

Proposal  
Submitted By 8<sup>th</sup> Ward Alderman Joel Erickson  
***Berwyn Animal Management Ordinance***  
***Chapter 616***

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## **616.01 Preamble and General Information**

### **a. Purpose, Findings and Policy.**

1. This Ordinance shall be known as the ***Berwyn Animal Management Ordinance***.
2. The City of Berwyn concludes it advisable to adopt a new ***Berwyn Animal Management Ordinance*** in the interest of protecting public health and safety, providing for the welfare of animals and the protection of residents within the City of Berwyn and providing for the orderly and uniform administration of the provisions herein.
3. The purpose of this ordinance is:
  - a. To protect animals from neglect and abuse,
  - b. To reward responsible pet ownership,
  - c. To penalize irresponsible ownership, animal neglect and cruelty.
  - d. To provide well defined guidelines for successful animal ownership,
  - e. To provide for the safety, welfare and happiness of its residents by assuring the humane and compassionate care of animals
  - f. To protect residents from annoyance and injury by animals
  - g. To safely house stray and abandoned animals until they may be returned to their families or adopted,
  - h. To establish a program to discourage the excessive multiplication of animals.

4. The City of Berwyn acknowledges that:

- a. Domestic companion animals are entirely dependent upon human beings and depend on people to treat them fairly and humanely.
- b. Animals play an important role in the lives of thousands of Berwyn residents who love and enjoy their pets and who are loved unconditionally in return.
- c. Animals provide the opportunity for children to learn kindness, compassion and responsibility
- d. Animals provide companionship for isolated individuals and those who live alone
- e. Animals protect our families, homes and property
- f. Animals permit those with physical disabilities to live productive and independent lives
- g. Animals aid our law enforcement officers in insuring the safety of our communities
- h. Animals search for and rescue lost persons and those that have been victims of disasters
- i. Animals teach us all the true meaning of unconditional love.

5. This Ordinance contemplates that the City of Berwyn shall create a specific Animal Management Division to be managed in one of the following formats:

- a. As a division of the Berwyn Police Department wherein the Chief of Police assigns an Animal Management Officer and Staff necessary to implement the provisions of this ordinance.
- b. An autonomous Animal Management Department independent of the Berwyn Police Department thereby removing the primary responsibility of implementing the provisions of this ordinance and Animal Management policies from the jurisdiction of the Berwyn Police Department.

c. The creation of a Berwyn City Health Department which addresses the broader safety issues throughout the City of Berwyn and under which would fall an Animal Management Department independent of the Berwyn Police Department thereby removing the primary responsibility of implementing the provisions of this ordinance and Animal Management Policies from the jurisdiction of the Berwyn Police Department.

An "Environmental Health Supervisor" would be appointed to head the new Berwyn City Health Department who would focus on environmental issues such as the inspection of food establishments and other matters over which Township government has no jurisdiction. Other inspection duties of the "Environmental Health Supervisor" could include, but not be limited to, matters relating to rat infestation, noise, odors, child care facilities, tanning salons and lead hazards.

25% to 30% of the Supervisor's time should be devoted to working with the Animal Management Division which shall employ two certified Animal Management Officers.

6. The City of Berwyn deems that the ownership of an animal carries with it responsibilities and that the interpretation and application of the provisions of this ordinance shall be construed to impose a primary responsibility for compliance on the owner of the animal.

7. It is the policy of the City of Berwyn that this Ordinance shall be vigorously enforced, to the extent that financial means permit such enforcement, whenever the activities of animals and their owners within the City of Berwyn directly endanger human life or animal life and whenever animals subject to protection by State Law or this Ordinance are cruelly or inhumanely treated.

## **616.02 Definitions**

- a. "**Abandonment**" means leaving an animal unattended for more than 24 hours, releasing an animal upon a public highway or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.
- b. "**Animal**" means all living creatures, not including humans.
- c. "**Animal Management Officer**" means any person employed by the City for the purpose of enforcing this Ordinance and State Statutes pertaining to animals, and all persons and deputies employed by the City to act in the same or a similar manner.
- d. "**At Large**" means, an animal free from restraint off the premises of the owner.
- e. "**Berwyn Animal Board**" means a panel of 2 experts and 3 residents appointed by the mayor of Berwyn with the advice and consent of the city council, the primary duties of which is to hear and adjudicate matters identified in this ordinance such as charges of animal neglect and cruelty, dangerous and vicious animal designations. It is recommended that the **Berwyn Animal Board** include at least one Veterinarian, one Humane Shelter Professional, one dog trainer with a minimum of 15 years of experience training dogs with serious behavior problems and two residents with some experience in the care of animals.
- f. "**Berwyn Animal Shelter**" means a facility or facilities designated and sanctioned by the City of Berwyn for the purpose of impounding, holding and caring for stray injured, abused and neglected animals or "at large" animals found within the city limits of the City of Berwyn.
- g. "**Cat**" means any member of the species "*Felis Catus*."
- h. "**City**" means the City of Berwyn of the State of Illinois.
- i. "**City Collector**" means the duly appointed City Collector of the City of Berwyn.
- j. "**Confined**" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure, away from other animals and the public.

- k. "**Cruelty**" means, an act or omission, including, but not limited to, abandonment or neglect, that causes pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior. including:
1. Overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating or cruelly killing an animal, or causing or knowingly allowing the same to be done;
  2. Cruelly working an old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done;
  3. Unnecessarily failing to provide an animal in his or her charge or custody, as owner or otherwise, with proper food, drink, shelter and air and light;
  4. Abandoning an old, maimed, infirm, sick or disabled animal;
  5. Driving or keeping, or causing to be driven or kept, an animal in an unnecessarily cruel manner.
- l. "**Dangerous Animal**" as defined by this Ordinance is considered an animal that is:
1. By reason of its species, is by nature ferocious or has a dangerous propensity. Exotic Animals, wild animals and hybrids of a wild or exotic animal and any domestic animal, shall be considered "dangerous" but are not considered "vicious".
  2. A dog that is used by a commercial venture to guard public or private property shall be considered "dangerous" except those owned by a governmental or law enforcement unit. A guard dog shall be considered "dangerous" but not "vicious"
- m. "**Dog**" means any member of the species "*Canis Familiaries*."
- n. "**Domesticated Companion Animal**" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

- o. "**Enclosure**" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent escape and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked.
  
- p. "**Exotic Animal**" as defined in this Ordinance are considered animals that are generally, but not exclusively, non-native to the United States and normally live in a wild state and are not considered domesticated companion animals. Exotic animals include, but are not limited to, any of the following described animals: All lizards, snakes and spiders whose bite or venom is poisonous or deadly to humans; Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus); Baboons (Papoi, Mandrillus); Monkeys; Cheetahs (Acinonyx jubatus), Crocodilians (Crocodilius), and alligators; Constrictor snakes, Pythons and poisonous reptiles; Elephants (Elephas and Loxondonta); Hyenas (Hyaenidae); Jaguars (Panthera onca); Leopards (Panthera pardus); Lions (Panthera leo); Ostriches (Sruthio); Tigers (Felis tigris). Under this ordinance, exotic animals are considered "dangerous" but not "vicious".
  
- q. "**Feral Cat**" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.
  
- r. "**Ferret**" means any member of the species "*Mustela Furo*".
  
- s. "**Intact Animal**" means an animal that has not been spayed or neutered.
  
- t. "**Joe Cocker Doctrine**" is the policy of reducing the cost of pet license fees and fines and other incentives if the animal owner has taken or is will to take certain specified actions to qualify as a responsible pet owner.
  
- u. "**Kennel**" means any establishment including, but not limited to, a pet shop, animal protection shelter, veterinary hospital or pound licensed pursuant to Illinois State Statute wherein or whereon animals are kept for sale, boarding, breeding, training, grooming or sporting purposes for remuneration.

- v. "**Kushner Doctrine**" refers to the policy of adding to water bills the amount of unpaid fines for violations of the Berwyn Animal Management Ordinance by any person occupying the property.
- w. "**Leash**" means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.
- x. "**Livestock**" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and any other fur-bearing animals being raised in captivity, including those other animals recognized by the Department of Agriculture as being within the jurisdiction of its Department.
- y. "**Microchipping**" means the implantation of an identifying [integrated circuit](#) based on RFID Technology, known as a "microchip", under the skin of a [dog](#), [cat](#), or other animal, which is encoded with information regarding the identity of an animal and its owner and containing an exclusive number which is registered with a microchip registry. The microchip must be capable of allowing the retrieval of such information by passing a "wand" or "scanner" over the body of the animal.
- z. "**Neglect**" means failure to comply with the minimum requirements for animal care set forth in this Ordinance.
- aa. "**Owner**" means:
  - 1. Every person having a right of property in an animal;
  - 2. An authorized agent of the person having a right of property in the animal;
  - 3. Every person who keeps or harbors the animal or has it in his care, custody or control;
  - 4. Every person who has the apparent authority to have a right of property in the animal;
  - 5. An owner shall include every person who resides at the same address or permits an animal to remain on the premises in which that person resides, if such person is of legal age and capacity;
  - 6. An owner is considered any person who feeds an animal on a regular basis even if the animal is not kept upon the person's property;



7. The term owner **does not include** a feral cat caretaker participating in a documented trap – neuter - release program providing that such individual can provide acceptable evidence of their association with such an organization and that their activities are directly related to and sanctioned by the organization.

- bb.* "**Person**" means any individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other legal or business entity.
- cc.* "**Pet**" means any Domesticated Companion Animal, excluding livestock, poultry, exotic or wild animals, which is owned by any person.
- dd.* "**Police Animal**" means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.
- ee.* "**Potentially Vicious Animals**" means any animal found running at-large, free from restraint and off the premises of the owner.
- ff.* "**Poultry**" means any domestic fowl, ornamental birds, and game birds possessed or being reared under the authority of a State breeder's license.
- gg.* "**Provoke**" means to perform an act or omission that a reasonable person would conclude is likely to precipitate a bite or attack by an animal.
- hh.* "**Rabies Suspect Animal**" means any animal which has bitten, scratched, or broken the skin of a human being; been in contact with or been bitten, scratched or has had its skin broken by a rabid animal; or any animal which shows symptoms suggestive of rabies.
- ii.* "**State Law**" References to State Law include, but are not limited to , The Illinois Animal Welfare Act, The Illinois Animal Control Act, The Illinois Humane Care For Animals Act, The Illinois Dead Animal Disposal Act, The Illinois Domestic Animal Running At Large Act and The Illinois Feeding Of Garbage To Animals Act.
- jj.* "**Tattooing**" is the act of placing upon the skin of an animal, a tattoo, dermal pigmentation or mark made by inserting [pigment](#) into the [skin](#). Tattoos for animals are most commonly used for identification or branding. For purposes of this ordinance, tattooing must be performed by a licensed tattooist or veterinarian and the tattoo number must be registered with an approved and authorized "pet tattoo registry".

- kk. "**Torment**" means an act or omission, including abandonment or neglect, that causes pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior.
- ll. "**Training**" means the formal education of animals and their owners for the purpose of teaching the owner how to control their animal's behavior and to teach the animal how to behave properly around humans and other animals. The effectiveness of such training to be measured by the animals' ability to pass an AKC (American Kennel Club) "Canine Good Citizen Test" taken at a AKC certified testing facility or other training and testing performed by other facilities approved by the mayor with the advice and consent of the city council or the ***Berwyn Animal Board***.
- mm. "**Veterinarian**" means any person in good standing licensed by the State of Illinois to practice veterinary medicine.
- nn. "**Veterinary Hospital**" means any establishment operated by a veterinarian for surgery, diagnosis, and treatment of diseases, illnesses, and injuries of animals.
- oo. "**Vicious Animal**" means any animal which has:
1. Previously been declared a "Vicious Animal" under this section.
  2. Has a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or other animals, particularly Domesticated Companion Animals; or
  3. Behaves in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other animals, particularly Domesticated Companion Animals; or
  4. Has been found running at large and without provocation, chases or approaches any person or domestic companion animal in an apparent attitude of attack, on any public property or in any place outside or over the boundaries of its owner's property,
  5. Any animal whose behavior has been reviewed by the Berwyn Animal Board which, pursuant to such review, has issued a "**Vicious Animal Declaration**" regarding the animal.
  6. Any animal which has bitten, inflicted injury on, killed or otherwise attacked a human being or domestic animal without provocation on any public or private property; or

7. Any animal owned or harbored, primarily or in part, for the purpose of dog fighting or other animal fighting or any animal trained for dog fighting or other animal fighting; or

8. Any animal which has been found to be a vicious animal under Illinois State Law.

9. "**Vicious Animal Does Not Include**" the following:

a. An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner

b. An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly; or

c. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or to protect itself or another animal;

d. An animal that "nips" during play , when excited, when in fear, when in pain, or whose behavior is defensive in nature without producing significant physical injury. A minor scratch or shallow puncture shall constitute "nipping" vs "biting".

e. Wild animals and exotic animals.

pp. "**Wild Animal**" means any animal which lives normally in a wild state and is not a Domesticated Companion Animal or any crossbreeds of these animals with domestic animals; or any descendant of any crossbreed. Such animals include, but are not limited to: owls, porcupines, raccoons, skunks, lynx, bobcats, pumas, badgers, fox, coyote, wolves, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossum, beavers, ground hogs, moles, gophers, mice/rodents, bats, birds, and any related furred or feathered non-domesticated animals. Under this ordinance, "**Wild Animals**" are considered "dangerous" but not "vicious".

## **616.03 Licensing And Regulation**

### **a. Annual Pet License Fee**

Every person who owns, keeps or harbors a dog, cat or ferret in the City shall register the same with the City Collector and pay to the Collector annually, or upon acquiring a dog, cat or ferret not previously registered, an annual license fee. All dog, cat and ferret licenses shall expire on and be renewable by June 30<sup>th</sup> of each year.

### **b. Evidence of Vaccination Required**

The Collector shall not issue a license for a dog, cat or ferret until the owner or keeper thereof produces satisfactory evidence to the Collector that such dog, cat or ferret has been vaccinated against rabies as set forth in paragraph e(1) of this section..

### **c. Identifying Tag Required**

The Collector shall provide, each year to each person paying such license fee, a metal tag for each dog, cat or ferret for which the license fee has been paid, on which is stamped "The City Of Berwyn" with the number of such license.

1. Every person keeping or harboring a dog, cat or ferret so licensed shall maintain a collar around the neck of such dog, cat or ferret with such metal tag securely fastened thereto.

### **d. Illegal Acts**

Any person found guilty of committing any of the following acts or violating any other provisions of this Ordinance shall be fined pursuant to Section 616.15 Penalties and Fines.

1. To own any dog, cat or ferret four months old or older, unless the dog, cat or ferret is licensed by the City of Berwyn;
2. To own any dog, cat or ferret four months old or older that does not at all times wear a collar with an identifying tag or is otherwise identifiable by a means approved by this ordinance.
3. Exceptions: An owner of a cat or ferret who, for the safety of the cat or ferret, elects not to have the cat or ferret wear a collar, is relieved of the obligation of attaching the cat's or ferret's collar on the following conditions:

a. The owner shall, upon request of an Animal Management Officer, produce and display the current year license tag and/or official documentation of licensing for the cat or ferret.

b. The owner electing not to affix a license and collar to a cat or ferret assumes the risk that the Animal Management Officer, in fulfilling his/her duties under this Ordinance, will regard the cat or ferret running at large, as feral or abandoned and therefore subject to seizure and disposition in accordance with Section 616.12. - Impoundment; Adoption or Humane Destruction.

4. To remove any collar and license tag from a dog, cat or ferret. Every dog, cat or ferret not bearing the tag required by this section shall be impounded and processed according to the provisions of 616.12 - Impoundment; Adoption or Humane Destruction.

**e. License Application.**

On or before June 30 of each year, the owner of any dog, cat or ferret four months old or older shall apply to the City Collector in writing on a form provided by the City Collector for a license for each dog, cat or ferret owned or kept by the owner.

1. The application for a license shall be accompanied by proof of vaccination of the dog, cat or ferret for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture and signed by an accredited veterinarian.

2. Dogs, cats or ferrets attaining the age of four months shall have ten 10 days after attaining four months in which to obtain a license.

3. The application for a license shall contain the breed, sex, age, color, markings, microchip number, tattoo number, name, address and phone number of the owner of the dog, cat or ferret.

4. Any new resident of the City of Berwyn who owns a dog, cat or ferret over the age of four months shall have 10 days from the date of moving into Berwyn to obtain a license for their dog, cat or ferret.

**f. License Fees:**

The license fee for dogs, cats or ferrets shall be as follows:

**1. Standard License Fee For Dogs**

Owners of all dogs shall pay an annual license fee in the amount of \$25 for each dog, cat and ferret residing in the City of Berwyn.

**a. Reduced License Fee For Spayed or Neutered Dogs.**

In the event that an owner of a dog can provide required documentation that the animal has been spayed or neutered and such evidence has been submitted to and is on file with the City Collector, the annual license fee for the spayed or neutered dog shall be reduced to \$10.

**b. Reduced License Fee For “Chipped” Dogs.**

In the event that an owner of a dog can provide required documentation that a licensed veterinarian has inserted a micro-chip into the dog, that the microchip has been registered with an approved national microchip registry and such documentation has been submitted to and is on file with the City Collector, the annual license fee for the “chipped” dog shall be reduced to \$10.

**c. Reduced License Fee For “Tattooed” Dogs.**

In the event that an owner of a dog can provide required proof from a licensed veterinarian that the dog has an “Identifying Tattoo” on the inner thigh and such Tattoo has been properly registered with an approved national tattoo registry and such documentation has been submitted to and is on file with the City Collector, the annual license fee for the “tattooed” dog shall be reduced to \$10.

**2. The Joe Cocker Doctrine – License Required But No Annual Fee**

The annual license fee for dogs shall be waived if the owner of the dog can provide the following:

**a. Provide Spayed or Neutered Documentation**

The owner can provide required documentation from a licensed veterinarian that that dog has been spayed or neutered, and

**b. Provide Microchip Documentation**

The owner can provide required documentation from a licensed veterinarian that a Microchip has been inserted into the dog and that the Microchip has been properly registered with an approved pet microchip registry to the satisfaction of the City Collector, or

**c. Provide Tattoo Documentation**

The owner can provide required documentation from a licensed veterinarian that a permanent tattoo has been placed on the dog and that the tattoo has been properly registered with an approved pet tattoo registry to the satisfaction of the City Collector.

**d. Fees For Guide And Service Dogs Waived**

Fees for “blind guide dogs”, “leader dogs”, “hearing dogs” and “service dogs” are hereby waived but a license must be obtained for these animals.

**3. Standard License Fee For Cats And Ferrets**

Owners of all cats and ferret shall pay an annual license fee in the amount of \$10 for each cat and ferret residing in the City of Berwyn.

**a. Reduced License Fee For Spayed or Neutered Cats and Ferrets.**

In the event that an owner of a cat or ferret can provide required documentation that the animal has been spayed or neutered and such evidence has been submitted to and is on file with the City Collector, the annual license fee for the spayed or neutered cat or ferret shall be reduced to \$5 Five Dollars.

**b. Reduced License Fee For “Chipped” Cats and Ferrets.**

In the event that an owner of a cat or ferret can provide required documentation that a licensed veterinarian has inserted a microchip into the cat or ferret, that the microchip has been properly registered with an approved microchip registry and such documentation has been submitted to and is on file with the City Collector, the annual license fee for the “chipped” cat or ferret shall be reduced to \$5 Five Dollars.

**c. Reduced License Fee For “Tattooed” Cats and Ferrets.**

In the event that an owner of a cat or ferret can provide required documentation from a licensed veterinarian that the cat or ferret has an “Identifying Tattoo” on the inner thigh and such Tattoo has been properly registered with an approved tattoo registry and such documentation has been submitted to and is on file with the City Collector, the annual license fee for the “tattooed” cat or ferret shall be reduced to \$5 Five Dollars.

**4. The Joe Cocker Doctrine – License Required But No Annual Fee**

The annual license fee for cats and ferrets shall be waived if the owner of the animal can provide the following:

**a. Provide Spayed or Neutered Documentation**

The owner can provide required documentation from a licensed veterinarian that that cat or ferret has been spayed or neutered, and

**b. Provide Microchip Documentation**

The owner can provide required documentation from a licensed veterinarian that Microchip has been inserted into the cat or ferret and that the Microchip has been properly registered with an approved pet microchip registry to the satisfaction of the City Collector, or

**c. Provide Tattoo Documentation**

The owner can provide required documentation from a licensed veterinarian that a permanent tattoo has been placed on the cat or ferret and that the tattoo has been properly registered with an approved pet tattoo registry to the satisfaction of the City Collector.

**g. Penalty For Failure To Obtain License**

For all dogs, cats and ferrets not licensed within the times aforesaid or within 10 days of obtaining possession of any and all dogs, cats or ferrets, the annual licensing fees shall be \$50 for dogs and \$25 for cats and ferrets.



#### **h. Vicious Animal License Fee**

Any dog, cat or ferret that has been adjudicated a “*Vicious Animal*” under this ordinance shall pay a license fee in the amount of \$750.

#### **i. Licenses Issued By Other Municipalities**

Licenses issued by other cities and by other governmental agencies shall not be honored unless the dog, cat or ferret is owned by a person who is not a Berwyn resident and the dog, cat or ferret does not reside with a Berwyn resident.

#### **j. Transfer of License/Ownership**

No license or license tag issued for a specific dog, cat or ferret shall be transferable to another dog, cat or ferret.

##### **1. Owner’s Procedure For Transferring License**

In the case of an owner of an animal who transfers ownership of the dog, cat or ferret to another person, the license or license tag must be likewise transferred by the last registered owner in writing using forms provided by the City Collector within 7 days of such transfer.

##### **2. Collector’s Procedure**

The transfer form must be given to the City Collector who shall note the transfer upon the City Collector’s records.

##### **3. Legal Ownership**

If the license is not transferred, **the legal ownership and legal responsibility for the animal will be considered to be the owner listed on the license application.**

#### **k. Temporary Visitor Exempt**

This Ordinance does not require the procurement of a new license, or the transfer of a license already obtained where the possession of the dog, cat or ferret is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

#### **l. Fee For Transfer of License**

Whenever the ownership or possession of any dog, cat or ferret is permanently transferred from one person to another within the City of Berwyn, a transfer fee of \$5 shall apply to each dog, cat or ferret transferred and shall be paid to the City Collector along with properly completed transfer forms.

**m. Replacement For Lost License Tag**

If any license tag is lost, it shall be replaced for a fee of \$5 paid to the City Collector upon application by the owner and upon production of a license receipt and a sworn statement of the facts regarding the loss of the tag to the City Collector.

**n. License or Permit Revocation or Denial**

The Animal Management Officer may revoke any permit or license and the animal may, at the discretion of the Animal Management Officer, be seized and impounded for the protection of the animal or the public if the owner refuses or fails to comply with this ordinance or State Statute governing the care and possession of animals.

**o. Right To Inspections**

The Animal Management Officer shall be permitted to inspect all animals and the premises where they are kept and, if permission for inspection is denied, may revoke the permit or license.

**p. Persons Convicted of Animal Cruelty or Animal Abuse.**

No person who has been convicted of cruelty to animals shall be issued a permit or license to own an animal, operate a commercial animal establishment, pet shop, kennel or other business where animals are possessed, held, boarded, groomed, trained or otherwise temporarily or permanently maintained..

**q. Ownership Limitations of Domesticated Companion Animals.**

It shall be unlawful for any person to own, possess, shelter, keep, or harbor more than four 4 dogs, five 5 cats or four 4 ferrets over four 4 months of age at any one time, at any one residence or address. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal protection shelter or licensed kennel/cattery facility or pet shop.

## **616.04 City Collector's Records and Duties; Evidence.**

### **a. Comparison of Records.**

On July 1 of each year the City Collector shall make a comparison of the records of the dogs, cats and ferrets actually licensed in the City with the Collectors records as well as the records and reports of the Animal Management Department to identify all owners and the locations of unlicensed dogs, cats and ferrets.

### **b. Unlicensed Pets Declared Public Nuisance, Prosecution.**

On or after July 1 of each year, every unlicensed dog, cat or ferret subject to license under provisions of this Ordinance is hereby declared a public nuisance and shall be issued an "Unlicensed Citation" and, if found guilty, fined \$200.

#### **1. Record of Unlicensed Pet Owners**

On or after July 1 of each year, the City Collector shall immediately or as soon as possible thereafter list all unlicensed dogs, cats and ferrets, as determined from a review of the Collector's records and Animal Management Department records and shall deliver copies of the lists to the Animal Management Officer and other governmental agencies as required by law.

#### **2. Issue Unlicensed Citation**

The Animal Management Officer shall issue an "unlicensed citation" to the alleged offenders.

#### **3. Advise of Penalties**

The Animal Management Officer shall advise the alleged offenders that the fine for the violation is \$200 as well as the time and place of the hearing before a hearing officer if the alleged offender wishes to contest the citation.

#### **4. License Within Ten Days**

The Animal Management Officer or other officer shall also advise the owner that if the animal is properly licensed within 10 days of receiving the citation, the City Collector has the authority and shall waive the \$200 fine as well as the need for the owner to appear at the hearing upon payment of the applicable license fee and a \$15 late charge.

#### **5. Proof Of Valid License**

For purposes of enforcing this ordinance, the Animal Management Officer and others who are authorized to enforce this ordinance shall have the right to request any person who owns or harbors a dog, cat or ferret to produce proof of a valid license.

**c. Record of Licenses**

The City Collector shall keep a record of all dog, cat and ferret licenses and all kennel licenses issued during the year in the City of Berwyn.

**1. Person's Identity**

Such records shall contain the name and address and telephone number of the person to whom each license is issued.

**2. Pet's Identity**

The Collector's records shall also state the breed, sex, age, color, markings, microchip number, tag numbers and tattoo number of the dog, cat or ferret; and in the case of a kennel license, it shall state the place where the business is conducted and the number of animals licensed to be kept at the facility.

**3. Public Record**

The record shall be a public record and open to inspection during business hours.

**4. Record of Fees Collected**

The City Collector shall keep an accurate record of all license fees collected by the City Collector.

**d. Evidence of Ownership**

In all prosecutions for violation of this ordinance, the following will serve as evidence of ownership.

1. The records of the City Collector's Office, or the lack of such records, which identify the owner of the animal.
2. The license tag affixed to the collar or harness of the dog, cat or ferret.
3. The tattoo or a microchip
4. Any other evidence or testimony.

**e. Delegation of Duties.**

1. The duties and obligations imposed by this Ordinance upon the respective designated officials may be delegated when permitted by law to some other person or persons with like force and effect.

## **616.05 Animal Management Officer Duties, Authority and Responsibilities.**

### **a. Appointment**

A **Senior Animal Management Officer** shall be appointed by the mayor with the advice and consent of the City Council and shall serve as the head of the Animal Management Division. The **Senior Animal Management Officer** may appoint additional **Animal Management Officers** as needed with the consent of the City Council.

### **b. Qualifications and Minimum Requirements**

The **Senior Animal Management Officer**, as **Director of the Animal Management Department** must meet, among other requirements relating to the position of **Senior Animal Management Officer**, the minimum requirements under State Law to qualify for the position of **Director of the Animal Management Department**.

#### **1. Additional Qualifications**

In addition to qualifications set forth under State Law, the **Senior Animal Management Officer**, as the **Director of the Animal Management Department** shall have a recognized certification in basic animal control as established by the Humane Society of the United States to qualify for appointment and the title of **Senior Animal Management Officer**.

### **c. Salary**

The **Senior Animal Management Officer** and his deputies and assistants shall be paid a salary or wages as established and determined by the City Council.

### **d. Duties**

In addition to the other duties expressed and implied in this ordinance, the **Senior Animal Management Officer** shall fulfill the following duties personally or through his deputies or assistants:

#### **1. Duty to Investigate Complaints**

In addition to investigating complaints of stray and nuisance animals, the Animal Management Officer shall have the duty to investigate complaints of cruelty to or abandonment or neglect of animals and shall have the duty to seize, take up and impound any animal which has been subject to such cruelty, abandonment or neglect.

## **2. Criminal Charges Under State Law**

In addition to issuing citations for violations of this Ordinance, the Animal Management Officer shall, when the evidence of such cruelty, abandonment or neglect is compelling, seek a criminal complaint and warrant for arrest charging the owner of the animals with a criminal violation under Illinois State Law.

## **3. Duty to Seize Animals Running at Large**

The Animal Management Officer shall promptly seize, take up and place in a Berwyn sanctioned Animal Shelter all animals found running at large any place within the City of Berwyn contrary to the provisions of this Ordinance.

## **4. Duty to Dispose**

The Animal Management Officer, subject to the limitations contained in this Ordinance, shall dispose of impounded animals pursuant to the provisions specified in 616.12: Animal Impoundment; Adoption or Humane Destruction.

## **5. Duty to Attempt to Notify Owner by Phone**

If a dog, cat or ferret has a collar, license, microchip or tattoo or other evidence of ownership and the Animal Management Officer is able to ascertain the identity of the owner, the Animal Management Officer shall follow the procedure of notifying the owner as specified in 616.12: Animal Impoundment; Adoption or Humane Destruction or, if the animal is injured:

### **a. Owner May Opt For Medical Care**

If the animal is injured or ill, the owner may elect to have the animal transported to a licensed veterinary facility.

### **b. Animal Management Officer Option**

If the animal is injured or ill, the Animal Management Officer may, at his discretion, elect to have the animal immediately transported to a Berwyn sanctioned Animal Shelter where veterinary services are provided before attempting to contact the owner.

## **6. Restriction on Disposition of Animals**

Disposition of the animal shall not be made until after the period of time specified in Chapter 616, Section 12 (Animal Impoundment, Adoption or Humane Destruction) has elapsed.

## **7. Duty To Maintain Detailed Records**

The Animal Management Division shall maintain the following record for each animal seized:

- a. When the animal was acquired
- b. Where the animal was acquired.
- c. Whether the animal is found dead or alive.
- d. Whether the animal died while in the possession of the Animal Management Officer.
- e. A description of the animal including gender, approximate age, color, markings, breed, tattoo, microchip, license number, dog tag, and ID tag, color of collars or harness, and any other identifying features or equipment.
- f. The dates notices were sent to the owner.
- g. Maintain a record of all phone calls made to the owner over a period of ten business days from the date of impoundment. The Animal Management Officer shall be required to attempt to contact the owner at least daily at various times during the day throughout the holding period.
- h. The disposition of each animal including the name, address and phone number of any person who adopts the animals.

## **8. When the Holding Period Does Not Apply**

The holding period does not apply to animals which are sick or injured to the extent that the holding period would cause the animal to suffer.

## **9. Duty to Determine Extent of Injuries**

When an Animal Management Officer seizes an injured or sick animal, he shall transport the animal to a licensed veterinarian who shall determine the extent of such injuries and administer first aid or humanely destroy the animal to relieve its suffering.

### **10. Duty to Record Information About Animals Found Dead**

If an animal dies while in the possession of the Animal Management Officer or is found dead, the Animal Management Officer shall record upon his records all information as itemized in paragraph 7, "Duty To Maintain Detailed Records", above and note "DOA" or "Dead" on the report.

### **11. Duty Not to Sell Live or Dead Animals or Animal Parts or Organs**

The Animal Management Officer shall not sell, give or make available in any manner any live or dead animals of any species or any animal body parts or organs to be used for research, demonstration, experimental or any other purposes by any person, firm, corporation or institution, except to the extent necessary to comply with health laws and regulations concerning rabies.

### **12. Disposition Of Bodies**

The Animal Management Officer shall be responsible for disposition of the bodies of animals destroyed at a Berwyn sanctioned Animal Shelter in accordance with State Law and regulations.

### **13. Duty to Investigate All Animal Bites**

The Animal Management Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved.

#### **a. Quarantine Required**

If the Animal Management Officer finds the animal responsible for the bite, he or she shall either impound or quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and State Statutes.

#### **b. Rabies Suspect Animal**

The Animal Management Officer shall also be obliged to seize and impound any rabies-suspected animal and cause the Animal to be either impounded or quarantined for examination for disease in accordance with the provisions of this Ordinance and State Statutes.

### **14. Duty to Develop and Maintain a List of Unlicensed Dogs**

The Animal Management Officer shall make efforts to locate and determine the number of all unlicensed dogs, cats and ferrets in the City of Berwyn.



**a. Duty To Initiate Proceedings**

The Animal Management Officer shall compile a list of the unlicensed dogs, cats and ferrets and deliver the list to the City Collector and Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and State Statutes.

**15. Duty to Inspect Licensees and Authority to Revoke Licenses**

The Animal Management Officer's duty to inspect includes, but is not limited to, any kennel, pet shop or veterinary hospital and grooming facility for which a license has been issued by the City pursuant to this Ordinance and State Statutes.

**a. Duty To Suspend**

In addition to issuing appropriate citations under the circumstances, the Animal Management Officer shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the facility, pending correction of such conditions

**b. Duty To Revoke**

Further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time as determined by the Animal Management Officer.

**16. Duty to investigate Complaints Alleging Dangerous or Vicious Animals**

The Animal Management Officer shall have the duty to investigate complaints of animals alleged to be Dangerous Animals or Vicious Animals, and shall have the right to seize, take up and impound such animals pending disposition pursuant to this Ordinance.

**17. Duty to Coordinate Information with the Collector**

The Animal Management Officer shall be responsible for coordinating with the City Collector the names and addresses of all people who own a dog, cat or ferret.

### **18. Duty to Make Good Faith Attempt to Notify Owner**

In addition to the requirements set forth in Chapter 616, Section 12, Subsection c, Paragraph 3, the Animal Management Officer shall place information identical to that provided for publication on the City's Website as described in Chapter 616, Section 12, Subsection c, Paragraph 3, be placed in a conspicuous location at the Berwyn Police Department, City Hall, Community Centers and Library.

### **e. Authority**

In addition to other authority expressed and implied in this ordinance, the Animal Management Officer's authority includes the following:

#### **1. Authority to Inspect Premises**

The Animal Management Officer is authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises excepting entry into the private areas of buildings, unless in possession of a Search Warrant for the purpose of inspecting those premises to determine if the owners of dogs, cats, ferrets or other animals harbored, kept or possessed on the premises have complied with the provisions of this Ordinance.

#### **2. Authority to Demand to See a License**

For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, the Animal Management Officer or any Police Officer is empowered to enter upon any premises on which an animal is kept or harbored to demand the exhibition of the license by the owner or caretaker of an animal.

#### **3. Authority to Seize Unlicensed Animals**

The Animal Management Officer is authorized and empowered to seize and impound any dogs, cats or ferrets for whom no license has been procured in accordance with this Ordinance or for any other violation of this Ordinance. The provisions of this subsection shall include, but not be limited to, investigation of or seizure for cruelty to animals, investigating and seizing Dangerous and Vicious Animals.

#### **4. Authority as a Deputized Police Officer**

The Animal Management Officer shall be properly deputized as a police officer for the purpose of this Ordinance. He or she shall have the legal authority and duty to issue appearance tickets, citations or summons to those persons owning, keeping or harboring animals contrary to the provisions of this Ordinance.

## **5. Authority to Investigate Conditions of Suspected Animal Cruelty**

The Animal Management Officer may enter premises based upon information and belief animals are being kept in a cruel or inhumane manner and demand to examine the animal and seize and impound the animal when, in his or her opinion, the animal is subjected to cruel or inhumane treatment, abandonment or neglect.

## **f. City's Duty To Provide Animal Management Officer Equipment**

The city shall provide one or more tranquilizer guns, nooses, leashes, snares, humane traps, microchip scanners, vehicles equipped for purposes of animal control and other equipment appropriate to the duties of the Animal Management Officer, as well as instruction in their proper use.

### **1. Microchip Reader**

Use of universal Micro-Chip reader. The town shall provide the Animal Management Officer with a device that is capable of reading the microchips of all manufacturers' of microchips which are embedded in dogs, in accordance with authorized current practices, as well as instruction in use of these devices.

## **g. Weapons responsibility**

In the use of any weapon or devices for animal control, including, but not limited to, netting, trapping, snaring, or tranquilization, the Animal Management Officer shall employ the most humane method possible under the circumstances.

## **h. Humane Disposal**

Animals shall be disposed of in a humane manner at a Berwyn sanctioned Animal Shelter. Under no circumstances shall an animal be killed by the Animal Management Officer or a Police Officer when away from the Animal Shelter except in the event that the life or safety of the Animal Management Officer or Police Officer is in imminent danger.

## **i. Enforcing of Ordinance, State and Federal Law**

### **1. Enforcing and Prosecuting This Ordinance Chapter 616**

The Animal Management Officer, in enforcing the provisions of this Ordinance, shall fully cooperate with the Berwyn City Prosecuting Attorney in regard to any violations of this Ordinance.

## **2. Enforcing and Prosecuting State and Federal Law**

The Animal Management Officer in enforcing provisions of the law of the State of Illinois relating to animals including, but not limited to, The Illinois Animal Welfare Act, The Illinois Animal Control Act, The Illinois Humane Care For Animals Act, The Illinois Dead Animal Disposal Act, The Illinois Domestic Animal Running At Large Act and The Illinois Feeding Of Garbage To Animals Act shall fully cooperate with the Cook County State's Attorney Office in prosecuting violations of Illinois State Law. In addition, the city's prosecuting attorney will refer all matters which appear to involve violations of Federal Laws relating to animals to the United States Attorney's Office.

### **j. Suspension or revocation of license; seizure of animals**

All suspensions and revocations of licenses and all seizures and impoundments of animals shall be in accordance with this Ordinance and with such rules and regulations as are adopted from time to time by the City Council.

### **k. Animal Services Account**

Revenues Collected shall be allocated as follows:

#### **1. Creation of the Animal Services Account**

A Special Bank Account is hereby created as the exclusive depository of all funds collected under the authority of the Berwyn Animal Management Ordinance.

#### **2. Payment and Collection of Funds**

All fees and monies collected by the authority of this ordinance, whether fines, fees, penalties, service charges or any other charges related to the enforcement of the provisions of this Ordinance, shall be paid to the City Collector under the standard practices of the Collector's Office as determined by the City Collector.

#### **3. Deposit of Funds**

The City Collector shall deposit all such money collected under the authority of this Berwyn Animal Management Ordinance to the Berwyn's Animal Services Account and all monies from the account shall be used exclusively for the support, maintenance and improvement of the Animal Management Department and the education of the public regarding humane animal care and compliance with laws relating to the ownership of animals.

### **I. Animal Management Regulations.**

The Animal Management Officer shall promulgate Animal Management regulations to be approved by the city council.

## **616.06 ANIMAL CARE**

### **a. Introduction**

Every owner or care-giver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance.

### **b. Those Liable Under This Ordinance**

This Section applies to all persons who are owners, care for, or are custodians of animals, whether as individual persons or as any other legal entity.

### **c. Ownership Assumed**

For purposes of this Ordinance, any person who habitually allows an animal to remain and be lodged within his house, store, building, enclosure or premises shall be considered an Owner of an animal. Other indicia of ownership shall include:

1. Every person having a right of property in an animal;
2. An authorized agent of the person having a right of property in the animal;
3. Every person who keeps or harbors the animal or has it in his care, custody or control;
4. Every person who has the apparent authority to have a right of property in the animal.
5. Every person who resides at the same address or permits an animal to remain on the premises in which that person resides, if such person is of legal age and capacity.
6. Any person who regularly feeds the animal on a regular basis even if the animal is not kept upon the person's property.
7. The term owner **does not include** a feral cat caretaker participating in a trap/ neuter/release programs providing that such individual can provide acceptable evidence of their association with such an organization and that their activities are directly related and sanctioned by the association.

**d. Minimum Standards of Care**

Every owner or care-giver of an animal shall provide the following minimum standards of care.

**1. Sufficient food**

Provide on a daily basis a sufficient quantity of wholesome foodstuff suitable for the animal's specific species and age and which maintains a proper healthy nutritional diet.

**2. Sufficient water**

Constant access to a supply of clean, fresh and potable water.

**3. Living accommodations**

Safe, warm, dry and sufficiently lighted living accommodations.

**4. Quality of Living Quarters**

Every owner or care-giver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

**5. Required Exercise Area**

Every owner or care-giver of animals shall provide all animals with an exercise enclosure which shall be a minimum of 24 square feet in area.

**6. Tethering Banned**

There shall be no tethering of dogs, cats or ferrets within the City of Berwyn except as otherwise provided for in this Ordinance.

**7. Tethering Restrictions**

a. Any owner or care-giver of an animal shall not tether the animal except for purposes of exercise in which case the tethering shall not exceed one hour in duration and shall only occur between 6:00am and 6:00pm daily.

b. Any tethered animal must be confined by a leash that is long enough to allow the animal to move normally over an area 24 feet square, that cannot be chewed or bitten in a manner which would allow the animal to escape and which does not allow the animal access to a fence or other obstacle over which it may jump or entangle itself.

### **8. Limitation On Keeping An Animal Outside**

No dog, cat or ferret shall be kept outside for more than one hour intervals without the presence of the owner or caretaker.

- a. No dog, cat or ferret shall be kept in an unheated or un-cooled garage, porch, shed, basement or similar structure or location that exposes the animal to the extremes of cold or heat.

### **9. Required Quality Of Accommodations**

All dogs, cats and ferrets shall be protected inside from excessive heat and cold and provided sufficient opportunity to exercise and move about freely.

### **10. Veterinary Care Required**

The owner or care-giver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased or injured animal from other animals to prevent transmittal of disease or exacerbation of injuries.

### **11. Exposure To Weather**

An owner must provide an animal with adequate shelter and access to adequate shelter at all times so that the animal is protected from and may seek shelter from adverse weather and other conditions.

### **12. Required Attention And Care**

- a. No animal shall be left unattended or without proper attention and care.
- b. If an animal is left unattended at a commercial animal facility, the name, address and telephone number of the owner of the commercial animal facility shall be posted in a conspicuous place at the front of the property.

### **13. Requirement To Maintain Safe Conditions**

No condition shall be maintained or permitted that is or could be injurious to the animal.

### **14. Requirement To Maintain Safe Surroundings**

All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

### **15. Alcohol And Drug Ban**

No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.

### **16. Natural Enemy Prohibition**

No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

### **17. Access Restriction To Female Animals Requirement**

No person having a female domestic animal or pet in heat shall permit the animal to roam free or escape and must contain the animal in a manner that prevents stray animals from having access to her.

## **e. Cruel Treatment**

No person shall cruelly treat, improperly tether, torment, overload, overwork, physically abuse or otherwise abuse an animal. In addition to failing to meet the minimum standards of care, any person who engages in any of the following activity shall be guilty of Animal Cruelty.

### **1. Combat Banned**

No person shall cause, instigate, participate in or permit any dogfight, cockfight or other combat between animals or between animals and humans.

### **2. Baiting Banned**

No person shall provide or use animals as bait for any purpose including, but not limited to, dog fighting, the training for dog fighting, cockfights or other combat between animals or between animals and humans or otherwise violate any provision of this ordinance or State Law.

### **3. No Ownership Allowed**

No person shall own an animal used or trained for fighting. Any such animal seized by law enforcement officials shall be evaluated for temperament quality and eligibility for adoption or placement in a home.



#### **4. Abandonment And/Or Neglect**

No owner or care-giver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or care-giver fails to properly maintain the animal under the minimal standards of care set forth in this Ordinance and State Law, leaves an animal unattended for more than 24 hours, releases an animal upon a public highway or public or private lands, or fails to provide proper or adequate food, water, exercise, shelter or medical care.

#### **5. Motorists Injuring Animals**

a. Any operator of a motor vehicle who strikes a dog, cat, ferret or other animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner, if known, and to the Berwyn Police Department.

b. In the event the owner cannot be ascertained, the operator shall immediately report the accident to the Berwyn Police Department.

#### **6. Releasing or Abandoning Animals Into The Wild**

a. No person shall release into the wild or abandon in the wild a ferret, poultry, birds, lizards, dogs, cats, wild animals kept as pets in captivity and livestock or any other bird or animal.

b. These animals must be delivered to a certified humane center, wildlife rehabilitation facility, livestock farm or bird caretaker as their species would indicate.

#### **7. No Poisoning**

a. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be ingested by any animal or bird.

b. All pesticides and poisons must be placed on the premises in a way that makes it impossible for a domestic companion animal, wild bird or other non-target species to gain access to these substances.

### **8. No Unlicensed Veterinary Procedures**

No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail, perform castrations or any other surgical procedure.

### **9. Humane Destruction**

Animals shall be destroyed in a humane manner at a sanctioned Berwyn Animal Shelter or Veterinary Hospital. Under no circumstances shall an animal be killed by the Animal Management Officer or a Police Officer with a firearm or otherwise except in the event that there is an imminent threat of serious injury or death to the Animal Management Officer or Police Officer.

### **f. Requirements For Transporting Animals in Motor Vehicles**

No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle.

1. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle including, but not limited to convertibles, pick-up and flat-bed trucks., the person shall confine the animal in a properly ventilated container case which does not expose the dog, cat, ferret or other animal to extremes of heat, cold, wind or other injurious conditions.

2. The container case must be of proper and adequate size and design to prevent the animal from falling from or jumping from the motor vehicle.

### **g. Restrictions On Leaving An Animal In A Vehicle**

No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare.

1. An Animal Management Officer, a law enforcement officer and their agents are authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.

#### **h. Restrictions On Placement In Or On Vehicle**

No person shall transport any dog, cat, ferret or any other animal in the trunk or on top of a motor vehicle.

1. No person shall permit an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including, but not limited to dangerous temperatures, lack of air, food, water or proper care.

#### **i. Restrictions On Methods Of Transporting Animals**

No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner.

1. Any person must provide suitable and humane facilities including crates or cages in which such animal may stand up or lie down during transportation.

#### **j. Nuisance Animal Owner Behavior Noise.**

Any person allowing an animal in their possession to engage in or permit any of the following acts shall be guilty of Animal Nuisance.

##### **1. Incessant Barking a Nuisance**

It is the responsibility of the owner to prevent his/her dog from causing a noise nuisance by barking. Incessant barking indicates lack of care.

- a. Incessant barking is defined as continuous barking for 30 minutes or more between the hours of 8:00 a.m. to 10:00 p.m. and continuous barking for 15 minutes between the hours of 10:00 p.m. and 8:00 a.m.

- b. This section does not apply to dogs barking to alert their owners of visitors or trespassers.

#### **k. At Large Restrictions**

Any animal owner must assure that their dogs, cats, ferrets or other animal shall be kept under restraint and shall not be permitted to be at large. Whenever such an animal is found upon any public street, alley, sidewalk, parkway or unenclosed place, it shall be deemed running at large, unless such dog, cat or ferret is firmly held on a leash of sufficient strength to restrain the animal and under the positive control of a person of suitable age, discretion and strength to safely control the animal or is in an enclosed vehicle.

1. Any animal found running at large shall be considered “potentially vicious” and shall be impounded by the Animal Management Officer, Police Officer or any duly authorized agent, and the owner or person having possession of such animal and allowing it to run at large shall be guilty of a violation of this section.

#### **I. Leash Requirement and Liability**

No owner shall permit a dog, cat or ferret to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age, strength and discretion to control the animal.

1. The leash, collar and harness shall be of sufficient strength to restrain the particular animal.
2. Parents who allow their child to lead a dog, cat or ferret in public access areas, assume all liability for any accident, harm, or injury resulting from allowing their child to do so.

#### **m. Walking Animals in Public Parks**

Owners of dogs, cats and ferrets shall be allowed to walk their animals in Berwyn public parks provided they meet all the requirements of stool disposal as described under Section 616.06(o). All animals walking in public parks must be restrained by a leash, collar and/or harness (606.06(l)) and shall be mannerly and behave in such a manner that does not disturb the enjoyment of others.

#### **n. No Trespassing**

While restrained by a leash, no animal shall be permitted to enter upon private property other than the animal owner's without the permission of the private property owner.

#### **o. Stool Disposal Requirements**

Owners walking their pets. in public areas are required to pick up, and properly dispose of stool waste deposited from their pets..

1. No person, being the owner or having control of a dog, cat or ferret being walked with or without a leash, shall allow such dog, cat or ferret to urinate or defecate on any property other than that of such person.
  - a. No such person shall allow such dog or cat to defecate on any property other than that of such person or on a public street, alley, ground, parkway, thoroughfare, lot or other

public property, without immediately removing the defecation and cleaning the animal feces from the place of deposit and restoring such place to its condition before the defecation. Any person found in violation of this section shall be issued a citation and, if found guilty, fined in the amount of \$200.

**p. Dog Runs**

No person shall construct, cause to be constructed or utilize on property within the City a fenced-in structure or space within the property that restricts movement of dogs to a specific area and not the entire lot also known as a “dog run” without first obtaining necessary permits to construct the “dog run” and without first complying with the following requirements:

**1. Property Line Considerations**

Any such dog run or any part thereof that is constructed within three feet of a property lot line shall be constructed with a solid, non-open fence made of materials designed to protect adjoining properties from animal waste.

**2. Neighboring Property**

This applies to the fence closest to the neighboring property, which shall be additionally constructed to insure that the dog does not escape onto adjoining property.

**3. Permit Required**

All fences shall be constructed under a permit and in conformity with the provisions of the Berwyn City Code.

**4. Pitch**

The ground and/or floor of such dog run shall be pitched toward the property owner’s property and not pitched in any fashion that would allow for leakage or run-off onto neighboring property.

**5. Continued Liability – No Exemption**

The construction of a dog run in conformity with the provisions of this subsection does not in any way exempt the property owner from the other provisions of this Ordinance, including, but not limited to, those involving proper removal of animal waste.

**q. Working Animals.** Owners are required to comply with the following requirements.

**1. Adequate Rest Periods**

Working animals shall be given adequate rest periods as defined in 616.06(p)(4). Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

**2. Infirm Condition**

No person shall work, use, exhibit or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.

**3. Shod**

If an animal is not shod, it must be provided with footing i.e., grass, hay, wood shavings or dirt.

**4. Rest Periods**

At a minimum, working animals shall be given twenty minute breaks every 2 hours, with water and shade provided. No animal shall be used if it appears to be lame, injured, ill or in distress.

**r. Use Of Animals For Promotional Purposes**

The use of animals for promotional purposes is governed by the following provisions:

**1. Animals Cannot Be Prizes**

a. No person shall offer as a prize or give away any live animal, fish, fowl, reptile, bird or any other living creature in any contest, raffle, promotional event, lottery, or as enticement for fund raising, or for entry into any place of business.

b. No person shall give away any live animal, fish, reptile, bird or other living creature 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.

c. No person shall offer any live animal, fish, reptile, bird or other living creature as an incentive to enter into any business agreement where the offer is made for the purpose of attracting trade.

## **s. Promotional Use Prohibited**

### **1. Unlawful Actions**

It shall be unlawful for any person to sell, or offer for sale, barter or give away as pets or novelties rabbits or baby chicks or other animals.

### **2. Business Exception**

This section shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling chicks or ducklings to be raised for commercial purposes.

### **3. Coloring, dying or painting of Animals.**

It shall be unlawful for any person to dye, artificially color, spray or paint any live animal, bird or fowl.

## **t. Offensive Keeping Of Animals**

No person shall own, keep or use any railroad car, yard, pen, place or premises in or upon which dogs, cats, ferrets, fowl, cattle or any other domestic, wild or exotic animals are confined or kept in such a manner that a reasonable person would find offensive or annoying to those residing in the vicinity or offensive and annoying to others.

## **u. Slaughtering**

No person shall slaughter or kill any domestic or non-domestic animal or keep, maintain or use any house or place in which the business of slaughtering any such animals is carried on.

## **v. Birds And Bird Eggs**

No person shall kill or wound or attempt to kill or wound, by the use of firearms, slingshots, bows and arrows, stones or otherwise, any song, plumage or game bird.

1. No person shall take the eggs of any song, plumage or game bird on any public or private grounds.

## **w. Beekeeping**

No person shall keep, harbor or maintain, or permit to be kept, harbored or maintained, any bees or beehives at any place or in or upon any premises or part thereof in the City.

**x. Leg-hold Traps Banned**

No person in the City shall use or permit the use of any leg-hold animal trap, or similar device with spring activated jaws of the type used for the trapping of fur-bearing animals, which is capable of inflicting cruelty upon dogs, cats or other animals or which constitutes a hazard to small children.

**y. Abuse Of Or Interference With Police Dogs**

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department in the performance of the functions of such Department, or interfere with or meddle with any such dog while it is being used by the Department.

**z. Animal Owner Mandates**

Owner Responsibilities.

**1. Injury By Animal**

A person who owns or harbors an animal that has bitten, scratched, caused abrasions or contaminated with saliva or other infectious material an open wound or mucous membrane of a human being shall immediately report the incident to the Berwyn Animal Management Officer.

**2. Preventing Infection and Disease**

A person who owns or harbors an animal that has potentially exposed a person or other animal to rabies by biting, scratching, causing abrasions or contaminating open wounds or mucous membranes with saliva or other infectious material, shall handle the animal in accordance with current published guidelines of the Centers of Disease Control and Prevention and State Law.

**aa. Disposal Of Dead Animals**

It shall be unlawful for an owner or care-giver, or person possessing a dead animal to do any of the following:

**1. Disposition Of Dead Animal**

To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, unless the carcass or parts. of the carcass is/are buried at least four (4) feet underground.



## **2. Unattended Carcass**

To allow the carcass of a dead animal to be left unattended and not properly disposed of for more than 48 hours after the death of the animal.

### **bb. Penalty - Ordinance**

Unless otherwise specifically indicated in this ordinance, Any person who is found guilty of violating any of the provisions of this section 616.06 shall be assessed a minimum fine in the amount of \$750 or the maximum penalties permitted to be imposed under local municipal ordinances if higher.

### **cc. State Prosecution**

In addition to being assessed as minimum penalties the maximum penalties permitted under municipal law for violation of a municipal ordinance, the City's Prosecuting Attorney shall seek the Cook County State's Attorney's office in filing charges for violations of Illinois State Statutes including, but not limited to, violations of The Illinois Animal Welfare Act, The Illinois Animal Control Act, The Illinois Humane Care For Animals Act, The Illinois Dead Animal Disposal Act, The Illinois Domestic Animal Running At Large Act and The Illinois Feeding Of Garbage To Animals Act.

### **dd. Federal Prosecution**

In addition, the City's Prosecuting Attorney will refer all matters which appear to involve violations of Federal Laws relating to animals to the United States Attorney's Office.

## **616.07 Dangerous Animals**

### **Dangerous Animal vs. Vicious Animal**

1. "***Dangerous Animal***" as defined by this Ordinance is considered an animal which, by reason of its species, is by nature ferocious or has a dangerous propensity.

**a. Wild and Exotic Animals,**  
shall be considered "dangerous "but **are not considered "vicious"**.

**b. Rebuttable Presumption as to Wolf-Hybrids**  
There shall be a rebuttable presumption that Wolf-Hybrids and any other hybrids of a wild animal or exotic animal and a domestic animal are adjudicated as Dangerous Animals for purposes of this Ordinance. "Hybrid" is defined for purposes of this Section to mean any animal having a lineage dating from 1900 whose genetic background includes any wolf, coyote or other wild animal or exotic animal combined with any other domesticated animal including, but not limited to, coy-dogs and wolf hybrids. Hybrid animals are considered "dangerous "but **are not considered "vicious"**.

**c. Guard dogs**  
Any dog that is used by a commercial venture to guard public or private property shall be considered "dangerous "but **are not considered "vicious"**.

**d. Law Enforcement Dogs**  
Dogs owned by a governmental or law enforcement unit are exempted

**b. Keeping Or Exhibiting Wild and Exotic Animals**  
No person shall own, control or keep an Exotic or Wild or Hybrid of these animals and a domestic animal or any other dangerous animal (see exceptions below) on any real property in the City, except in zoos or business enterprises legally operated in areas properly zoned for such usage where adequate caging or safeguards shall be provided to protect the general public as subscribed by the Illinois Dangerous Animal Act.

### **c. Exceptions**

1. Exotic reptiles, snakes, insects, spiders, small lizards and birds may be legally kept by private individuals, providing that the following criteria are met:
  - a. **Restraining Requirements**  
The animal must be kept in a tightly secured cage or pen and restrained at all times.
  - b. **Secure Transportation**  
The animal must be securely caged when transported.
  - c. **Humane Care Required**  
The owner of such exotic animals must comply with all humane animal care regulations under this act and other applicable laws for housing, exercise, feeding and care of such animals.
  - d. **Inspection Requirements**  
The owner of such animals must allow the Animal Management Officer freedom to inspect the area as necessary to assure that health and safety needs are being met.
2. Ferrets, small primates and other small exotic mammals as determined appropriate by the Animal Management Officer and the Berwyn Animal Board may be legally kept by private owners subject to the criteria listed under section 616.07 (c)(1). as well as the following criteria:
  - a. **Vaccination Requirement**  
The owner of such exotic animals must vaccinate such animals in a manner required by the State and Federal law.
  - b. **Permit Required**  
A permit must be obtained from the Animal Management Officer within 90 days from the publication of this Ordinance.

**c. Permits Renewable Annually And Revocable**

Permits shall be valid for one year from the date of issue, will be renewed if the owner is in compliance, and will be revoked at any time for noncompliance.

**d. Issuance Of Permit**

Upon approval of an application to own or possess a Wild Animal, Hybrid or an Exotic Animal, the City Collector shall issue a permit in the form acceptable to the City Collector.

**e. Wild or Exotic Animals Hearing and Disposition**

When an Animal Management Officer or designee has reason to believe that an individual possesses a Wild Animal, Hybrid or an Exotic Animal, he/she shall:

**1. Determination Of Animal's Status**

Submit a report to the Office of the Berwyn Prosecuting Attorney and the Berwyn Animal Board. The Prosecuting Attorney shall decide whether or not to bring the matter before a hearing officer or a judge of the Circuit

Court of Cook County for a show cause hearing before a hearing officer where the animal's status as a Wild Animal, Hybrid or Exotic Animal shall be determined or to refer the matter to the Berwyn Animal Board for disposition under section 616.09 of this ordinance.

**2. Compliance Requirements**

If an Animal is determined to be wild, hybrid or exotic by the Berwyn Animal Board, the individual possessing the animal shall immediately comply with the restraint requirements set forth in this Ordinance. In the case that the owner of the animal is prohibited from possessing the animal under this ordinance, the animal shall be seized by the Animal Management Officer and transferred to a facility capable of caring for such animals as described in section 616.11 and 616.07g. of this ordinance.

**3. Animal Management Officer May Take Custody**

At any time following the magistrate's decision, if the Animal Management Officer believes any Wild Animal or Exotic Animal has not been adequately restrained or is not being maintained in a humane manner based on its species, the animal may be immediately taken into custody and held in a safe and humane manner until the owner can demonstrate compliance.

#### **4. Owner Responsible For Costs**

Any individual whose Animal has been so held by the Animal Management Officer shall be responsible for the costs incurred as a result of failure to comply with this Ordinance.

#### **5. Compliance Period**

Any person possessing a Wild Animal or Exotic Animal shall have fourteen 14. calendar days following the magistrate's decision to fully comply with this Ordinance including but not limited to the placement of the animal in an appropriate care facility for its species.

#### **6. Penalty For Non-Compliance**

After fourteen 14. calendar days if that person has not so complied and shown proof of such compliance in writing, the Animal Management Officer shall issue that person a citation for violating this Ordinance and shall seize the animal and dispose of it in compliance with 616.11(f) and 616.07g. of this Ordinance.

#### **f. Wild or Exotic Animals Bites**

The Animal Management Officer shall securely and humanely confine in the Animal Shelter or its contracted agency any animal which is Wild, Exotic or Hybrid that bites a human or animal for the requisite ten day period.

##### **1. Disposition After Holding Period**

If, at the expiration of this period, the animal does not display any indication that it is suffering from rabies or other sickness, the Animal Management Officer shall release the animal to the owner of record, humanely destroy the animal or otherwise dispose of the animal as more fully discussed in section 616.11(f) of this Ordinance.

##### **2. Rabies Diagnosis**

If, during the ten day holding period in the opinion of a licensed veterinarian the animal displays symptoms of rabies, then the animal shall be humanely destroyed by the Animal Management Officer or a licensed veterinarian and the animal or sample specimen shall be immediately sent to the appropriate State of Illinois laboratory.

### **3. Victim Notification**

The Animal Management Officer shall also immediately notify the victim of the bite, or in the case of a bitten animal, the owner of the bitten animal, of the veterinarian's opinion.

## **g. Disposition of Wild, Exotic and Hybrid Animals**

### **1. Wild Animal**

In the case of a wild animal, deliver the animal to a wildlife rehabilitation center.

### **2. Exotic Animal**

In the case of an Exotic Animal, deliver the animal to a zoo, humane shelter or rescue facility that is licensed to care for exotic animals.

### **3. Hybrid Animal**

In the case of a Hybrid Animal, deliver the animal to a zoo, humane shelter or rescue facility that is licensed to care for hybrid animals.

### **4. Adoption or Humane Destruction**

Retain possession of the animal at the Animal Shelter where policies regarding adoption and humane destruction as provided in 616.11 of this Ordinance shall apply.

## **h. Exhibition Of Wild or Exotic Animals**

No person shall conduct an exhibition or parade of wild animals or exotic animals without first obtaining a permit therefore from the City Collector.

## **i. Penalties**

Any person who is found guilty of violating any provision of this section 616.07 shall be fined a minimum of \$750. Further, a violation of this Section could result in the court-ordered destruction of the animal or other disposition with all costs paid by the owner.

## **616.08 Feeding Of Wild Or Feral Animals Or Birds.**

### **a. Definitions. As used in this section:**

#### **1. Feed**

"Feed" means any material, including, but not limited to, bird seed, bird feed, corn or any substance that can be utilized for consumption by wild/feral animals and/or birds to provide nourishment.

#### **2. Feeding**

"Feeding" means the spreading, casting, laying, depositing or dumping of feed on any public or private property within the City.

#### **3. Person**

"Person" means any natural person, association, partnership, organization or corporation.

#### **4. Residential**

"Residential property" or "residential areas" means any property within the City which is currently zoned or used for residential purposes.

#### **5. Wild**

"Wild/feral animals and/or birds" means any animal or bird not normally considered domesticated, including, but not limited to, the following: pigeon, vulture, sparrow, morning dove, starling or crow, and which is not currently being kept as a pet within a residence or outside in a cage.

### **b. Prohibitions**

Except as provided in subsection c hereof, no person shall feed, or cause the feeding of, any wild/feral animals and/or birds within the corporate limits of the City.

### **c. Exceptions**

The feeding of wild or feral animals, including feral cats, and/or birds shall be allowed in residential areas, provided that the following conditions are complied with:

#### **1. Storage Requirements**

All feed must be placed within a container, receptacle or feeder designed for the feeding of wild/feral animals and/or birds.

## **2. Design Requirements**

The containers, receptacles or feeders used for feeding the wild/feral animals and/or birds shall be designed to limit, to the extent possible, any excess spillage of seed and shall be of a size which does not exceed two feet in length by sixteen inches in width by sixteen inches in height. Such container, receptacle and/or feeder shall be installed at least three feet off the ground.

## **3. Limitations**

There shall be no more than two containers, receptacles or feeders used for feeding wild/feral animals and/or birds per residential lot of record. However, one additional container, receptacle or feeder shall be allowed for every 3,750 square feet of lot area beyond the minimum residential lot size of 7,500 square feet.

## **4. Lot Restrictions**

No container, receptacle or feeder used for feeding wild/feral animals and/or birds shall be located within fifteen feet of any residential building house, condominium, townhouse, two-flat, apartment building other than the residential building located on the same lot as said container, receptacle or feeder, nor shall any such feeder be located within five feet of any lot line. Further, no such container, receptacle or feeder shall be erected in a required front yard.

### **d. Nuisance**

It is hereby declared to be a nuisance for any person to engage in the feeding of wild/feral animals and/or birds other than in full compliance with the provisions of this chapter.



## **616.09 Vicious Animals**

### **a. Designation as a Vicious Animal**

Vicious animal will be defined by this act to be an animal that:

#### **1. Disposition To Attack**

has a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or other animals, particularly Domesticated Companion Animals; or

#### **2. Owner Should Have Known**

behaves in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other animals, particularly Domesticated Companion Animals; or

#### **3. Found Running At Large**

has been found running at large and without provocation, chases or approaches any person in an apparent attitude of attack on any public property or in any place outside or over the boundaries of its owner's property, or

#### **4. Previous Declaration**

has been previously been declared vicious under State law, or

#### **5. Attack Without Provocation**

has bitten, inflicted injury on, killed or otherwise attacked a human being or domestic animal without provocation who is peaceably conducting himself or herself on any public or private property where he or she may lawfully be.

#### **6. Owned Primarily For The Purpose Of Animal Fighting**

is owned or harbored, primarily or in part, for the purpose of fighting or any animal trained for fighting.

**7. "Vicious Animal"** does not include an animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; an animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly; an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or to protect itself or another animal; an animal that "nips" during play, when excited, when in fear, when in pain, or whose behavior is defensive in nature and does not produce significant physical injury. A minor scratch or shallow puncture shall constitute "nipping" vs "biting".

**b. Action By Animal Management Officer** shall involve the following:

**1. Seizure of Suspected Vicious Animal**

An Animal Management Officer or police officer shall seize and impound an animal when such officer has reasonable cause to believe that the animal may be a vicious animal, as defined in this Ordinance. The animal shall be impounded until a final disposition has been made as to whether the animal is vicious and the owner has taken all required precautions for the safe return of the animal to his control.

**2. Citation and Notification – Owner Known**

Upon discovery of an animal that is suspected of being a potentially vicious animal, the Animal Management Officer, his agent or of authorized Police Officer or other authorized persons shall issue a citation to the owner of such animal alleging the charge of being a vicious animal. At the discretion of the Animal Management Officer, the owner may also be cited under the State of Illinois “Dangerous Animal Act”

**3. Citation and Notification - Owner Unknown**

The Animal Management Officer shall, attempt to determine the identity of the owner of any animal suspected of being a potentially vicious animal which has been seized and impounded in the manner described in Section 616.12 of this Ordinance. If its owner cannot be identified within ten 10 days, the animal may be humanely destroyed or evaluated for temperament by the Berwyn Animal Board and, if found adoptable, made available for adoption to a responsible owner.

**c. Initiation of Hearing.**

After the Animal Management Officer has seized and impounded any animal that he has reason to believe may be "vicious", the Animal Management Officer shall notify the Berwyn Chief of Police no later than the next working day that he has seized and impounded a animal, which he has reason to believe is a vicious animal pursuant to the definitions of Vicious Animal in this Ordinance and that a hearing is required.

1. The Berwyn Chief of Police shall, within three 3 working days of the determination of the identity of the owner of a animal seized and impounded pursuant to this section, notify the owner by certified mail, return receipt requested, of the seizure and impoundment and the grounds for a hearing pursuant to this Ordinance.

2. This notice shall also require that the owner return within ten 10 days of receipt of the notice of hearing, by certified mail or hand delivery, a signed statement indicating whether the owner wishes that a hearing be conducted or, if not, to relinquish ownership of the animal, in which case the animal may be humanely destroyed or placed for adoption if its temperament has been evaluated and it has been determined that adoption is a feasible alternative to euthanasia.

3. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter within ten 10 days of the date of the mailing, or does not reply to the certified letter with a signed statement within ten 10 days of receipt of the notice, the animal may be humanely destroyed or placed for adoption if its temperament has been evaluated and it has been determined that adoption is a feasible alternative to euthanasia.

4. If the owner of an impounded animal notifies the Berwyn Chief of Police that he wishes that a hearing be conducted to determine whether the impounded animal is "vicious" as defined by this Ordinance, the Berwyn Chief of Police shall instruct the Berwyn Animal Board to conduct a hearing within thirty 30 days of the receipt of the signed statement from the animal's owner requesting that a hearing be held.

5. The Berwyn Chief of Police shall notify the owner of the date and time of the hearing for the impounded animal by certified mail, return receipt requested and by phone noting the time and date of the phone call, and also notify the Animal Management Officer of the date and time of the hearing.

6. If the owner fails to appear at the hearing on the day and at the time specified, the animal may be humanely destroyed or placed for adoption if its temperament has been evaluated and it has been determined that adoption is a feasible alternative to euthanasia.

#### **d. Hearing Process.**

During the hearing before the Berwyn Animal Board:

1. The Chief of Police and Animal Management Officer shall present evidence in support of their position in the form of, but not limited to prior citations issued to the owner for negligent animal care, description of the incidents and any prior incidents, explanation of causative factors, photographs, expert witnesses and all other pertinent evidence at their disposal.

2. The owners may present evidence in the form of, but not limited to photographs, description of the incidents, explanation of causative factors, expert witnesses testimony, testimonials and all other pertinent evidence at their disposal to demonstrate that the animal is not vicious.
3. The Berwyn Animal Board shall make a judicious examination of all evidence and shall declare the animal vicious if it finds, by a preponderance of the evidence, that the behavior of the animal under the circumstances presented at the hearing meets the definition of a "Vicious Animal" as set forth in this Ordinance.

**e. Notification of decision of Berwyn Animal Board**

If the Berwyn Animal Board finds that the animal is a Vicious Animal it will inform the Chief of Police. The Chief of Police upon receipt of the decision of Berwyn Animal Board that the animal has been declared a Vicious Animal shall serve written notice upon the owner of the animal and the Animal Management Officer of the determination by the Berwyn Animal Board within three 3 days. If the owner does not contest the decision of the Berwyn Animal Board, the owner shall:

1. Comply with the provisions of this Ordinance in accordance with a schedule established by the Berwyn Animal Board, but in no case more than thirty 30 days subsequent to the date of determination.
2. Release the custody of the animal to the Animal Management Officer for humane and expeditious euthanasia or adoption.

**f. Appeal Process**

If the owner wishes to contest the decision of the Berwyn Animal Board, the contesting owner may, within thirty five (35) days of such determination, bring a petition for administrative review in the Circuit Court in accordance with the procedures established for administrative review under section 3-101 et seq. of chapter 110 of the Illinois Revised Statutes 1989, as amended, petitioning the Court to review the record of the Berwyn Animal Board hearing and admitted evidence and render a determination as to whether the animal should be declared vicious. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions.

1. If the Animal Management Department has custody of the animal, the Animal Management Department may file a petition with the court requesting the owner be ordered to post security. The

security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the Animal Management Department or animal shelter in caring for and providing for the dog pending the determination.

Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the Animal Management Department may draw from the security the actual costs incurred by the Department in caring for the dog.

a. Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

b. If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the Animal Management Department or its designated Animal Shelter must dispose of the animal through adoption or humane euthanasia.

2. After the petitioner files the petition for administrative review and causes the issuance of summons upon the City within thirty five 35 days of petitioner's receipt of the decision of the Berwyn Animal Board, the Court shall conduct a hearing on the record and make its own determination on the record as to whether or not the decision of the Berwyn Animal Board is against the manifest weight of the evidence.

a. If the Court finds that the decision of the Berwyn Animal Board that the animal is vicious is not against the manifest weight of the evidence, the animal may be destroyed in a humane and expeditious manner, except that no animal may be destroyed during the pendency of an appeal; or

b. If the Court finds the Berwyn Animal Board's determination that the animal is vicious and the Berwyn Animal Board's established schedule for compliance is not against the manifest weight of the evidence, the established

schedule shall be enforced to insure compliance with this Ordinance, but in no case may compliance be completed more than thirty-five 35 days subsequent to the date of the Court's determination.

c. If the Circuit Court finds that the animal is not vicious, the Berwyn Chief of Police shall retain the right to re-convene a hearing before the Berwyn Animal Board to determine whether the animal is vicious for any subsequent actions of the animal.

4. If a animal is declared vicious in the final disposition of this matter and all appeals pertaining thereto have been exhausted, the owner of the animal shall be liable to the City for the costs and expenses of impounding and/or destroying the animal.

**g. Action After Determination**

When a animal is determined to be or vicious and no appeal is made of this ruling pursuant to subsection 616.09(f) of this Section, and a Vicious Animal Declaration has been issued by the Berwyn Animal Board, the Berwyn Animal Board may order any or all of the following:

1. Spaying or neutering within 30 days.
2. Microchip identification, tattooing or other means of permanent identification.
3. Behavior training.
4. Liability Insurance Policy
5. Signage, confinement, special identification tag and other special requirements.
6. Any other order concerning the keeping, restraint, removal from the City, humane euthanasia, or disposal of such animal, as may be deemed necessary.
7. Issue an order and a schedule for compliance with this ordinance's "Standards For Keeping Vicious Animals".

## **h. Standards for Keeping Vicious Animals**

The keeping of Vicious Animals shall be subject to the following standards.

- 1. Confinement.** No person owning or harboring or having the care of a vicious animal shall suffer or permit such animal to go unconfined on the premises of such owner. A vicious animal is "unconfined", as the term is used in this section, if such animal is not securely confined indoors or confined in a securely enclosed and locked pen or animal run area upon the premises of said person.
- 2. Leash and Muzzle.** No person shall permit a Vicious Animal to go outside of its kennel, pen or the owner's residence unless such animal is securely muzzled and restrained with a leash and chain collar having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- 3. No Tethering.** No person shall permit a vicious animal to be kept on a chain or cable, rope or similar device outside its kennel or pen unless a person is in physical control of the leash. Vicious animals may not be leashed to inanimate objects such as trees, posts, buildings, etc.
- 4. Muzzling.** All Vicious Animals on a leash outside of the animal's kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals. Such muzzling device must be approved by the Animal Management Officer.
- 5. Microchip.** The owners shall, at the owner's expense, have an identification microchip implanted in the animal. Such microchip shall be registered at the owner's expense with an approved "microchip registry" and information regarding the microchip and registry must be listed with the Animal Management Officer, City Clerk and City Collector. The Animal Management Officer may, in his discretion, designate the particular location of said microchip.
- 6. Tattooing.** The owners shall, at their own expense, have the licensing number assigned to such animal, or such other number as the licensing authority shall determine, tattooed upon such vicious animal by a licensed veterinarian or person trained as a tattooist and authorized as such by the City. The Animal Management Officer may, in his discretion, designate the particular location of said tattoo.

**7. Vicious Animal License and Tag.** The owners shall, at his own expense, apply to the City Collector for a special municipal “Vicious Animal License”, municipal registration number and special red “Vicious Animal Identification Tag” pursuant to this ordinance. A vicious animal shall remain impounded until the owner obtains a municipal Vicious Animal License, municipal registration number and “Vicious Animal Identification Tag”.

**8. Confinement In A Pen Or A Kennel.** All Vicious Animals shall be securely confined indoors or, when being exercised, in a securely enclosed and locked pen or kennel, except when leashed and muzzled. Such pen or kennel shall be considered appropriate housing only for exercise purposes. No animal shall be allowed in a kennel for longer than one hour without the owner’s presence. No animal that has been declared a Vicious Animal may be released to the owner and must remain impounded by the Animal Management Department until such structure has been erected by the owner and approved by the Animal Management Officer and the City Building Department.

a. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard.

b. Such pen, kennel or structure must be constructed of chain-linked fencing or other material of such strength and construction that the animal cannot chew through or break out of the enclosure. Any gates or entrances to the structure must be of similar construction and the entire structure must be so designed so that the animal cannot get out. The area of enclosure shall be no less than 225 square feet per animal, with no less than 15 feet per side.

c. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure.

d. Such structure must have a secure bottom or floor attached to the sides of the pen and the sides of the pen must be embedded into the ground to a depth of no less than two 2 feet. All structures erected to house such animals must comply with all zoning and building regulations of the City where located.



e. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. Any house or shelter for said animal shall be totally enclosed within the confinement structure.

f. The Animal Management Officer shall inspect the special enclosure and the owner's property at least semi-annually to determine continuing conformity with the definition of "special enclosure" set forth in this Section.

**9. Confinement Indoors.** No Vicious Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. No such animal shall be kept in a garage, shed or other structure. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacle preventing the animal from exiting the structure.

**10. Signs.** All owners, keepers or harborers of Vicious Animals within the City of Berwyn shall within ten 10 days of the effective date of this Ordinance, display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using the words "Beware of Vicious Animal". In addition, the sign must be posted on the kennel or pen of such animal.

## **11. Insurance and Photographic Identification.**

### **a. Insurance.**

All owners, keepers or harborers of Vicious Animals must, within ten 10 days of the effective date of this Ordinance, provide proof to the Animal Management Officer, Berwyn City Clerk and Berwyn City Collector, liability insurance in an amount of five hundred thousand dollars (\$500,000) for each occurrence for bodily injury to or death of any person or persons or Domestic Companion Animal or property damage which may result from ownership, keeping or maintenance of such animal. The insurance policy shall provide that no cancellation of the policy will be effective unless ten 10 days certified written notice is first given to the Animal Management Officer and the City Clerk at their business addresses.

**b. Identification photographs.**

All owners, keepers or harborers of Vicious Animals must, within ten 10 days of the effective date of this Ordinance, provide the Animal Management Officer with four 4 color photographs of the registered animal clearly showing the color, markings and approximate size of the animal. Information about vicious animals including photographs shall be placed on the animal section of the City Website.

**12. Reporting requirements.**

a. All owners, keepers or harborers of Vicious Animals must, **within three (3) days** of the following incidents, report the following in writing to the Animal Management Officer and the City Clerk.

1. The removal from the City, change of address within the city or death of a Vicious Animal. If the owner has changed addresses within the city or has been removed from the city, the owner must supply the address and phone number of the animal's new residence.
2. The birth of offspring of a Vicious Animal.
3. The transfer of ownership of the Vicious Animal including name, address and phone number of the new owner of the Vicious Animal.
4. If the new address of the Vicious Animal is outside the City of Berwyn, the Animal Management Officer shall notify proper officials of the city, town, village or area where the animal has moved.

b. All owners, keepers or harborers of Vicious Animals must **immediately** report any of the following incidents, to the Animal Management Officer and the City Clerk:

1. The animal is on the loose, or
2. The animal has been stolen or
3. The animal has attacked a person.

### **i. Penalties for Non-Compliance**

1. The owner of a vicious animal who is found by a preponderance of the evidence to have violated this Ordinance or any rule or regulation adopted pursuant thereto, or to have failed to comply with an order of the Berwyn Animal Board shall be subject to a fine of not less than Seven Hundred & Fifty Dollars (\$750) per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation.
2. An Animal Management Officer is authorized to seize and impound any vicious animal whose owner fails to comply with the provisions of this Ordinance or any rule or regulation adopted pursuant thereto, or an order of the Berwyn Animal Board.

### **j. Removal of Designation as a Vicious Animal**

1. If a animal found to be a Vicious Animal does not exhibit the behavior defined in this Ordinance as vicious within a thirty six 36 month period from the date of designation as a Vicious Animal, the owner may petition the Berwyn Animal Board to have the animal removed from the list of "Vicious Animals".
2. An animal may be removed from the list of Vicious Animals at any time prior to the expiration of the thirty six 36 month period if the owner or keeper of the animal demonstrates to the Berwyn Animal Board, through the same hearing process established under Section 616.09(d) of this Ordinance hereinabove that changes in circumstances or measures taken by the owner or keeper, such as training of the animal, have mitigated the risk to public safety.
3. If the Berwyn Animal Board finds, by a preponderance of the evidence, that the animal is no longer vicious, the Berwyn Animal Board shall order the animal will no longer be designated Vicious Animal, the Vicious Animal Declaration shall be rescinded and the animal shall be removed from the Vicious Animal list and the restrictions imposed by the vicious animal declaration.

## **616.10 Animal Management Not Based On Theories Of Breed Specific Legislation**

**a. The City of Berwyn** shall not support any law or ordinance which in any way attempts to restrict or restricts the ownership of animals based upon breed.

### **1. Effective Enforcement Eliminates Need For Breed Specific Legislation**

#### **a. Non-Discriminatory Laws**

The City of Berwyn supports the adoption of reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs and believes that dog owners should be responsible for their dogs and that laws should impose appropriate penalties upon irresponsible owners.

#### **b. Well Defined Procedures**

Communities must establish a well-defined procedure for dealing with dogs proven to be vicious which includes, if necessary, the destruction of such animals. In order to be effective, such legislation should not be breed-specific.

### **2. Unconstitutional - Unenforceable**

#### **a. Unconstitutional**

Breed Specific Legislation has been ruled unconstitutional in court venues across the United States on grounds ranging from vagueness, to an infringement of property rights, to equal treatment and equal protection.

#### **b. Unenforceable**

In cities where such legislation is permitted, enforcement of a breed-related law is difficult because of inability to accurately identify breeds, unfair negative impact on model citizens and equally model mannerly dogs, and lack of attention to the real issue of responsibility.

**3. Excessive Tax Burden On Residents/Taxpayers**

Breed Specific Legislation imposes great cost upon the taxpayers and the community including the cost of additional animal management personnel to enforce the ban or restriction, kenneling of seized animals, veterinary care of seized animals, legal fees and court costs of lawsuits filed by the owners of seized animals, feeding of seized animals and other direct and indirect costs.

**4. Communities Abandoning Breed Specific Legislation**

Many communities throughout the United States who have enacted Breed Specific Legislation have subsequently repealed these ordinances citing reasons of 1) excessive costs 2) difficulty in enforcement 3) ineffectiveness 4) negative public and media response.

**5. State Law Prohibits The Enacting Of Breed Specific Laws.**

**a. Violation Of State Law**

510 ILCS 5/24, Ch.8, Par. 374 specifically prohibits municipalities from creating and enacting breed specific legislation.

## **616.11 Confinement of Animal After Biting.**

### **a. Currently vaccinated Domesticated Companion Animal**

The owner or person having custody of a dog, cat or ferret which bites a person or domestic animal and for which the owner can show written evidence that such animal has been vaccinated for rabies and that vaccination is current in compliance with State, County and local law shall comply with the following requirements:

#### **1. Confinement Policy**

##### **a. Mandatory Confinement**

Shall keep such animal locked up in an enclosure or confined in the owner's home for a period of ten days following the time the dog, cat or ferret has bitten the person.

##### **b. Immediate Notification Required**

Such owner or person having custody shall also immediately notify the Animal Management Officer and Berwyn Police Department of the incident and shall have the dog, cat or ferret examined by a licensed veterinarian at the commencement and termination of this ten day period.

#### **2. Signs of Illness**

If such animal dies or shows definite signs of illness during such period, the owner or person having custody of the animal shall turn the animal over to the Animal Management Officer so that it can be determined whether or not the animal has rabies.

#### **3. Symptoms of Rabies**

If, during the ten day holding period in the opinion of a licensed veterinarian the animal displays symptoms of rabies, then the Animal shall be humanely destroyed by the Berwyn sanctioned Animal Shelter and the animal or sample specimen of the animal shall be immediately sent to the appropriate State of Illinois laboratory as required by State law.

#### **4. Notification of the Owner**

The Animal Management Officer shall also immediately notify the victim of the bite or, in the case of a bitten animal, the owner of the bitten animal of the veterinarian's opinion.

### **5. Evidence Not Suffering From Rabies**

At the expiration of the 10 day period, the owner shall show satisfactory evidence that the animal has been examined by a licensed veterinarian and that the animal is not suffering from rabies.

### **6. Liability of Owner**

Compliance with confinement requirements shall not release the owner of such biting animal for any and all other fines, prosecution, or liability for the behavior or actions of his animal.

### **b. Unvaccinated and Suspected Unvaccinated Animals.**

The Animal Management Officer may take possession of the animal and humanely confine it at a Berwyn sanctioned Animal Shelter until the expiration of the ten day period under the following circumstances:

#### **1. Lack of Evidence of Vaccination**

The owner or person having custody of a dog, cat or ferret which bites a person or domestic animal cannot show written evidence that the animal has been vaccinated for rabies or

#### **2. Lack of Evidence of Current Vaccination**

The owner cannot show written evidence that the vaccination is current in compliance with state, county and local law or

#### **3. Owner Can't Be Found**

If the owner of the biting Animal cannot be identified or found.

#### **4. Separate Confinement**

Special precautions shall be taken to securely and separately confine any such animal during such period of observation.

#### **5. Report of Confinement**

A report shall be made to the Animal Management Officer and the Berwyn Chief of Police at the time such animal is accepted for confinement and again at the time the animal is released.

#### **6. Mandatory Rabies Vaccination and Microchipping**

No such animal shall be released unless it is vaccinated against rabies and microchipped.

## **7. Rabies Diagnosis**

If, in the written opinion of a licensed veterinarian, the animal is determined to be suffering from rabies, the animal may be humanely destroyed at a Berwyn sanctioned Animal Shelter and a sample specimen will be sent immediately to the appropriate State of Illinois Laboratory as required by law.

### **c. In the event that the owner of the animal is eventually identified, the owner shall:**

1. Pay all fines and costs
2. The owner shall be responsible for all expenses incurred by the Animal Management Officer in gaining possession of and confining the pet for the ten day period.
3. The owner shall be responsible to pay all boarding charges and other charges relating to the boarding, care, veterinary medical treatment, spaying or neutering, chipping, adoption charges and all other costs and charges incurred and assessed by and through the Berwyn sanctioned Animal Shelter

### **d. Penalty – Ordinance Violation**

Unless otherwise specifically indicated in this ordinance, Any person who is found guilty of violating any of the provisions of this section 616.11 shall be assessed a minimum fine in the amount of \$750 or the maximum penalties permitted to be imposed under local municipal ordinances if higher.

### **e. State Prosecution**

In addition to being assessed as minimum penalties the maximum penalties permitted under municipal law for violation of a municipal ordinance, the City's Prosecuting Attorney shall seek the Cook County State's Attorney's office in filing charges for violations of Illinois State Statutes including, but not limited to, violations of The Illinois Animal Welfare Act, The Illinois Animal Control Act, The Illinois Humane Care For Animals Act, The Illinois Dead Animal Disposal Act, The Illinois Domestic Animal Running At Large Act and The Illinois Feeding Of Garbage To Animals Act.

### **f. Federal Prosecution**

In addition, the City's Prosecuting Attorney will refer all matters which appear to involve violations of Federal Laws relating to animals to the United States Attorney's Office.



### **g. Animals That Are Not Domesticated**

The Animal Management Officer shall securely and humanely confine under the restrictions of Section 616.11(b) for the required ten day period in a Berwyn sanctioned Animal Shelter any animal which is Wild, Hybrid or Exotic or is not kept as a Domesticated Companion Animal, that bites a human or animal.

1. If, after the ten day confinement, the animal does not display any indication that it is suffering from rabies or other illness, the Animal Management Officer shall return the animal to its owner if appropriate or dispose of such animal as follows:

#### **a. Wild Animals To Wildlife Rehabilitation Center**

In the case of a wild animal, deliver the animal to a wildlife rehabilitation center

#### **b. Exotic Animal Shelter**

In the case of an exotic animal, deliver the animal to a humane shelter or exotic animal shelter

#### **c. Special Categories**

In the case of poultry, livestock, reptiles, domestic birds, and snakes, delivery must be made to a facility appropriate to the care of such animals.

#### **d. Release to the Wild Forbidden**

In no case shall poultry, livestock, domestic animals, birds snakes, reptiles, exotic animals or wild animals that have been kept as pets be released to the wild by the Animal Management Officer or any other person or owner.

### **g. Rabid Non-Domesticated Animals**

#### **1. Displays Symptoms of Rabies**

If, during the ten day holding period in the opinion of a licensed veterinarian the animal displays symptoms of rabies, then the Animal shall be humanely destroyed by Berwyn sanctioned Animal Shelter and the animal or sample specimen shall be immediately sent to the appropriate State of Illinois laboratory as required by law.

#### **2. Victim Notification**

The Animal Management Officer shall also immediately notify the victim of the bite, or in the case of a bitten Animal, the owner of the bitten Animal, of the veterinarian's opinion.

## **616.12 Animal Impoundment; Adoption or Humane Destruction**

### **a. Impoundment by Animal Management Officer**

The Animal Management Officer may humanely seize and impound at a Berwyn sanctioned animal shelter any Domesticated Companion Animal found running at large and not under the control of its owner.

### **b. Assumed Potentially Vicious Animals**

All animals running at large are assumed to be potentially vicious animals because the animal's character and disposition is unknown.

### **c. Non-Vicious Animals - Holding Period and Procedures.**

If an Animal Management Officer finds a non-vicious Domesticated Companion Animal running at large, the officer shall follow the following procedures:

#### **1. When Owner Can Be Identified And Is Available For The Return Of The Animal.**

If the owner of the Domesticated Companion Animal can be ascertained, and the Animal Management Officer is successful in his attempt to contact the owner and the owner is available to accept the return of the animal, the Animal Management Officer shall:

a. Return the animal to the owner and issue a citation for "Animal Running At Large".

b. All owners attempting to claim their animals must be prepared to show proof of ownership in a form or forms satisfactory to the Berwyn Animal Management Officer and the Berwyn City Collector.

#### **2. When Owner Can Be Identified But Not Available**

If the owner of the Domesticated Companion Animal can be ascertained but cannot be reached by phone at the time the animal is found, the Animal Management Officer shall impound the Domesticated Companion Animal at a Berwyn sanctioned Animal Shelter. After the animal has been delivered to the shelter, the Animal Management Officer shall:

- a. Mail a letter via certified mail, return receipt requested notifying the owner of the impoundment and the steps necessary to regain custody of the animal.
- b. Attempt to contact the owner by phone every day at varying times of day for a period of ten (10) business days from the day of impoundment and advise the owner of the impoundment and the steps necessary to regain custody of the animal.
- c. Advise the owner that the animal shall be humanely confined for only ten (10) business days from the date of impoundment.
- d. Advise the owner that, after the ten (10) business day period, custody and control of the animal shall be turned over to the Berwyn sanctioned Animal Shelter which may assume ownership.
- e. Advise the owner that Berwyn sanctioned Animal Shelter shall then have the authority to permit the adoption of the animal or may humanely destroy the animal in accordance with the standards of humane euthanasia as provided by State, County and local laws.
- f. Advise the owner that the owner shall, whether or not the owner obtains possession of the animal will, in any event, be charged with an "Animal at Large" violation and remain responsible for the payment of:
  1. All fines and fees assessed for ordinance violations;
  2. All boarding costs and costs associated with boarding;
  3. All veterinary care charges including, but not limited to, the costs of spaying or neutering and "microchipping".

g. The owner may, at any time after the ten (10) day period has elapsed, go to the Berwyn sanctioned Animal Shelter and, if the animal is still available, secure the release of the animals by paying:

1. All fines and fees assessed for ordinance violations;
2. All boarding costs and costs associated with boarding;
3. All veterinary care charges including, but not limited to, the costs of spaying or neutering and "microchipping".

### **3. When Owner Cannot Be Identified**

When the Owner Cannot Be Ascertained, the Animal Management Officer shall:

a. Impound the animal at a Berwyn sanctioned Animal Shelter where the animal shall be impounded for a period of no less than five (5) business days.

b. Photograph the animal and have the photo of the animal placed on the Lost Pets section of the Berwyn City Website where the public is advised as follows:

1. That the animal was found running at large.
2. That the animal has been impounded at a Berwyn sanctioned Animal Shelter giving the specific date of the impoundment.
3. That if the owner does not claim the animal within ten business days of the date impounded, the animal will be turned over to the custody and control of the Animal Shelter.
4. That once the animal has been turned over to the custody and control of the Animal Shelter, the Animal Shelter shall have the authority to permit the adoption of the animal or humanely destroy the animal in accordance with the standards of humane euthanasia as provided by State, County and local laws.

c. The Animal Management Officer shall place information identical to that provided for publication on the City's Website as described herein at a conspicuous location at the Berwyn Police Department, City Hall, Community Centers and Library.

d. All owners attempting to claim their animals must be prepared to show proof of ownership in a form or forms satisfactory to the Animal Management Officer, the Animal Shelter and the Berwyn City Collector.

e. The owner may, at any time after the five (5) day period has elapsed, go to the Berwyn sanctioned Animal Shelter and, if the animal is still available, secure the release of the animals by paying:

1. All fines and fees assessed for ordinance violations;
2. All boarding costs and costs associated with boarding;
3. All veterinary care charges including, but not limited to, the costs of spaying or neutering and "microchipping".

#### **4. Required Good Faith Effort To Locate The Animal's Owner**

The Animal Management Officer will be deemed to have made a good faith effort to locate the owner of the animal if he has complied with Chapter 616, Section 12, Subsection c, Paragraph 3 and Chapter 616, Section 5, Subsection d, Paragraph 18.

#### **d. Penalties**

If an owner is found guilty of owning a animal running at large, the animal owner shall pay the following fines under the following circumstances.

##### **1. First Offense**

- a. The minimum fine for the first offense is \$250
- b. This fine shall be reduced to \$75 if the animal owner can prove that the animal has been spayed or neutered.

**c. Joe Cocker Doctrine Applied**

This fine shall be reduced to \$25 if the animal owner can prove that the animal has been both tattooed or microchipped **and** spayed or neutered.

**2. Second Offense**

a. The minimum fine for the second offense is \$350

b. This fine shall be reduced to \$200 if the animal owner can prove that the animal has been spayed or neutered.

**c. Joe Cocker Doctrine Applied**

This fine shall be reduced to \$100 if the animal owner can prove that the animal has been both tattooed or microchipped **and** spayed or neutered.

**3. Third Offense**

a. A minimum fine of \$500.

**4. Fourth Offense and each subsequent offense**

a. A minimum fine of \$750

**e. Vicious Animals**

If an Animal Management Officer finds a vicious animal running at large and the owner of the vicious animal can be ascertained, the officer shall notify the Berwyn Animal Board and notify the owner and inform the owner that:

1. The owner's animal has been found and has been determined to be a vicious or dangerous animal.
2. The animal has been impounded in a Berwyn sanctioned Animal Shelter
3. The animal will not be returned to the owner.
4. The owner may attempt to regain custody and control of the animal by following the review procedures set forth in the Vicious Animal Section of this Ordinance.

5. That whether or not the animal is returned to the owner, the owner shall be issued a “Running At Large – Vicious Animal” citation.

6. That if found guilty of owning a vicious animal which was running at large, the animal owner shall pay a minimum fine in the amount of the maximum amount permitted by State Statute to be imposed for violations of local municipal ordinances. Currently the maximum permitted fine is \$750.

7. That, whether or not the animal is returned to the owner, the owner shall be responsible to pay all boarding charges and other charges relating to the boarding, care, veterinary medical treatment, spaying or neutering, chipping, adoption charges and all other costs and charges incurred and assessed by and through the Berwyn sanctioned Animal Shelter and the City of Berwyn.

#### **f. Animals Considered Being Abused**

The Animal Management Officer shall humanely seize and impound at a Berwyn sanctioned Animal Shelter any animal that is, within the reasonable opinion of the Animal Management Officer, subject to abuse, cruelty, abandonment or neglect and shall advise the owner as follows:

1. That the owner’s animal has been impounded at a Berwyn sanctioned Shelter on the Officer’s reasonable belief and in the Officer’s opinion that the animal has been subject to abuse, cruelty, abandonment or neglect.

2. That the animal will not be returned to the owner.

3. That the owner may attempt to regain custody and control of the animal by following the procedures for petitioning the Berwyn Animal Board as described under Section 616.09 of this Ordinance.

4. That whether or not the animal is returned to the owner, the owner shall be issued a “Cruelty To Animals” citation.

5. That if found guilty of animal cruelty, the animal owner shall have all licenses for any animal currently owned by him or in his possession revoked and the animals will be seized by the Animal Management Officer.

6. That if found guilty of animal cruelty, the owner shall be prohibited from owning an animal or possessing an animal for a period of ten years.

7. That if found guilty of animal cruelty, the animal owner shall pay a minimum fine in the amount of the maximum amount permitted by State Statute to be imposed for violations of local municipal ordinances. Currently the maximum permitted fine is \$750.

8. That, whether or not the animal is returned to the owner, the owner shall be responsible to pay all boarding charges and other charges relating to the boarding, care, veterinary medical treatment, spaying or neutering, chipping, adoption charges and all other costs and charges incurred and assessed by and through the Berwyn sanctioned Animal Shelter.

#### **g. Impoundment by Citizens**

Any citizen shall be empowered to temporarily take and hold any animal within plain view that, according to a reasonable person's standard, is subject to cruelty, abuse, abandonment or neglect, or which poses an imminent danger of causing serious bodily injury or death to itself or to a person or another animal. Upon obtaining custody of the animal believed to be the victim of abuse, the citizen shall:

##### **1. Immediately Contact the Animal Management Officer**

Any such citizen shall immediately contact an Animal Management Officer and turn over the animal to the Animal Management Officer's custody.

##### **2. Good Faith**

Any citizen acting reasonably and in good faith under this Section shall not be liable for civil claims or criminal charges resulting from such actions providing that the citizen can show cause for his or her belief that the animal, other animals or humans were in jeopardy.

##### **3. Assumed Risk**

Any such citizen assumes all risk for injury to himself or herself and any damage to property in the attempt and process of holding the animal.



#### **4. Entry Prohibited**

Nothing in this section shall be considered to allow a citizen to enter a residence or building to take or hold an animal. In the event that a citizen feels that an animal confined to a building or residence is being neglected, being treated cruelty, being abused or has been abandoned, the citizen shall contact the Animal Management Officer and request that a search warrant be obtained to enter the premises and seize the animal. The Animal Management Officer shall immediately initiate an investigation and, if the Animal Management Officer finds evidence of the condition reported by the citizen, the Animal Management Officer shall, within 24 hours, obtain a search warrant to enter the premises and seize the animal(s).

#### **h. Disposal**

The bodies of animals destroyed at the Animal Shelter shall be disposed of by the Animal Management Officer in accordance with State, County and local laws.

#### **i. Detail Record Keeping Required**

Whether an animal is found dead or alive, the Animal Management Officer shall maintain a record of when, where and under what circumstances each animal was seized, a description of the animal including gender, age, color, markings, breed and a description of any collars, microchips, tattoos or other indicia of identification. The record must also include the dates notices were sent to owners, the dates of phone calls made to the owner and the disposition of each animal including the name, address, phone number of the new owner if the animal was adopted.

#### **j. No Dumping**

The placement or "dumping" of animals in the Forest Preserve District or other wooded area is strictly forbidden except for uninjured wild animals not kept as pets. Injured wild animals shall be transported to a licensed and certified wildlife rehabilitation facility. No exotic, domestic, hybrid or ferrel animal, livestock, poultry or any other animal other than a healthy, naturally wild animal, may be released in the Forest Preserve District or other wooded area by any person or City, State or governmental agent.

### **k. Voluntary Owner Relinquishment of Animals**

The City of Berwyn and its animal management department shall not accept animals voluntarily turned over by the owner (known and referred to as owner "give ups"). Owners wishing to give up their dog, cat, ferret or other animals shall be referred to appropriate Animal Shelters and Humane organizations.

### **l. Adoption of Impounded Animals**

In addition to the adoption application and review process established by a Berwyn sanctioned Animal Shelter, any person who wishes to adopt an impounded animal must:

1. Sign a sworn statement that he or she will own and keep the animal in accordance with the terms of this Ordinance and State Laws.
2. Incur the cost associated with spaying or neutering, necessary vaccinations including annual vaccinations, rabies vaccination, licensing tag, microchipping if any of these procedures have not already been performed.
3. Submit a sworn statement that the animal will not be used for fighting or other illegal activity and will not be subjected to, sold, or otherwise used for medical or other testing or experimentation.
4. Agree that the animal will not be sold or given away without notification of the Animal Management Officer and the Animal Shelter.
5. Pay all adoption fees. Such fees shall be posted conspicuously at the Animal Shelter.

### **m. Restrictions On The Transfer Of Adopted Animals**

No one may adopt an animal with the intention of selling it or transferring it to another individual. If the adopting party can no longer keep the adopted animal, the adopting party must return the animal to the adoption agency from whence it was obtained.

**n. Penalty - Ordinance**

Unless otherwise specifically indicated in this ordinance, any person who is found guilty of violating any of the provisions of this section 616.12 shall be assessed a minimum fine in the amount of \$750 or the maximum penalties permitted to be imposed under local municipal ordinances if higher.

**o. State Prosecution**

In addition to being assessed as minimum penalties the maximum penalties permitted under municipal law for violation of a municipal ordinance, the City's Prosecuting Attorney shall seek the Cook County State's Attorney's office in filing charges for violations of Illinois State Statutes including, but not limited to, violations of The Illinois Animal Welfare Act, The Illinois Animal Control Act, The Illinois Humane Care For Animals Act, The Illinois Dead Animal Disposal Act, The Illinois Domestic Animal Running At Large Act and The Illinois Feeding Of Garbage To Animals Act.

**p. Federal Prosecution**

In addition, the City's Prosecuting Attorney will refer all matters which appear to involve violations of Federal Laws relating to animals to the United States Attorney's Office.

## **616.13 Kennel Regulations**

### **a. Licensing**

1. Any person, veterinary clinic, hospital, pet shop or any other facility which owns, boards, keeps or harbors animals shall obtain a kennel license.
2. The Animal Management Officer shall inspect all kennels annually in accordance with State of Illinois Animal Control laws.
3. Kennels must also comply with applicable Building Code and Zoning Ordinances.
4. The Animal Management Officer shall suspend licenses for kennels and impound animals kept in kennels whose conditions are unhealthy or inhumane or otherwise in violation of this Ordinance or State Laws.
5. The Animal Management Officer may cite kennel owners for violations of this Ordinance at any time including during or pursuant to an inspection.

### **b. Sale or Transfer of Animals**

Any person, veterinary clinic, hospital, pet shop or any other facility that sells or otherwise transfers to a Berwyn resident an animal requiring licensing under this Ordinance must notify the Berwyn City Collector and the Berwyn Animal Management Officer of the name, address, and telephone number of the person to whom the animal is transferred along with information about the age, breed and gender of the animal so transferred.

1. This information shall be in writing on forms provided by the Berwyn City Collector and the Berwyn Animal Management Officer.
2. Any person, veterinary clinic, veterinary hospital, pet shop or any other facility found guilty of failing to comply with these requirements shall be fined a minimum of \$100 per animal sold or otherwise transferred.

### **c. Grooming Facilities**

Grooming facilities that do not board animals for the public and do not keep more than four of their own animals shall be subject to inspection but require only a business license and not a kennel license.

**d. Exemption from Requirement for Individual Animal Licenses.**

Any person who owns, keeps or operates a kennel may, in lieu of obtaining individual licenses for animals required under this Ordinance, apply to the Animal Management Officer for a kennel license to own, keep or operate the kennel in accordance with applicable State Laws.

**e. Licensing Fees**

1. The fees for a kennel license shall be:

- a. \$50 dollars for three to five animals;
- b. \$100 dollars for six to ten animals;
- c. \$150 dollars for eleven to fifteen animals; and
- d. \$200 dollars for each additional ten 10 animals.
- e. Exceptions: Humane and Animal Shelter Facilities are specifically exempted from these licensing fees but must meet all other criteria for humane care and sanitary conditions.

**f. License Requires Compliance with Statutes, Regulations and Ordinances**

- 1. The Animal Management Officer shall not issue a kennel license to any person unless that person is in full compliance with this Ordinance and the laws of the State of Illinois, including, but not limited to, laws governing kennels.
- 2. The City Collector shall not issue a kennel license to any person who has, at any time, been convicted of animal cruelty, abuse or neglect, except upon a Court Order following a show cause hearing wherein the person seeking the kennel license has shown that he or she can and will run, keep and operate the kennel in a safe and humane fashion and in accordance with State Laws and this Ordinance.

**g. Rabies Vaccinations Required**

- 1. Issuance of a kennel license does not relieve or exempt a license holder from the requirement that all animals of licensing age have a current rabies vaccination with a vaccine licensed by the U.S. Department of Agriculture and evidenced by a valid certificate of vaccination signed by a licensed veterinarian and all other required vaccinations and testing as required by State and Federal Law signed which indicates that the vaccinations are current.

2. The requirements of this Section shall not apply to a litter of puppies and kittens less than four months of age that are housed with their mother.

#### **h. Humane Treatment in Kennels**

1. All kennels must be kept sanitary and provide adequate housing and humane treatment of the animals in the kennel including, but not limited to, fresh food and water daily, sufficient room and opportunity for daily exercise, protection from the elements, adequate ventilation and lighting, vaccinations against diseases and adequate veterinary care.

2. Any person who owns, keeps or operates a kennel is subject to the minimum standards of care and all provisions of this Ordinance in its entirety for each of the animals kept in the kennel.

3. Requirements regarding housing conditions for multi-animal housing shall apply to each kennel licensee including, but not limited to, pet shops, kennels and veterinary hospitals.

#### **i. Housing Facility Maintenance**

1. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

##### **a. Materials, Ventilation, Heating and Cooling**

Every building or enclosure where animals are maintained shall be constructed of non-porous material which can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals.

##### **b. Adequate Size and Lighting**

All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations including adequate lighting during daytime hours.

**c. Protection from the Elements**

All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animal to rest.

**j. Unattended Animals**

No animals shall be confined outdoors for more than 1 hour without the presence of the kennel owner or caretaker.

**k. Unattended Animals in Commercial Units**

Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the owner of the business or someone the owner designates to be his or her agent, shall be posted in a conspicuous place at the front of the property.

**l. Restrictions on Confinement Outdoors**

No animal shall be confined outdoors without the benefit of suitable shelter in inclement weather conditions of extreme heat, cold, precipitation or other conditions which might cause discomfort or distress to the animal regardless of the amount of time the animal is outdoors.

**m. Dangerous Conditions**

No condition shall be maintained or permitted that is or could be injurious to the animals.

**n. Measures to Protect the Public**

All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

**o. Incompatible Animals**

No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

**p. Duty to Provide Medical Treatment**

The owner of kennel shall provide prompt, proper and adequate medical treatment by a licensed veterinarian to any animals that are injured, diseased, ill or otherwise require veterinary care.

## **616.14 City Website Section on Animals**

### **a. Creation of Animal Care Section on Official Berwyn Website**

1. The Berwyn Director of Computer Services shall create a section on the official Berwyn Website for the purpose of addressing concerns of residents regarding animals. Information to be included on the website shall include, but not limited to, the following:

- a. A copy of the Berwyn Animal Ordinance and a summary of key provisions of the Berwyn Animal Ordinance
- b. Due dates for payment of license fees
- c. Fines and Penalties Schedules
- d. Information about Berwyn's sanctioned Animal Shelters and the costs associated with impoundment. The charges a resident will be assessed if their pet is impounded.
- e. The various forms which a person would need to complete and submit to the City Collector to comply with this Ordinance
- f. Information about the Animal Management Department
- g. Contact information for the Animal Management Department
- h. A "lost and found" section with photographs of missing pets and shelter animals being held and for which they are seeking homes.
- i. Vicious animal section with photographs of and locations of animals determined to be vicious.
- j. Information about the costs and financing of the Animal Management Department.
- k. Hotline number for residents to call to report lost pets, stray animals, found pets, animal abuse, neglect, abandonment and other violations of the Berwyn Animal Ordinance.
- l. Email address for to use to report Ordinance violations.
- m. Tips on caring for animals
- n. Tips on how to effectively comply with the Berwyn Animal Management and State and County laws.



## **616.15 Fines and Penalties, Defenses and Additional Violations**

### **a. Prosecution of Local Ordinance - Minimum Fines**

Unless otherwise specifically indicated in sections of this ordinance, any person who is found guilty of violating any of the provisions of this Ordinance, Chapter 616 of the Berwyn Code, shall be assessed a minimum fine in an amount equaling the maximum amount permitted to be imposed by Illinois State Statute for violations of local municipal ordinances.

1. Currently the maximum fine and penalty permitted Illinois State Statute for the violation of a Municipal Ordinance is \$750.

2. This section shall automatically amend to reflect changes in the law relating to the maximum fine which may be assessed for violation of a municipal ordinance under Illinois State law.

### **b. State Prosecution**

In addition to being assessed as minimum penalties the maximum penalties permitted under municipal law for violation of a municipal ordinance, the City's Prosecuting Attorney shall seek the Cook County State's Attorney's office in filing charges for violations of Illinois State Statutes including, but not limited to, violations of The Illinois Animal Welfare Act, The Illinois Animal Control Act, The Illinois Humane Care For Animals Act, The Illinois Dead Animal Disposal Act, The Illinois Domestic Animal Running At Large Act and The Illinois Feeding Of Garbage To Animals Act.

### **c. Federal Prosecution**

In addition, the City's Prosecuting Attorney will refer all matters which appear to involve violations of Federal Laws relating to animals to the United States Attorney's Office.

### **d. Each Animal A Separate Offense**

A violation of this Ordinance as to each animal in the care, custody or control of a person constitutes a separate offense, each separate offense being subject to the penalties provided in this Ordinance.

**e. Each Day A New Violation**

In all situations where penalties are provided for any act or omission, they shall be held to apply to each and every act or omission. When any act or omission is of a continuing character, each and every day's continuance of the act or omission constitutes a separate offense and a presumption of continuing harm and violation of this Ordinance which may be separately charged and punished according to the provisions of this Ordinance.

**f. Each Person A Separate Offense**

Every person who violates the provisions contained herein shall constitute a separate offence. Each day a violation exists shall be considered a separate violation for the purpose of the assignment of fines. All fines identified in this section and all costs and fees identified in this chapter shall be paid by the animal owner or the owner of real property where the animal is or was kept. All penalties, fines, costs and fees not timely paid may become a lien against such real property following notice of such action.

**g. Animal Owner Responsible For Costs**

An animal owner shall be responsible for the cost of any property damage, harm, or injury done by his/her animal when the animal was at large, off of the owner's premises, and/or out of the owner's immediate control.

**h. Self Defense**

No animal owner will be held liable if the animal bites, injures, or kills an intruder, a burglar, a trespasser, or anyone who threatens the owner, or his/her safety while on, or off of the owner's premises while the animal is under control of the owner.

**i. No Legal Recourse**

Any person who is bitten as a result of teasing or tormenting an animal that is contained to it's owners premises, or who is bitten while teasing, or tormenting an animal that is under the control of the owner while the owner is peaceably conducting himself or herself on any public or private property where he or she may lawfully be shall have no legal recourse for damages.

**j. Adult Liability**

An parent or adult supervisor who allows a child or impaired adult to control or manage an animal either on or off the adult's or the parent's property without supervision is responsible for all injuries, trespass and property damages done by the animal to any person, animal or property including injuries and damages to the child or impaired adult in control of the animal.

## **k. Additional Violations**

1. People found guilty of committing the following violations shall be subject to the provisions of section 616.15.

### **a. Obstructing and Resisting**

Any person who knowingly and willfully obstructs, resists or opposes any Animal Management Officer or any agent of the Animal Management Officer or any Police Officer or other officer or other duly authorized person or agent, in serving or attempting to serve or execute any process, rule or order made or issued by lawful authority.

### **b. Resisting An Animal Management Officer**

Any person found guilty of resisting any Animal Management Officer or any agent of the Animal Management Officer or any Police Officer, or other officer or other duly authorized person or agent, in the execution of any ordinance passed by the Berwyn City Council.

### **c. Assaulting An Animal Management Officer**

Any person found guilty of assault upon, beating or wounding of any Animal Management Officer or any agent of the Animal Management Officer or any Police Officer, or other officer or other duly authorized person or agent, who is serving or attempting to serve or execute any process, rule or order, or who has served or attempted to serve or execute any process, rule or order.

### **d. Abandoning An Animal**

Any person who is found guilty of abandoning an animal or animals,

a. by releasing animals alongside any thoroughfare,  
or

b. by moving away and leaving animals behind, or

c. any other actions which, in the discretion of the Animal Management Officer, would be considered to be an abandonment.

### **e. False Reports**

Any person who makes a false or malicious report to the Animal Management Department.

**f. Using An Animal As A Weapon**

Any person who is found guilty of using an animal as a weapon during the commission of a crime.

**g. Facing Off Animals**

Any person who is found guilty of facing off an animal in any private or public area with the purpose of simulating an animal fight, promoting an animal fight or planning an animal fight.

**h. Training An Animal For Animal Fighting Or Injury Due To Animal Fighting Or Training.**

Any person who is found guilty of causing an animal harm, injury, or damage for the purpose of training for animal fighting or engaging in animal fighting. This does not include any legal surgery such as ear cropping, tail docking, or dew-claw removal performed by a licensed veterinarian.

**i. Intentional Or Willful Conduct**

Any person found to be in violation of this Ordinance by virtue of intentional or willful cruelty, abandonment, neglect or abuse of an animal.

**j. Encouraging Animal Fighting**

Any person who is found guilty of causing, instigates or participates in or permits combat between animals or provides or uses animals for bait or training for such combat.

**k. Negligent Homicide**

The Berwyn City Prosecuting Attorney shall recommend to the State's Attorney's office that any animal owner be charged with negligent homicide when the owner's animal kills a person when at large, off the owners premises, and/or out of the immediate control of the owner. The animal shall be confiscated by the authorities, and humanely euthanized and tested for rabies at the cost to the owner.

**l. Reckless Endangerment**

The Berwyn City Prosecuting Attorney shall recommend to the State's Attorney's office that an animal owner be charged with reckless endangerment if the owner's animal injures a person, or causes an accident while at large, off the owners

premises, and/or out of the immediate control of the owner or the animal owner allows his animal to be in the charge of an individual incapable of handling the animal. The animal shall be removed from the owners custody, and shall be evaluated for temperament by the Berwyn Animal Board and either be placed in a responsible home or humanely euthanized.

**m. Aggravated Nuisance**

The Berwyn City Prosecuting Attorney shall recommend to the State's Attorney's office that an animal owner be charged with aggravated nuisance or other appropriate charge or charges should the animal menace a person when at large. The animal shall be evaluated for temperament by the Berwyn Animal Board and either be placed in a responsible home or humanely euthanized.

**n. Trespassing**

**1. Animal Owner Liability**

An animal owner shall pay remuneration and fines if found guilty of ordinance violations when the his animal, while running at large and out of the owner's control, trespasses upon another person's property and injures or kills an animal or animals belonging to that persons whose animals were contained to their property.

**2. Animal Owner Probation**

The animal owner shall be placed on strict probation for the period of one year, during which time should any further violations occur, the animal shall be removed from the custody of the owner. The animal shall be evaluated by the Berwyn Animal Board and either placed into a responsible home or humanely euthanized. Any animal owner, by whose violations has caused his/her animal to be removed from his/her custody, shall not be allowed by the Court to own another animal for a period of ten 10 years.

## **o. Attack On Public Property**

### **1. Animal Owner Liability**

An animal owner shall pay remuneration and fines if found guilty of ordinance violations when the his animal, while running at large and out of the owner's control injures or kills an animal which is under the control of its owner and is peaceably conducting himself on public property where he may lawfully be.

### **2. Animal Owner Probation**

The animal owner shall be placed on strict probation for the period of one year, during which time should any further violations occur, the animal shall be removed from the custody of the owner. The animal shall be evaluated by the Berwyn Animal Board and either placed into a responsible home or humanely euthanized. Any animal owner, by whose violations has caused his/her animal to be removed from his/her custody, shall not be allowed by the Court to own another animal for a period of ten 10 years.

### **p. Violation Of State Law**

A violation of State Law with respect to the matters covered by this Ordinance shall also be deemed to be a violation of this Ordinance.