

ORDINANCE NUMBER 19 - 34

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK
AND KANE COUNTIES, ILLINOIS, AMENDING CHAPTER 92 OF THE
VILLAGE OF EAST DUNDEE VILLAGE CODE REGARDING ENCLOSURE
OF VICIOUS ANIMALS AND DANGEROUS DOGS**

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village desires to amend the Village Code to clarify restrictions and regulations regarding the enclosure of vicious animals and dangerous dogs; and

WHEREAS, the President and Board of Trustees of the have determined that granting of said amendments to the Village of East Dundee Village Code ("Village Code") is in the best interest of the Village;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Village Code Amendments. That the Village Code is hereby amended as follows:

Amendment One:

Section 92.04 of the Village Code, entitled "Vicious Animals," is hereby amended as follows, with additions underlined and deletions struck through:

- A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

VICIOUS ANIMAL.

- a) Any individual dog or other animal that when unprovoked bites or attacks a human being or other animal either on public or private property.
- b) Any individual dog or other animal that has a trait or characteristic and a generally known reputation for viciousness, dangerousness, or unprovoked attacks upon

human beings or other animals, unless handled in a particular manner with special equipment.

- e) ~~Any individual dog or other animal which attacks a human being or domestic animal without provocation.~~

ENCLOSURE.

“Enclosure” means a fence or structure with a design approved by the Village, of at least six feet (6’) in height, which is covered, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measure that may be taken by the owner or keeper, such as tethering of the vicious animal within the enclosure. The enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious animal may be allowed to move about freely within the entire residence if it is muzzled at all times.

- B) No ~~dog~~ animal 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 is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific to breed.
- C) If a dog or other animal is found to be a vicious animal, the dog or other animal shall be subject to enclosure and/or removal from the Village. An animal found to be a vicious animal shall not be released to the owner until the Village approves the enclosure. No owner or keeper of a vicious animal shall sell or give away the vicious animal without court approval. Whenever an owner of a vicious animal relocates, he or she shall notify the Police Department in writing within seven (7) days of relocation. The only times that a vicious animal is allowed out of the enclosure are i) if it is necessary for the owner or keeper to obtain veterinary care for the animal, ii) in case of an emergency or natural disaster where the animal's life is threatened, or iii) to comply with the order of the court, provided the animal is securely muzzled and restrained with a leash not exceeding six feet (6’) in length, and shall be under the direct control and supervision of the owner or keeper of the animal or muzzled in its owners residence. Any animal that has been found to be a vicious animal and is not confined to an enclosure shall be impounded by the Police Department, an animal control warden, or any law enforcement authority having jurisdiction in that area. The owner of a vicious animal or dog subject to enclosure shall allow

the Village reasonable access to the enclosure to inspect the enclosure for compliance with the enclosure order. A vicious animal or dog may be ordered to be removed from the Village by order of a hearing officer or a court of competent jurisdiction.

Amendment Two:

Section 92.05 of the Village Code, entitled "Dangerous Dogs," is hereby amended as follows, with additions underlined and deletions struck through:

- A) No dog shall be deemed "dangerous" 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 is a professionally trained dog for law enforcement or guard duties. ~~Vicious~~ Dangerous dogs shall not be classified in a manner that is specific to breed.
- B) If a dog is found to be a dangerous animal, the dog shall be subject to enclosure. A dog found to be a dangerous dog shall not be released to the owner until the Village employee approves the enclosure. No owner or keeper of a dangerous dog shall sell or give away the dangerous dog without court approval. Whenever an owner of a dangerous dog relocates, he or she shall notify the Police Department in writing within seven (7) days of relocation. The only times that a dangerous dog is allowed out of the enclosure are i) if it is necessary for the owner or keeper to obtain veterinary care for the dog, ii) in case of an emergency or natural disaster where the dog's life is threatened, or iii) to comply with the order of the court, provided the dog is securely muzzled and restrained with a leash not exceeding six feet (6') in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its owners residence. The owner of a dangerous dog subject to enclosure shall allow the Village reasonable access to the enclosure to inspect the enclosure for compliance with the enclosure order. Any dog that has been found to be a dangerous dog and is not confined to an enclosure shall be impounded by the Police Department, an animal control warden, or any law enforcement authority having jurisdiction in that area.
- C) For purposes of this Section, "enclosure" has the same meaning as in Section 92.04(A).
- D) For purposes of this Section, "dangerous" includes, but is not limited to, any dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal, including menacing behavior.

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

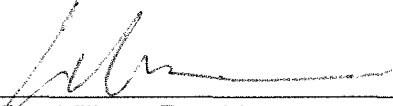
ADOPTED this 21st day of October 2019 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen and Kunze

NAYES: Ø

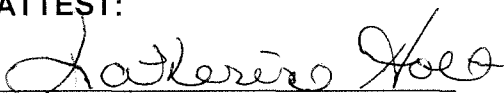
ABSENT: Ø

APPROVED by me this 21st day of October 2019.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 24th day of October, 2019, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on October 24, 2019.