

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, Karen Walsh, certify that I am the duly elected Municipal Clerk for the Village of Mundelein, Lake County, Illinois.

I further certify that on May 9, 2022 the Corporate Authorities of such Village passed and approved

Ordinance No. 22-05-30

which is entitled

AN ORDINANCE AMENDING CHAPTER 8.04, ANIMAL CONTROL,
OF THE MUNDELEIN MUNICIPAL CODE

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the Village Hall commencing on May 12, 2022 and was posted for at least ten days thereafter.

Copies of such Ordinance are available for public inspection upon request in the Customer Service Office.

Dated at Mundelein, Illinois this 12th day of May 2022.


Village Clerk

ORDINANCE NO. 22-05-30

AN ORDINANCE AMENDING CHAPTER 8.04, ANIMAL CONTROL,
OF THE MUNDELEIN MUNICIPAL CODE

Published in pamphlet form by the authority
of the President and Board of Trustees
of the Village of Mundelein, Illinois

Date of Publication: 5/12/22

ORDINANCE NO. 22-05-30

**AN ORDINANCE AMENDING CHAPTER 8.04, ANIMAL CONTROL,
OF THE MUNDELEIN MUNICIPAL CODE**

WHEREAS, the Village of Mundelein is an Illinois municipal corporation (the "Village") with home rule authority and the adoption of this ordinance is being done through its home rule powers;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Mundelein, County of Lake, Illinois, that:

SECTION I. The definition of "Dangerous animal" in Section 8.04.010, Definitions, of the Mundelein Municipal Code, is amended to read as follows:

"Dangerous animal" means (1) any individual animal which, unprovoked, either unmuzzled, unleashed, attended or unattended by its owner, keeper, in a terrorizing, menacing or threatening manner, approaches any person or other animal, in an apparent attitude of attack upon streets, sidewalks, or any public ground or place, or on private property; or (2) any individual animal which attacks without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

SECTION II. Section 8.04.020, Incorporation of Animal Control Act, of the Mundelein Municipal Code shall be amended to read as follows:

The provisions of this chapter shall be interpreted to cause the same to be compatible in enforcement with the provisions of the Illinois Animal Control Act and other applicable state laws, and in the event that any procedures shall not be provided for in this chapter with respect to the control or regulation of animals, the provisions of such act and state law shall be followed.

SECTION III. Subsection (d) of Section 8.04.030, Registration, of the Mundelein Municipal

Code shall be amended to read as follows:

- (d) Inoculation Required, Exceptions. It shall be the duty of the owner of each dog or cat required to be registered to have the dog or cat inoculated against rabies at least once each year, or at least once within the immediately preceding three-year period, if inoculated by the three-year type of vaccine authorized by state law.

No dog or cat more than four months old shall be permitted to be within the Village at any time without having been inoculated against rabies within the one-year or three-year period prior thereto. Each inoculation required hereunder shall be administered by a licensed veterinarian.

Any dog or cat, for which a veterinarian licensed by the state issues a certificate to the effect that the proposed inoculation will be harmful, shall be exempt from the inoculation prescribed by this section.

SECTION IV. Section 8.04.040, General Requirements, of the Mundelein Municipal Code shall

be amended to read as follows:

- (a) Collar and Tag. Each dog or cat that is registered hereunder shall always have a collar or harness upon its neck with the Lake County rabies tag required hereunder securely fastened thereto.

It is unlawful for any person to secure a tag to a dog or cat for which the tag is not officially registered thereto.

(b) Removal of Collar or Tag. No person shall remove or take away the collar, harness, or any tag required hereunder, from any dog or cat.

(c) Enticement from Property. No person shall untie, pet, touch, unleash or entice from any enclosure or premises of the owner thereof any animal, without the permission of such owner, nor entice from without the Village to within the Village, for the purpose of impounding or causing such dog or cat to be impounded.

(d) Muzzles. Whenever the mayor by proclamation shall declare that danger from rabies is great, it is unlawful for the owner or anyone having control of a dog or cat to take, permit or allow such dog or cat upon any public street, alley, sidewalk or place other than the owner's house, garage, dog run or vehicle, unless such dog or cat is securely muzzled.

No person shall allow any dog or cat which has previously bitten any person or domestic animal or is otherwise found to be vicious, to be outside the owner's house, garage, or dog run unless such dog or cat is securely muzzled. This restriction remains effective for a period of twelve months from the date of incident.

(e) Dogs and Cats in Heat. The owner of any female dog or cat in heat shall not keep or otherwise maintain such dog or cat in the Village unless the same is confined in a kennel or veterinary hospital or in an enclosed building on the owner's property, and/or while in transit in a securely enclosed vehicle, during the entire period such dog or cat is in heat.

(f) Keeping of Certain Animals Prohibited. No person shall keep within the Village any horse, pony, cattle, cow, buffalo, sheep, goat, chicken, goose, duck, turkey, pigeon, and

other livestock or swine, except for Vietnamese pigs.

No person shall keep within the Village any wild animal, including, but not limited to, any monkey, ape, raccoon, skunk, fox, poisonous or venomous snake, or other reptile, snake over six feet in length, leopard, panther, tiger, lion, lynx or any other animal or bird which can normally be found in the wild state.

(g) Number of Dogs and Cats Limited-Limits Enumerated. It is unlawful for any person or persons to own, keep or harbor more than a total of three dogs or three cats, or a total of three of any combination thereof within any dwelling within the Village, with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period not exceeding four months from birth. Regardless of the number of occupants of a dwelling, the total number of cats and dogs kept or harbored in a dwelling cannot exceed three. For the purposes of this section, a "dwelling" includes a single-family home, condominium, or apartment, as well as any garages (attached or detached), sheds, dog houses, dog runs, and any other accessory structures or shelters where dogs or cats are kept or harbored. Owners of rental dwellings, condominium associations or other such authorities, however, may further limit the number of animals in said dwellings.

(h) Commercial Establishment. Except for subsections (d) (Muzzles) and (i) (Keeping or Confining Animals; Sanitation and Structural Standards) of this section, the remaining provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding, provided that the same are kept in accordance with any applicable building or zoning law or ordinance.

- (i) Keeping or Confining Animals; Sanitation and Structural Standards. It is unlawful for any person to maintain or keep any pen, coop or other building or structure wherein domesticated animals or birds are kept unless the same shall be kept in a clean and sanitary condition at all times.

All pens, yards or runs or other structures wherein any animal is kept shall be of such construction to be easily cleaned and kept in good repair.

Fences, which are intended as enclosure for any animal, shall be securely constructed, shall be adequate for the purpose and kept in good repair and shall not be allowed to become unsightly.

It is unlawful for any person to permit the accumulation of animal waste on such person's property, to create a health hazard to the public or an odor disturbing to other persons.

- (j) Noisy Animals. It is unlawful for any person to own, keep, have in his or her possession or to harbor any dog or cat which, in an excessive, continuous, or untimely manner barks, cries, howls, yelps, whines, bawls or other loud noise, which shall cause great discomfort to the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are declared to be a public nuisance.

Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the police department shall notify the owner of the dog or cat that a complaint has been received and that the person should take whatever steps

necessary to alleviate the howling, yelping, or crying.

If violations occur, then a complainant may have the violation presented to the Village hearing officer, or in a court of law.

Licensed kennel operators, pounds, animal shelters, pet shop operators and dog dealers as defined in the Illinois Animal Welfare Act are exempt from this section, except for subsections (d) (Muzzles) and (i) (Keeping or Confining Animals; Sanitation and Structural Standards) of this section.

SECTION V. Subsections (a), (b) and (c) of Section 8.04.050, Control of Animals, of the Mundelein Municipal Code shall be amended to read as follows:

(a) Leash Required. No animal shall be permitted by the owner thereof to be off the owner's exclusively owned property or outside an enclosed automobile unless the animal is secured by a leash of no more than eight feet in length and held by a person physically capable of controlling the animal.

(b) Running at Large; Disposition. All dogs, cats and other animals owned or possessed shall be controlled in such a manner as to prevent the dog, cat or other animal from running at large.

It is unlawful for any person owning or possessing any dog, cat, or other animal, to permit the same to run at large.

A dog, cat, or other animal shall not be considered to be running at large if it is in compliance with the aforementioned leash requirement.

Whenever the animal warden or any police officer shall find any dog, cat, or other

animal running at large, as defined in this chapter, he or she shall apprehend and impound such dog, cat, or other animal. However, if such dog, cat, or other animal cannot safely be taken up and impounded, such dog, cat or other animal may be destroyed.

(c) Control of Dogs and Cats on Public and Private Property. Injury to property. It is unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway or private lands or premises, without the permission of the owner of such premises, and break, bruise, tear up, crush, or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

Waste Products Accumulation. It is unlawful for any person to cause or permit a dog or cat to be on property, public or private, not exclusively owned or possessed by such person, unless such person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

This section shall not apply to a person who is visually or physically handicapped.

SECTION VI. Subsections (a) through (d) of Section 8.04.060, Biting, Attacking and Diseased Animals, of the Mundelein Municipal Code shall be amended to read as follows:

(a) Vicious Animals; Disposition. It shall be the duty of the owner of any animal to prevent such animal from biting any person in the Village.

No animal shall be deemed "vicious" because of its breed, or, if it attacks or menaces anyone who has tormented or abused it, or, if it is a professionally trained animal for law enforcement.

Any animal, which may bite any person or domestic animal without provocation in the Village, is declared to be a public nuisance and such animal may be apprehended and impounded by the animal warden, police officer or other person charged with the enforcement of this chapter.

The owner of any impounded vicious animal which has bitten any person or domestic animal on two occasions within a twenty-four-month period, shall not redeem such animal unless he or she shall remove such animal from the Village immediately upon redemption and shall not thereafter keep, harbor or otherwise maintain such animal in the Village at any time.

No owner or keeper of a vicious animal shall sell or give away the animal.

- (b) Confinement of Vicious Animals. It is unlawful for any person to keep or maintain any vicious animal unless such animal is at all times confined within the owner's house, garage, or dog run.

A vicious animal may be allowed out of the owner's house, garage, or dog run provided that the animal is securely muzzled.

A vicious animal may be allowed off the exclusively owned property of the owner if the animal is muzzled and under the direct control and supervision of the owner or keeper of the animal with a chain having a tensile strength sufficient to restrain the animal and not exceeding three feet in length.

Any vicious animal, which is not confined as described in this chapter, may be apprehended, and impounded by the warden or police officer.

The owner shall have no right to redeem such dog or cat unless he or she shall remove the same from the Village upon redemption, and shall not thereafter keep, harbor, or maintain such dog or cat in the Village at any time.

- (c) Reporting Bites. Anyone having knowledge or reason to believe that any animal in the Village has bitten a person shall report within twenty-four hours, so far as is known, the name and address of the owner and circumstances of the animal bite. Such report concerning bites shall be made to the police department.

It shall be the duty of the owner or any person having the custody or control of the dog, cat, or other animal to deal with the same or cause same to be dealt with, and to observe the restrictions and regulations as provided for by statute. The animal warden or police department may provide assistance in connection with the foregoing on notification or request.

- (d) Liability of Owner of Dog, Cat or Other Animal Attacking or Injuring Person or Animal. If a dog, cat, or other animal, without provocation, attacks or injures any person or animal who is peaceably conducting him or herself in any place where he or she may lawfully be, the owner of such dog, cat or other animal is liable for damages, to such person, for the full amount of injury and damages sustained.

SECTION VII. Section 8.04.080, Cruelty to Animals, of the Mundelein Municipal Code shall be amended to read as follows:

- (a) General. It is unlawful for any person to willfully or maliciously inflict or allow unnecessary or needless cruelty, torture, abuse, strikes, beating, mutilation, starvation or overworking of any animal, or by an act, omission or neglect cause or inflict any

unnecessary or unjustifiable pain, suffering, injury, or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away dangerous, vicious or trespassing animals. Any unwanted animals should be delivered to the humane society for proper disposal or relinquished to the LCHD facility.

It is unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with: (1) a sufficient quantity of good quality, wholesome food, potable water; or (2) veterinary care when needed to prevent suffering; or (3) humane care and treatment; or (4) shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather; or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

It is unlawful for any person to abandon any animal where it may become public charge or may suffer injury, hunger or exposure.

- (b) Fighting. No person may own, operate, manage, maintain, charge admission to or be present at any place used for the purpose of fighting or attempting to fight any bull, dog, cock, or other animal.

SECTION VIII. Subsection (b) of Section 8.04.090, Impoundment, of the Mundelein Municipal Code shall be amended to read as follows:

- (b) Place. Except as otherwise provided by the Village, the chief of police shall have the power to designate a place or places for impounding dogs, cats, and other animals hereunder. As provided by intergovernmental agreement with the LCHD, such dogs, cats and other animals may be impounded at the LCHD's facility or other appropriate facility.

SECTION IX. Subsection (3) of Section 8.04.100, Penalties/Fines, of the Mundelein Municipal

Code shall be amended to read as follows:

- (3) The fine for cruelty to an animal shall be one hundred fifty dollars. Additional offenses may be increased as follows:

Second and subsequent offense(s)	\$250.00

SECTION X. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION XI. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

ADOPTED this 9th day of May, 2022 by a roll call vote as follows:

RESULT: CARRIED [UNANIMOUS]
MOVER: Kara Lambert, Trustee
SECONDER: Kerston Russell, Trustee
AYES: Ross, Lambert, Russell, Schwenk
ABSENT / NOT VOTING: Wilson, Cabachuela

ADOPTED: May 9, 2022

APPROVED: May 9, 2022

PUBLISHED in pamphlet form: May 12, 2022

ATTEST:

Village Clerk

President