

# Chapter 10

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## ANIMAL CONTROL

### **Sec. 1. PURPOSE**

The Village of Downs has undertaken to establish this Animal Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the Village. Animal ownership is encouraged and welcomed within this Village; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and those of their animals. Primary responsibility is placed upon animal owners to properly identify and train and/or secure their animals to prevent them from causing injuries and/or creating nuisances.

### **Sec. 2. DEFINITIONS**

1. **Dangerous animal** – An animal shall be designated as dangerous if it meets one (1) or more of the following criteria:
  - (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property;
  - (2) Has severely injured or killed a domestic animal while off the owner's property;
  - (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; provided that such actions are attested to in a written statement to the village board.
  - (4) Has contracted a disease that could harm people or other animals on contact.
2. **Feral animal**- Any animal that (i) is born in the wild or is the offspring of an owned or feral animal and is not socialized or (ii) is a formerly owned animal that has been abandoned and is no longer socialized is considered feral.
3. **Noise nuisance** - Prolonged barking, howling, or the making of other sounds common to its species, that causes undue annoyance to individuals residing in the neighborhood shall be deemed to constitute a noise nuisance.
4. **Stray animal** – Any animal roaming free that does not have some form of identification like a tag, microchip or tattoo.

### **Sec. 2. DANGEROUS AND VICIOUS ANIMALS**

No dangerous animal of any kind is permitted to run at large within the Village.

**Sec. 3. NUISANCES**

- a. No person owning or keeping any animal shall allow such animal to disturb the peace by making loud noises at any time of the day or night.
- b. No person owning or keeping any animal shall permit such animal to cause an unsanitary, dangerous or unreasonably offensive condition to exist.
- c. Upon defecation by any dog, while on any street, public way or private premises other than the premises of the owner, agent or keeper, the owner, agent or keeper shall be responsible for immediate disposal.
- d. No person owning or keeping any animal shall permit such animal to substantially damage property other than the property of the owner or keeper of the animal.

**Sec. 4. STRAYS**

- a. An unidentified animal running at large in any public place in the Village is considered a stray and can be impounded.
- b. Villagers have the right to capture and remove in a humane way any animal on their property. They may take such animal to the McLean County Animal Shelter to be impounded.
- c. Owners are encouraged to maintain some form of identification on their pet animals, such as a tag, a microchip, or tattoo to ensure the animal's return should it be impounded.

**Sec. 5. HUMANE CARE**

- a. No person shall cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.
- b. No person shall cruelly treat any animal in the Village in any way. No person shall inhumanely beat, underfeed, overload or abandon any animal.

**Sec. 6. LIVESTOCK AND POULTRY**

- a. It shall be unlawful for any person to keep or raise any cattle, hogs, sheep, horses, chickens, ducks, geese, any other livestock or poultry, or any other animals designated by the Village Board within the corporate limits.

- b. Swine, pigs, poultry, or a combination of these animals, may be kept in the Village when the presence of such animals is primarily for educational purposes, and when the keeping and retaining of said animals within the Village shall be by organized schools, civic or youth groups, or other similar organized not-for-profit organizations, but such keeping of any said live swine, pigs or poultry in the Village shall be allowed only with permission from the Village Board.
- c. It shall be unlawful to picket or tie any such animal in any of the streets of the Village for the purpose of grazing or feeding.

***Sec. 7. RUNNING AT LARGE***

- a. Owners are not to permit any dog to run at large in the Village at any time. Dogs which are on any street, alley, sidewalk or other public place without being held securely on a leash, shall be deemed to be running at large.
- b. Owners are not to permit any animal that has been deemed dangerous or a nuisance to run at large in the Village at any time.
- c. No stray or feral animal is permitted to run at large in the Village at any time.

***Sec. 8. LIMITATION OF PETS***

No person shall keep at his or her premises more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a nuisance to the occupants or neighboring properties.

***Sec. 9. IMPOUNDMENT***

- a. Animals out of compliance with this ordinance can be impounded.
- b. Any impounded animal which has been placed in the McLean County Animal control shall be subject to all the rules, regulations and fees that apply to other similar types of animals that are in or may be placed in Animal Control.

***Sec. 10. PENALTY***

Any person, firm or corporation violating any provision of this Chapter shall be fined twenty-five dollars (\$25.00) for the first occurrence and fifty dollars (\$50.00) for the second occurrence and one hundred dollars (\$100.00) each subsequent occurrence.

**Adopted:** November 2, 1995

**Modified:** March 2, 2017 via Ordinance 2017-03