a dangerous dog (or vicious dog under the Illinois Animal Control Act, 510 ILCS 5/15) that has been directed to be contained in an enclosure rather than being destroyed, which is not confined to an enclosure, shall be impounded by the animal control officer or the City police department. Said dog shall be turned over to a licensed veterinarian for destruction by lethal injection, subject to the provisions of the Illinois Animal Control Act, 510 ILCS 5/1 et seq. For purposes of this Subsection, the requirement that a dangerous or vicious dog be contained in an enclosure will not be violated where the individual who owns, harbors, or cares for such dog is engaged in the walking or exercising of the dog, routine transporting of the dog, or other actions inherently inconsistent with containment in an enclosure; provided that the dog must remain leashed and under the control of a human being at all times that it is not contained in the required enclosure.
5. Before a dog can be designated as dangerous under this Section, an evaluation of the animal by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert selected by the Chief of Police or his/her designee must be performed if requested no more than 14 days after service of a notice of violation and paid for in advance by the owner or other individual responsible for the dog. If such an evaluation is made, the Chief of Police shall consider it as part of the evidence when determining whether to designate the dog as dangerous pursuant to this Section.

(Ord. No. 52-0-11, §§ 3, 8, 10-10-2011)

- (C) *Off Premises:* No person owning or harboring or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain capable of restraining the dog and not exceeding three feet (3') in length.
- (D) *Prohibited:* No person shall own or harbor any dog nor permit premises owned or controlled by him/her to be used for the purpose of dogfighting nor permit a dog to engage in dogfighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
- (E) *Sell, Breed; Buy:* No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy, or give away within the City limits a dangerous dog.

(Ord. No. 70-0-87; Ord. No. 52-0-11, § 4, 10-10-2011)

- (F) *Insurance:* Any person owning or harboring or having the care of any dangerous dog shall maintain a policy of insurance in an amount not less than one hundred thousand (\$100,000.00) insuring said person against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts of the dangerous dog. Said insurance policy shall be separate and distinct from any homeowner's insurance policy. Upon the determination of a dog as dangerous and prior to the release of the dog, the owner, keeper, or harbinger shall transmit a copy of said insurance to the police department. The insurance must list contact information for the insurance company that issued the policy. The owner, keeper, or harbinger of a dangerous dog has a continuing obligation to submit annually proof of insurance for the dog to the police department.

(Ord. No. 50-0-08; Ord. No. 52-0-11, § 5, 10-10-2011)

- (G) *Violation:* In the event that a police officer or animal warden has probable cause to believe that a dangerous dog is being harbored or cared for in violation of Subsection (B), (C), or (D) of this Section, he/she or she may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous dog

pending trial. In the event that a police officer or animal warden has probable cause to believe that a dangerous dog is being harbored or housed in violation of Subsection (C) or (D) of this Section, he/she or she may seize and impound the dangerous dog pending trial.

(Ord. No. 70-0-87)

(H) *Spay; Neuter; Microchip*: Every owner of a dangerous dog must:

1. Spay/neuter the dangerous dog at the owner's expense; and
2. Have an identifying microchip implanted in the dangerous dog at the owner's expense. The microchip must be implanted by a veterinarian authorized by the animal warden. The owner or keeper shall provide the microchip number to the animal control department for inclusion in the records.

(Ord. No. 50-0-08)

(I) *Penalty*:

1. a. Whoever violates this Section, except for Subsection (B)(3) of this Section, shall be fined in an amount not less than two hundred (\$200.00), but not more than five hundred dollars (\$500.00) per violation. Whoever is found guilty of a second offense of violating this Section shall be guilty of a class C misdemeanor and may be imprisoned up to thirty (30) days and shall be fined five hundred dollars (\$500.00), which fine shall be mandatory and shall not be suspended or remitted. Whoever is found guilty of violating this Section more than two (2) times shall be guilty of a class B misdemeanor and may be imprisoned for a term in excess of thirty (30) days but less than six (6) months and shall be fined five hundred dollars (\$500.00), which fine shall not suspended or remitted. A violation of Subsection (B)3 of this Section shall cause a mandatory fine of fifty dollars (\$50.00) to be imposed on the person found guilty of such offense.
 - b. If the violation charged is a failure to maintain the insurance coverage required by Subsection (F) of this Section, in addition to any fine or other penalty which may be imposed, the violator must present satisfactory evidence of said insurance to the court as a condition to returning the dog to him/her. Failure to present evidence of said insurance shall preclude return of the dog and shall cause the City to petition the court for destruction of the dog and for all costs the City has incurred, or will incur, in connection with keeping the dog in its custody and with destroying it.
2. Any person found guilty of violating this Section shall be fined an amount as established in Subsection 9-4-17(I)(1), and shall be responsible for any and all costs connected with the seizure, confiscation confinement and disposal of such animal, including any and all reasonable attorneys fees and court costs.
3. Any person found guilty of violating this Section shall pay, prior to the release of the dog from the City's custody or its destruction, all expenses, including shelter, food, and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

(Ord. No. 70-0-87; Ord. No. 50-0-08; Ord. No. 52-0-11, § 6, 10-10-2011)

(J) *Appeal*: The owner of a dog deemed or designated by the Chief of Police or his/her designee to be a dangerous dog because said dog meets at least one of the criteria in Subsection (A) of this Section may seek judicial review thereof pursuant to the Administrative Review Act of Illinois (735 ILCS 5/3-101 et seq.

(Ord. No. 50-0-08; Ord. No. 52-0-11, § 9, 10-10-2011)

(K) *Dangerous Dog as a Continuous Threat*: Any dangerous dog which attacks a human being or another domestic

animal may be ordered destroyed when in the judgment of a Judge in the Circuit Court of Cook County; such dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals.

(Ord. No. 52-0-11, § 7, 10-10-2011)

(Ord. No. 70-0-87; Ord. No. 50-0-08; Ord. No. 52-0-11, §§ 2—9, 10-10-2011; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-17)), 1-23-2012)

9-4-18. - ANIMALS AS PRIZES.

No person shall give away any live vertebrate animal as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(Ord. No. 43-0-74; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-18)), 1-23-2012)

9-4-19. - BEEKEEPING.

(A) *Definitions:* As used in this Section, the following words, terms and phrases must have the meanings ascribed to them in this Subsection:

<i>ADJACENT PROPERTY OWNER:</i>	All persons or entities that own real property that share a property line(s) with the beekeeping applicant's property. Municipalities and/or utilities are not considered adjacent property owners under <u>Section 9-4-19</u> of this Chapter.
<i>APIARY:</i>	A place where bee colonies are kept.
<i>BEE:</i>	Any stage of the common domestic honeybee, <i>Apis mellifera</i> species.
<i>COLONY:</i>	A hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.
<i>HIVE:</i>	A structure intended for the housing of a bee colony.

(B) *Hives:* All bee colonies must be kept in inspectable type hives with removable combs, which must be kept in sound and usable condition.

(C) *Annual Licensing:* Beekeepers must apply for a City beekeeping license upon bringing any colony into the City. For bee colonies existing within the City prior to the effective date of this Section, beekeepers must have two (2) weeks from the date this Section goes into effect to apply for a City beekeeping license. Applications must be submitted to the City Manager or his/her designee. At the time of application for a City beekeeping license, the applicant must:

1. Submit proof of registration of the colonies with the state of Illinois Department of Agriculture;
2. Be in compliance with the other requirements of this Section;
3. Pay a twenty-five dollar (\$25.00) nonrefundable application fee; and
4. Submit written proof of notice to all adjacent property owners, in a form provided by the City Manager or his/her designee. This written proof of notice requirement applies to all applicants following the effective

date of this Subsection (C)(4). Notification to adjacent property owners is not required for renewals by any applicant that previously complied with this notification requirement in receiving a prior valid beekeeping license from the City.

Upon receipt of notice from the applicant, any adjacent property owner may file a written objection to the applicant's license application. In order to object to the applicant's license application, the adjacent property owner must file, within thirty (30) days' receipt of notice, a written objection with the Director of the Health and Human Services Department. If an adjacent property owner files a timely written objection to the applicant's license application, then the City's Human Services Committee must hear the objection. The authority to review any objection from any adjacent property owner, and the authority to grant or deny any applicant's license application based on any objection in this Subsection (C)(4)(a) must vest with the Human Services Committee.

The City beekeeping license must be renewed each year by submitting a renewal application to the City Manager or his/her designee no more than two (2) weeks prior to the one-year anniversary date of the then current City beekeeping license. At the time of applying for a renewal City beekeeping license, the applicant must submit the same documents, comply with the same requirements, and pay the same fee set forth in this Subsections (C)(1)—(3).

- (D) *Fencing, Gates, and Signage:* All hives must be enclosed by fencing with a secure gate and prominent signage warning of the presence of a hive.
- (E) *Water:* Each beekeeper must ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water must be maintained so as not to become stagnant.
- (F) *Maintenance:* Each beekeeper must ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials must promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (G) *Queens:* In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it must be the duty of the beekeeper to requeen the colony. Queens must be selected from stock bred for gentleness and non-swarming characteristics.
- (H) *Colony Densities:*
 1. There must be no more than eight (8) apiary sites in each ward in Evanston.
 2. For each two (2) colonies, there may be maintained one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths inch (9 5/8 ") depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony must be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.
- (I) *Prohibited:* The keeping by any person of bee colonies in the City not in compliance with this Section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful.

(Ord. No. 65-0-06; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-19)), 1-23-2012; Ord. No. 46-O-16, § 1, 7-11-2016)

9-4-20. - VIOLATION; FINE.

- (A) Any person violating the provisions of this Chapter except for Section 9-4-19, "Beekeeping", of this Chapter, must be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense must be deemed committed upon each and every day such violation continues.
- (B) For violations of Section 9-4-19, "Beekeeping", of this Chapter any person not in strict compliance with this Section must be fined not less than five hundred dollars (\$500.00) for each offense, and a separate offense must be deemed committed upon each and every day such violation continues. Additionally, any City beekeeping license must be mandatorily revoked and no new City beekeeping license must be issued to that person, or to any person living on the property where the apiary from which the violation(s) arose was located, for a minimum of one year.
- (C) In the event a person is found guilty of a violation of Section 9-4-14 of this Chapter, his/her permit to own, keep or harbor or have custody of animals must be mandatorily revoked, and no new permit must be issued to that person for a minimum of one (1) year.

(Ord. No. 65-0-06; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-20)), 1-23-2012; Ord. No. 46-O-16, § 2, 7-11-2016)

9-4-21. - RESPONSIBLE PET OWNERSHIP.

- (A) *Problem Pet Ownership.* For purposes of this Chapter, a Problem Pet Owner is a person who has been determined by an Administrative Adjudication Hearing Officer or the circuit court to have committed: (1) three or more separate and unrelated violations of Sections 9-4-14 (Cruelty to Animals), 9-4-16 (Wild, Vicious Animals) or 9-4-17 (Dangerous Dogs) of this Chapter, in one 36 month period; or (2) two or more separate and unrelated violations of Sections 9-4-14 (Cruelty to Animals), 9-4-16 (Wild, Vicious Animals) or 9-4-17 (Dangerous Dogs) of this Chapter at any time after having a dog owned by him/her designated as a Dangerous or Vicious Dog.
- (B) *Designation of Problem Pet Owner:* A person shall be designated as a problem pet owner when an Administrative Adjudication Hearing Officer or the circuit court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to past violations of this Chapter by the person, and entered an order determining that the person has committed the violations described in 9-4-21(A) and designating the person as a Problem Pet Owner.
- (C) *Notice of Hearing:* A person whom the Police Department requests be designated as a Problem Pet Owner shall be provided with written notice of a hearing before the Administrative Adjudication Hearing Division or the circuit court, in conformance with the procedures and the citation guidelines established in Section 11-1-12, "Procedure," of this Code. In addition to the notice requirements set forth in Section 11-1-12, the notice shall also set forth both (1) the names, descriptions, and license numbers of any animals owned by or licensed to the person; and (2) a summary of the impact of designation as a Problem Pet Owner, as set forth in this Section.
- (D) *Pre-Hearing Confinement of Animals:* Upon service of notice pursuant to this Section, all of the animals owned by the person whom the Police Department seeks to be declared to be a Problem Pet Owner may be impounded if the Chief of Police or his/her designee determines that impoundment is in the interests of public safety or the health and welfare of the animal(s). Upon such a determination, the Chief of Police or his/her designee may require that all of the animals be held in an animal shelter or a secure veterinary hospital until a hearing is held. If all of the animals are not impounded prior to the hearing, the Owner shall comply with any

and all requirements imposed by the Chief of Police or his/her designee for the confinement and care of the animals pending the hearing. Any failure to comply with any such requirement is a violation of this Section, and each day of non-compliance will constitute a separate violation.

- (E) *Bar On Licensing Or Owning Animals:* If, after conducting a hearing, the Administrative Adjudication Hearing Officer or the court determines that a person should be declared a problem pet owner, all animal licenses held by that person will be immediately revoked, and it shall be unlawful for that person to license or own any animal in the City for a period of 24 months from the date of the entry of that determination. Further, upon the determination by the hearing officer or the court that a person is a Problem Pet Owner, the Problem Pet Owner must immediately surrender all animals in his/her possession to the Chief of Police or his/her designee.

(Ord. No. 81-0-11, § 2, 1-23-2012)