

Olney Municipal Code

**Title 6**

**ANIMALS**

**Chapters:**

- 6.04 DOGS AND CATS**
- 6.08 VICIOUS DOGS**
- 6.12 SQUIRRELS**
- 6.16 MISCELLANEOUS ANIMALS**

**Chapter 6.04**

**DOGS AND CATS**

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- 6.04.010**      **Vaccination against rabies required--Vaccination tag.**
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- 6.04.900**      **Violations-Penalty.**

**Section 6.04.010**      **Vaccination against rabies required--Vaccination tag.**

Any person within the City owning a cat six months of age or older shall have such cat vaccinated once each year against rabies. Each unvaccinated cat acquired or moved into the City must be vaccinated within thirty (30) days after purchase or arrival provided that no cat under six months of age shall be required to be vaccinated until it reaches the age of six months. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a rabies vaccination certificate and a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat. (Ord. 97-47 § 1)

**Section 6.04.020**      **Running at large prohibited.**

No owner or keeper of any dog or cat shall permit such dog or cat to run at large in the City at any time. Dogs or cats are running at large when the animal is in any public street, alley, park or other public grounds, or when off the premises of the owner or person who has custody of said dog or cat, and not constrained by a leash or under the immediate control of the owner or the person who has custody of said dog or cat. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.01)

**Section 6.04.030**      **Nuisances.**

Any dog or cat which runs at large is declared to be a public nuisance, and such dog or cat shall be apprehended and impounded if found running at large by a Police Officer, Animal Control Officer or other person charged with the enforcement of this chapter. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.02)

**Section 6.04.040**      **Disturbing the quiet.**

No person owning or keeping any dog or cat shall suffer or permit such dog or cat to disturb the peace and quiet of any person or neighborhood by barking, meowing, or making other loud or unusual noises. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.03)

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### **Section 6.04.050 Impounding and redemption of dogs and cats.**

Any dog or cat which is apprehended and impounded pursuant to the provisions of this chapter shall be placed in the custody of the Richland County Animal Control Officer at the Richland County pound facility. The owner of any dog or cat impounded in the Richland County pound facility may redeem such dog or cat in accordance with the redemption procedures and fees established by the Richland County Board. The disposition of any unclaimed dogs or cats shall be pursuant to the rules and regulations established by the Richland County Board. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.04)

### **Section 6.04.060 Unlawful treatment of dogs or cats.**

It is unlawful for any person to maliciously shoot, poison, kill, injure, abuse or ill-treat any dog or cat. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.05)

### **Section 6.04.070 Hindering enforcement.**

It is unlawful to hinder or molest any Police Officer, Animal Control Officer or other person engaged in the enforcement of this chapter. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.06)

### **Section 6.04.080 Enforcement.**

The Chief of Police and such other persons as may be designated by him or her or the City Council are authorized and directed to enforce this chapter. The Richland County Animal Control Officer is specifically authorized to enforce the provisions of this chapter consistent with the provisions of any existing animal control agreement between the City of Olney and the County of Richland. (Ord. 97-46 § 1 (part): Ord. 87-17 § 1 (part): prior code § 90.07)

### **Section 6.04.090 Unsanitary conditions prohibited.**

It shall be unlawful for any person to keep, use or maintain within the City any enclosure, pen, stable, lot, place or premises in which any dog or cat may be confined or kept, in such manner as to cause nauseous, foul or offensive odors or other conditions, or from any cause to be an annoyance to any community, family or person. (Ord. 05-16 § 1)  
(2005-16, Amended, 06/27/2005, .090 Unsanitary conditions prohibited)

### **Section 6.04.100 Limitation on number of dogs.**

A. It shall be unlawful to own, possess, keep, maintain, or harbor more than four (4) dogs of five (5) months of age or older in any residential building, dwelling unit, or apartment, or on any residential lot within the City.

B. Exception: Any dogs of five (5) months of age or older in excess of the limitation set forth above may be owned, possessed, kept, maintained, or harbored in any residential building, dwelling unit, or apartment, or on any residential lot within the City provided that each dog is spayed or neutered and satisfactory evidence is provided upon request.

C. Any person having dogs in excess of the number permitted by this Section as of the effective date of this Section shall have until May 30, 2008, to comply with the provisions of this Section. (Ord. 08-7 § 1)  
(2008-07, Added, 02/11/2008, Limitation on number of dog.)

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### **Section 6.04.110 Tethering.**

A. As used in this Section, “tethering” means to restrain a dog by tying it to any object or structure, including, without limitation, a house, tree, fence, post, garage, shed, or clothes line on the person’s residence or business, by any means, including, without limitation, a chain, rope, cord, leash, or running line.

B. The tethering of a dog is prohibited in the City of Olney.

C. Nothing in this Section shall be construed to prohibit the following:

1. A person from walking a dog with a hand-held leash; or
2. Tethering of a dog while at an organized and lawful animal function such as hunting, obedience training, field and water training, performance and conformation events, or law enforcement training, or while in the pursuit of working or competing in those endeavors.

D. When the animal control officer or a law enforcement officer finds a violation of this Section which has resulted in an animal being in imminent danger and in such a condition that no remedy or corrective action by the owner is possible, or if the owner fails or refuses to provide such remedy or corrective action, the animal control officer or law enforcement officer with the assistance of the animal control officer may remove such animal from the property or vehicle and impound the animal. The owner or person otherwise responsible for said animal shall be strictly liable for all expenses incurred.

E. Violation - Penalty. A person who violates a provision of this Section shall be subject to a fine of not less than \$60.00 upon conviction of a first offense, a fine of not less than \$150.00 upon conviction of a second offense committed within a one-year period, a fine of not less than \$250.00 upon conviction of a third offense committed within a one-year period, a fine of not less than \$500.00 upon conviction of a fourth offense committed within a one-year period, and a fine of \$750.00 upon conviction of a fifth or subsequent offense committed within a one-year period. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately. (Ord. 10-57 § 1)

(2010-57, Added, 12/13/2010, Add Section 6.04.110)

### **Section 6.04.900 Violations-Penalty.**

Any person violating any provision of this Chapter shall be fined not less than sixty dollars (\$60.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 05-16 § 1)

(2005-16, Added, 06/27/2005, 900 Violations-Penalty)

**Chapter 6.08**

**VICIOUS DOGS**

**Sections:**

- 6.08.010**      **Definition of terms.**
- 6.08.020**      **Confinement.**
- 6.08.030**      **Leash and muzzle.**
- 6.08.040**      **Signs.**
- 6.08.050**      **Dog fighting.**
- 6.08.060**      **Violation--Penalty.**

**Section 6.08.010**      **Definition of terms.**

As used in this chapter:

"Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

Unconfined Vicious Dog. A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

"Vicious dog" means:

1. Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury to, or otherwise endanger the safety of human beings or domestic animals; or
2. Any individual dog that when unprovoked inflicts, bites or attacks a human being or other animal either on public or private property; or
3. Any individual dog which attacks a human being or domestic animal without provocation.
4. Any individual dog 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 or with special equipment.

No dog 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. (Ord. 98-130 § 7; Ord. 90-12 § 1)

**Section 6.08.020**      **Confinement.**

The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (Ord. 90-12 § 2)

**Section 6.08.030**      **Leash and muzzle.**

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (Ord. 90-12 § 3)

**Section 6.08.040**      **Signs.**

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted

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on the pen or kennel of the animal. (Ord. 90-12 § 4)

### **Section 6.08.050 Dog fighting.**

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals. (Ord. 90-12 § 5)

### **Section 6.08.060 Violation--Penalty.**

Whoever violates any provision of this chapter shall be fined not less than sixty dollars (\$60.00) nor more than seven hundred fifty dollars (\$750.00). (Editorially amended during 1999 codification; Ord. 90-12 § 6)

**Chapter 6.12**

**SQUIRRELS**

**Sections:**

**6.12.010 Definition.**

**6.12.020 Squirrels protected.**

**6.12.030 Violation - Penalty.**

**Section 6.12.010 Definition.**

"Take" means hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare, harass, or to attempt to do so. (Ord. 02-1, Sec. 1)  
(2002-1, Added, 01/14/2002, New Ordinance)

**Section 6.12.020 Squirrels protected.**

A. It shall be unlawful for any person to take any squirrel within the corporate limits of the City of Olney, except pursuant to authority and permit from the Illinois Department of Natural Resources.

B. Squirrels are hereby given and granted the right-of-way on all public streets, sidewalks, rights-of-way, and thoroughfares. (Ord. 02-1, Sec. 1)  
(2002-1, Added, 01/14/2002, New Ordinance)

**Section 6.12.030 Violation - Penalty.**

Whoever violates any provision of this Chapter shall be fined not less than sixty dollars (\$60.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each attempt to take or actual taking of a squirrel within the corporate limits of the City of Olney. (Ord. 02-1, Sec. 1)  
(2002-1, Added, 01/14/2002, New Ordinance)

**Chapter 6.16**

**MISCELLANEOUS ANIMALS**

**Sections:**

- 6.16.010**      **Applicability.**
- 6.16.020**      **Unsanitary conditions prohibited.**
- 6.16.030**      **Noisy animals prohibited.**
- 6.16.040**      **Fee for trapping nuisance animals.**
- 6.16.900**      **Violations-Penalty.**

**Section 6.16.010**      **Applicability.**

For the purposes of this Chapter, “domestic animals” shall include all cattle, sheep, goats, swine, geese, chickens, ducks, rabbits, ponies, horses or other domestic fowl, but shall not include domestic animals which are regulated in other chapters in Title 6 of this Code. (Ord. 05-16, Sec. 2)  
(2005-16, Added, 06/27/2005, .010 Applicability)

**Section 6.16.020**      **Unsanitary conditions prohibited.**

It shall be unlawful for any person to keep, use or maintain within the City any enclosure, pen, stable, lot, place or premises in which any domestic animals may be confined or kept, in such manner as to cause nauseous, foul or offensive odors or other conditions, or from any cause to be an annoyance to any community, family or person. (Ord. 05-16, Sec. 2)  
(2005-16, Added, 06/27/2005, .020 Unsanitary conditions prohibited)

**Section 6.16.030**      **Noisy animals prohibited.**

It shall be unlawful to harbor or keep any animal which is subject to this Chapter which disturbs the peace by loud noises at any time of the day or night. (Ord. 05-16, Sec. 2)  
(2005-16, Added, 06/27/2005, .030 Noisy animals prohibited)

**Section 6.16.040**      **Fee for trapping nuisance animals.**

The City shall furnish traps, when available and when funds are available for trapping nuisance animals, upon the payment of a one-time fee per trap of twenty-five dollars (\$25.00). The property owner or tenant of the property shall cooperate with the individual designated by the City and authorized by the State of Illinois Department of Natural Resources to trap nuisance wildlife. Nuisance animals are defined as fur-bearing mammals, including raccoon, opossum, striped skunk, red fox, and gray fox. (Ord. 12-14 § 1)  
(2012-14, Added, 04/09/2012, New Section)

**Section 6.16.900**      **Violations-Penalty.**

Any person violating any provision of this Chapter shall be fined not less than sixty dollars (\$60.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 05-16, Sec. 2)  
(2005-16, Added, 06/27/2006, 900 Violations-Penalty)



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