




MEMORANDUM

TO: Trustee Laura Fitzpatrick, Chairperson
Economic & Community Development Committee Members

FROM: William J. Heniff, AICP, Director of Community Development 

DATE: November 25, 2013

SUBJECT: **Animal Sale Regulations – Code Amendments**

At the October 14, 2013 meeting of the Economic and Community Development Committee (ECDC), the committee heard a presentation by a non-profit animal welfare and rescue organization (Companion Animal Protection Society, or CAPS) regarding regulations that pertain to the care and sale of animals. The non-profit organization is advocating that the Village take additional regulatory steps to address their concerns pertaining to the care of animals for sale. Specifically, they would like the Village to adopt additional regulations to control and/or restrict the sale of animals (primarily dogs from puppy mills).

Through the discussion, staff was directed to proceed with drafting an ordinance for the ECDC's consideration that specifically addresses some of the issues and concerns raised by CAPS and were identified in Villa Park's ordinance that was adopted last year pertaining to the temporary sale of animals.

Attached is the requested ordinance to address such activities. A copy of the existing Chapter 90 provisions is also attached for reference purposes. The draft ordinance would prohibit the commercial sale of animals when done in the confines of temporary sales events, such as flea markets, farmer's markets and the like. The justification for such a regulation could be to help ensure that animals are humanely treated and concerns raised by CAPS or within existing code are met. The draft amendment provides an exemption for humane associations to have animals on site if associated with the outreach effort of the organization (i.e., having a greyhound on site for a greyhound rescue organization, with the ability of said animals to be adopted separately from the temporary event).

ACTION REQUESTED

Per the ECDC direction, staff recommends that the ECDC consider the draft amendment to Section 90 of the Village Code to limit the sale of animals associated with temporary sales activity.

CHAPTER 90: ANIMALS

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§ 90.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Every living creature, domestic or wild, not including man.

ANIMAL CONTROL CENTER. A place designated by the Village Manager for the housing of animals in the temporary custody of the Village.

ANIMAL CONTROL OFFICER. A person performing duties prescribed by the Village Manager to effectuate this chapter.

ATTACK. Any aggressive, menacing or vicious physical contact between any dog and any person or other animal, including, but not limited to, contact of the mouth or teeth of a dog with the victim of the attack and any striking or scratching of the victim or an attack by the paws of any dog regardless of whether or not any such actions result in injuries of any kind sustained by a victim.

BITE. Seizing with the teeth or jaws so that the person or other animal seized has been nipped, gripped, cut, wounded or pierced, and further includes the contact of saliva with any break or abrasion of the skin.

CONFINEMENT STRUCTURE. A securely locked pen, kennel or other structure designed, constructed and maintained in accordance with the standards herein. Such pen, kennel or other structure must have secure sides and a secure top attached to the sides and must be locked with a key or combination lock while animals are within the structure. Such structure must have a secure bottom or floor attached to the sides, or the sides of the structure must be embedded in the ground no less than two feet (2'). All such structures must comply with all zoning and building regulations of the Village and be adequately lighted, ventilated and kept in a clean and sanitary condition.

DANGEROUS OR VICIOUS ANIMAL. Any animal, excluding a dog, which poses a danger or hazard to a human.

DOG. Except where specifically distinguished, includes all animals of the canine species of the age of four months or older.

DOG, DANGEROUS. Any dog which, while unmuzzled, approaches any person or other animal in a vicious or terrorizing manner displaying an apparent attitude of attack up any street, sidewalk or any public grounds or place, or any premises other than those of its owner, and which dog does not cause serious physical injury, provided, that such approach is unprovoked.

DOG, VICIOUS. Any dog which has, when unprovoked, bitten or attacked any person or other animal on public or private property; or has a known tendency, propensity or disposition to attack persons or animals without provocation; or has caused serious injury to a person or animal; or has been found to be a dangerous dog upon three (3) separate occasions in the Village; or has been declared a vicious dog as defined in the Illinois Animal Control Act, 510 Illinois Compiled Statutes 5/1 et seq., by a court of competent jurisdiction whereby an order was entered based upon that finding.

GUIDE DOG. A dog trained and used to aid the blind or hearing impaired; provided that the owner of any such dog complies with the provision contained in 510 Illinois Compiled Statutes 5/8.

INJURY, SERIOUS PHYSICAL. Any physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

INOCULATION. The injection, subcutaneously or in such other manner as may be approved by the Illinois Department of Agriculture pursuant to the Illinois Animal Control Act, 510 Illinois Compiled Statutes 5/1 et seq., of canine anti-rabic vaccine meeting standards approved by the Illinois Department of Agriculture and the United States Department of Agriculture.

K-9 DOG. A dog trained and used in the performance of official police duties authorized by the Chief of Police; provided that any such dog shall be currently inoculated against rabies as provided in 510 Illinois Compiled Statutes 5/8.

LEASH. A strap or chain, manufactured for use as a leash, securely fastened to the collar or harness of a dog, which shall in no case be longer than eight feet (8') and shall be of sufficient strength to keep such dog under control.

MATURE ANIMAL. A male or female animal, which has been weaned.

MUZZLE. A device constructed of strong, soft material or metal which will prevent a dog from biting any person or animal; provided that such muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration.

NEUTERED ANIMAL. A male or female animal treated by a veterinarian to render it incapable of reproduction.

OWNER or KEEPER. Any person, who has a) a right of property in an animal; b) keeps an animal; c) has an animal in his care or custody; or d) who knowingly permits an animal to remain on or about any premises occupied by him.

RUN AT LARGE. To be free of restraint off the premises of the owner. Any dog not upon the premises of its owner or such other person having custody, possession or control over any such dog, which is not on a leash and under the control of a person physically able to control it, shall be deemed to be running at large.

VETERINARIAN. A veterinarian, duly licensed by the State of Illinois or any other state which, by law, licenses veterinarians.

VETERINARIAN HOSPITAL. Any place used for the treatment of animals, which is operated by a veterinarian and licensed by the State of Illinois.

§ 90.02 NUMBER OF DOGS ALLOWED.

It shall be unlawful for any person, family, or group of persons residing as a single housekeeping unit to keep, harbor, shelter, feed, or care for more than three (3) dogs, cats, or other domestic animals over three months old on any premises. Licensed pet shops, veterinary hospitals, and kennels shall be exempt from this section of the ordinance. ('70 Code, § 8.02.010) (Ord. 2896, passed 9-25-86; Ord. 3942, passed 12/15/94)

§ 90.03 DANGEROUS ANIMALS AT LARGE.

(A) It shall be unlawful for any person to permit any dangerous or vicious animal of any kind to run at large within the Village.

(B) It shall be unlawful for any dog to run at large.

(C) It shall be considered a separate offense of an owner to knowingly allow a dangerous or vicious dog to run at large, whereby said action results in injury to a person or animal. ('70 Code, § 8.02.020) (Ord. 2896, passed 9-25-86; Ord. 6134, passed 12/6/07)

§ 90.04 KEEPING CERTAIN ANIMALS PROHIBITED.

(A) Except as provided in Section 90.06 of this Chapter, it shall be unlawful for any person to keep any wild, dangerous, vicious animal, or animal listed in Section 90.05, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or animal refuge. ('70 Code, § 8.02.030) (Ord. 2896, passed 9-25-86; Ord. 6134, passed 12/6/07)

(B) It is unlawful to maintain any stable or place for the maintenance of any cattle, horses, sheep, goats, pigs or swine, pigeons (except for carrier/racing pigeons), or poultry, or to house any such animals within the village, except in conjunction with the use of such animals in experimental laboratories.

(C) It is unlawful for any person to keep, cause or permit to be kept:

(1) livestock upon any residentially zoned premises within the Village or;

(2) any structure or place for the retaining, care, or shelter of any fowl or animals in an unclean, unsanitary, or filthy condition so as to produce and give offensive or disgusting, harmful, injurious, or noxious odors. ('70 Code, § 8.04.010) (Ord. 1010, passed 2-4-63; Ord. 4148, passed 4/11/96)

§ 90.05 DANGEROUS, VICIOUS, OR WILD/FERAL ANIMALS OR FOWL.

Dangerous or vicious animals are those animals that pose a danger or hazard to humans. Animals prohibited without a showing of danger or viciousness are: All carnivorous and omnivorous mammals, fowl, amphibians, and reptiles (except for common breeds of domestic, house cats, and dogs) including but not limited to: Lions, Tigers, Leopards, Ocelots, Jaguars, Cheetahs, Poisonous reptiles, Poisonous Insects, Primates, Wild/Feral animals and fowl, and all animals designated as an endangered species. ('70 Code, § 8.02.040) (Ord. 2896, passed 9-25-86; Ord. 3324, passed 11/1/90; Ord. 5545, passed 9/2/04)

§ 90.06 DANGEROUS, VICIOUS DOGS.

(A) Nuisance Declared: Each vicious or dangerous dog is hereby declared to be a public nuisance. Vicious dogs shall be prohibited from the Village and dangerous dogs shall only be kept, harbored, maintained, owed or possessed within the corporate limits of the Village in strict conformance with the provisions of this section.

(B) Report of Incidents; Investigation:

1. Any person or persons who witness an incident involving a bite, attempt to attack, or menacing behavior by any dog occurring in the Village shall file a sworn affidavit of complaint with the Police Department setting out the nature and date of the incident, a description of the dog, and,

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if known, the owner of the dog and the address of the owner.

2. The Police Department, upon receipt of an affidavit of complaint, shall investigate the complaint to determine whether the dog is dangerous or vicious. If the Police Department finds that the dog is dangerous or vicious, the owner shall be notified by certified mail of such finding. No dog shall be found dangerous or vicious if the attack or menacing behavior was directed at a person who was, at the time in question, committing a willful trespass or other tort upon the premises of the owner: or was teasing, tormenting, abusing or assaulting the dog; or has in the past teased, tormented abused or assaulted the dog; or was committing or attempting to commit a crime.

3. The owner of a dog found to be dangerous or vicious may, within seven (7) days of the mailing of notice by the Police Department, make a written request to the Police Department for a review of such finding. Such review shall be made by the Chief of Police within seven (7) days of such request and shall be based upon a preponderance of the evidence, including the sworn affidavit of complaint and any statements or evidence presented by the owner, witnesses to the incident, Police Department personnel or any other person possessing information relevant to such finding. The Chief of Police shall issue the written findings within five (5) days of receipt of the written request for review, sustaining or overruling the finding made by the Police Department, copies of which findings shall be served on, or sent to, the owner by certified mail.

4. If a dog is found to be vicious or upon three (3) findings that a dog is dangerous, said dog will be deemed to be a vicious dog, subject to all provision of Subsection (D) of this Section.

5. As provided under Section 15 of the Illinois Animal Control Act, 510 ILCS 5/15, a court of competent jurisdiction has authority to determine if a dog is dangerous or vicious and to enter a decree restraining the owner of a dangerous or vicious dog from maintaining such dog as a

public nuisance, and further decree strict restrictions on the maintaining of a dangerous dog or the humane dispatch of a vicious dog.

(C) Dangerous Dogs:

Prohibitions: 1. Requirements and

(a) It shall be unlawful for any dangerous dog to leave the premises of the owner, unless such dog is securely muzzled, restrained on a leash not longer than six feet (6') in length and under the direct control and supervision of the owner; provided that, in no event shall such dog be under the direct control or supervision of any person under the age of eighteen (18) years of age.

(b) It shall be unlawful for any dangerous dog to annoy, endanger or approach in an apparent attitude of attack, or cause injury to any person or animal.

(D) Vicious Dogs:

Prohibitions: 1. Requirements and

(a) It shall be unlawful to keep, harbor, maintain, own or in any way possess within the corporate limits of the Village any vicious dog.

(b) Exemptions: Notwithstanding any provisions of this Chapter to the contrary, K-9 and guide dogs shall be exempt from the provisions of this section.

(Ord. 6134, passed 12/6/07)

§ 90.07 ANIMALS KEPT PURSUANT TO STATE OR FEDERAL LICENSE EXEMPT.

Nothing in this Ordinance shall be deemed to prohibit the possession and keeping of any animal, fowl, amphibian, or reptile, kept pursuant to applicable federal or state issued, permit or license; provided the keeping of such animal, fowl, amphibian, or reptile,

remains an accessory land use as defined by the Lombard Zoning Ordinance.
(Ord. 3324, passed 11/1/90)

§90.08 TRAPPING

(A) It is unlawful for any person to set a trap to hunt animals of any kind within the Village. It is unlawful for any person to set, in land or in water, any leghold, open-jaw type trap. Notwithstanding the foregoing, live traps may be used to capture dangerous or vicious animals at large, or for the purpose of capturing and relocating wild/feral animals which have become a nuisance.

(B) The Lombard Police Department shall have the authority to furnish a live animal trap for the capture of dangerous or vicious animals or to capture and relocate wild/feral animals which have become a nuisance to any village resident who agrees to indemnify and hold the Village harmless from damages and/or losses suffered in the use of the trap, and who provides a refundable deposit of \$50.00 which may be retained in part or whole by the Village if any repair or replacement are made necessary by the renter's use of the trap or if the trap is returned in an unclean condition. The Police Department shall provide written manufacturers' instructions with each live animal trap, but shall not provide individual instruction in its use.
(Ord. 4863, passed 9-7-00)

§90.09 BUSINESSES AND GOVERNMENT AGENCIES LICENSED BY STATE EXEMPT

Businesses in possession of a valid permit, license or agreement issued by the State of Illinois Department of Conservation, Division of Wildlife, to engage in the trade of trapping, removal and/or relocation of wild/feral animals which have become a nuisance, shall be exempt from the provisions of this ordinance.(Ord. 3368, passed 3/7/91)

GENERAL PROVISIONS

§ 90.10 COLLARS REQUIRED

Any animal kept within the Village shall have a collar around its neck which shall have attached to it all tags issued as proof of compliance with state, county or local ordinances to which the animal is subject.

§ 90.11 CONFINEMENT AND REDEMPTION

(A) The Chief of Police or his/her designee shall capture and cause to be confined in an animal control center any unlicensed dogs three (3) months of age or older; any dog found running at large; any abandoned animal; any dangerous or vicious animal that has acted in a threatening or terrorizing manner or has bitten or attempted to bite a person or animal; any dangerous or vicious dog; or any animal maintained in violation of this chapter.

(B) Fees for impoundment shall be as follows:

(1) The fee for redeeming any dog or cat which has previously been implanted with a micro-chip showing ownership of the animal or for any other animal which is confined shall be \$25.00 for the first day and \$10.00 for each day thereafter.

(2) The fee for redeeming any dog or cat which is confined and which has not been previously implanted with a micro-chip showing ownership, shall be \$50.00 for the first day of impoundment and \$10.00 for each day thereafter. The first day's charge shall include the impounding fee and the implant of a micro-chip which will show the name and address of the owner for ease in future identification. After implant, the owners of such dog shall receive a current year's dog tag at no cost and the fine for any ticket issued for a first offense of running at large to a dog or cat owner shall be waived. As a condition of release, any redeemed dog, which is not inoculated against rabies, shall be inoculated by a veterinarian at the owner's expense.

(C) The Chief of Police or his/her designee shall cause any animal captured pursuant to

Subsection (A) of this Section to be confined in such a manner as to remain under the control of the Chief of Police or his/her designee for a period of not less than two (2) days from the date of capture, unless redeemed by the animal's owner. Animals not redeemed by their owner at the end of two (2) days shall be transferred to the DuPage County Animal Control Department, where said animal shall be disposed of in accordance with the rules and regulations of that office.

(Ord. 3570, passed 6/25/92, Ord. 4181, passed 7/18/96; Ord. 6134, passed 12/6/07)

DOGS

§ 90.12 VICIOUS ANIMALS: IMPOUNDMENT AND WHERE INCAPABLE OF IMPOUNDMENT.

If any vicious animal, including a vicious dog, cannot be safely taken and impounded when necessary for the protection of any person or property, such animal may be slain by a police officer or person authorized by the Village; provided, however, that in all cases where any animal so slain has bitten any person or caused an abrasion to the skin of such person, no injury shall be done to the head of the animal and it shall be the duty of the person slaying the animal to immediately deliver the carcass to a veterinarian to prepare the head and brain for delivery to the DuPage County Animal Control Department.
(Ord. 6134, passed 12/6/07)

§ 90.13 REGISTRATION.

Every owner, possessor, or person who keeps or harbors any dog within the limits of the Village shall, on or before the first day of January in each year, register such dog with the office of the Lombard Police Department, on a form that includes, but is not limited to, said person's name, address, telephone number, e-mail address and the dog's name, breed, age, and the veterinarian's name, address and telephone number, and the rabies vaccination number and date, and have affixed to such dog, a tag, with the owner's name, address and phone number, such as is commonly available at pet stores. There shall be no cost for such registration with the Village.
(‘70 Code, § 8.08.010) (Ord. 318, passed 6-1-31; Am. Ord. 1392, passed 6-3-68; Am. Ord. 1818, passed 8-8-74; Am. Ord. 2851, passed 5-22-86, Ord. 5248 passed 2/20/03; Ord. 6745, passed 9/6/12)

§ 90.14 METAL TAGS-Repealed Ord. 6745, passed 9/6/12

(‘70 Code, §8.08.020; Ord. 6134, passed 12/6/07)

§ 90.15 LEASH REQUIREMENTS.

It shall be unlawful for any person or persons owning, controlling, possessing or having the management or care, in whole or in part, of any dog to permit the same to run at large, unless such dog is securely tied by a leash, so as to effectively prevent such dog from biting, molesting, being with, or approaching any person or animal.

(Ord. 3570, passed 6/25/92; Ord. 6134, passed 12/6/07)

§ 90.16 REMOVAL AND DISPOSAL OF EXCRETA.

(A) Every dog owner shall be responsible for the removal and sanitary disposal of any excreta deposited by his dog. When accompanying the animal outside his premises he shall have on his person the suitable means for the removal of such excreta.

(B) It is unlawful for any person to cause or permit body wastes from fowl or animals to lay in the open upon any premises when the same may or does give off objectionable odors.
(‘70 Code, §8.08.055) (Ord. 1986, passed 8-12-76, Ord. 4148, passed 4/11/96)

§90.17 LOUD FREQUENT NOISES DECLARED A NUISANCE.

(A) It is hereby declared a nuisance for any person to keep, or permit to be kept or maintained upon any premises within the Village, any dog, cat, or other animal or fowl emitting loud, frequent, and continuous noises offensive to a reasonable person of normal sensitiveness, such that the Village receives from two (2) or more separate residences located within two hundred (200') feet of the residence or location of the offending animal, written, signed complaints of an offense occurring within a single twenty-four (24) hour period. The signature on a written complaint shall constitute agreement on the part of the signer to appear in court on behalf of the Village as a witness to the facts in the complaint.

(B) It shall be the duty of the Chief of Police or his/her designee, upon finding any dog, cat, or other animal or fowl disturbing the peace of others by emitting loud, frequent, and continuous noises offensive to a reasonable person of normal sensitiveness, to advise the owner of the such animal or fowl, or the person in charge or control of the property where such animal or fowl is kept, to exercise proper control and care of such animal or fowl to prevent it from disturbing the peace of others in such manner. If such owner or person refuses to cooperate with the Chief of Police or his/her designee, or his unable to prevent such animal or fowl from disturbing the peace of others in such manner. The Chief of Police or his/her designee shall be authorized to immediately issue a citation to such owner or person for the creation of a nuisance notwithstanding the two (2) complaint requirement of subsection "A" above. If the Chief of Police or his/her designee is unable to locate any person on the property where such animal or fowl is kept, it shall be the duty of the Chief of Police or his/her designee to take such animal or fowl into possession. The confinement and redemption provisions of Sections 90.11 and 90.12 of this chapter shall be applicable to and followed by the Chief of Police or his/her designee upon taking any animal or fowl into possession under this section.
(Ord. 3943, passed 12/15/94; Ord. 6134, passed 12/6/07)

Rabies Inoculation

§ 90.18 INOCULATION REQUIRED.

Every owner, possessor or person who keeps or harbors any dog within the limits of the Village shall cause such dog to be inoculated for rabies by a licensed veterinarian within twelve (12) months of each annual registration period which begins on January 1st.
(‘70 Code, §8.12.020) (Ord. 826, passed 5-25-59; Ord. 6745, passed 9/6/12)

§ 90.19 REGISTRATION REQUIREMENT.

No dog shall be registered under §90.13 unless a rabies vaccination number, along with the date of

the vaccination and the name, address and phone number of the vaccinating veterinarian is provided.
(‘70 Code, §8.12.030) (Ord. 826, passed 5-25-59; Ord. 6134, passed 12/6/07; Ord. 6745, passed 9/6/12)

FEEDING OF WILD/FERAL ANIMALS AND/OR BIRDS

§ 90.30 FINDINGS

9.30 - Findings. The Corporate Authorities of the Village of Lombard hereby find as follows:

(A) That wild/Feral animals and/or birds have been congregating in large numbers within the corporate limits of the Village of Lombard, particularly in residential areas, posing a danger to the health safety and welfare of those persons residing in close proximity to said congregations:

(B) That said wild/feral animals and/or birds, when congregating in large numbers, cause damage to property in and around the area where said animals and/or birds are congregating:

(C) That said wild/feral animals and/or birds are congregating in these areas as a result of the feeding of these wild/feral animals and/or birds:

(D) That said wild/feral animals and/or birds carry and/or assist in the spread of certain diseased, including, but not limited to histoplasmosis and cryptococcoses, which can infect human beings through physical contact with said wild/feral animals and/or birds, including, but not limited to, being bitten by said wild/feral animals and/or birds, by coming in contact with the droppings of these wild/feral animals and/or birds, or by coming in contact with soil that has been subject the droppings of these wild/feral animals and/or birds.

(E) That the complaints received by the Village, relative to the congregating of large numbers of wild/feral animals and/or birds within the corporate limits of the Village, have become more numerous in recent years.

(F) That pursuant to the Vector Control Act, 410, ILCS 95/2 and the Illinois Structural Pest Control Code, 77 Ill. Admin. Code, Chapter I, Section 830.410(C)(4)(C), certain animals and/or birds, including, but not limited to English house sparrows, pigeons and starlings, are defined as "pests".

(G) That 65 ILCS 5/1-2-1, 5/11-1-1, 5/11-20-5 & 5/11-60-2, grant the Village of Lombard the power to make regulations which may be necessary or expedient to promote health, safety and welfare, suppress diseases and define, prevent and abate nuisances; and

(H) That the Board of Trustees of the Village of Lombard deem it in the best interests of the Residents of the Village to regulate the feeding of wild/feral animals and/or birds, by restricting the feeding of said wild/feral animals and/or birds to specific locations in residential areas and limiting the number and size of feeding containers or receptacles.

§ 90.31 DEFINITIONS

For the purposes of this Chapter, the following words and terms shall be defined as set forth below:

FEED means any material, including, but not limited to bird feed, corn or any like or similar substance which can be utilized for consumption by wild/feral animals and/or birds to provide nourishment.

FEEDING means the spreading, casting, laying, depositing or dumping of feed on residential property within the Village.

PERSON means any natural person, association, partnership, organization or corporation.

RESIDENTIAL PROPERTY or RESIDENTIAL AREAS means any property within the Village which is currently zoned or used for residential purposes.

WILD/FERAL ANIMALS AND/OR BIRDS means any animal or bird not normally considered domesticated including but not limited to the following: gopher, chipmunk, squirrel, ground hog, rabbit, mole, field mouse, rat, eagle, 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.

§ 90.32 FEEDING OF WILD/FERAL ANIMALS AND/OR BIRDS PROHIBITED IN RESIDENTIAL AREAS.

Except as provided in Section 90.33, no person shall feed, or cause the feeding of, any wild/feral animals and/or birds within the corporate limits of the Village of Lombard, on residential property.

§ 90.33 EXCEPTIONS

The feeding of wild/feral animals and/or birds shall be allowed in residential areas providing the following conditions are complied with:

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

(B) The containers, receptacles or feeders used for feeding the wild/feral animals and/or birds shall be a size such that the maximum volume of any container receptacle or feeder is no more than one-half (1/2) cubic foot.

(C) The total volume of all containers, receptacles or feeders used for feeding wild/feral animals and/or birds per residential lot of record shall not exceed one-half (1/2) cubic foot, however, an additional one-fourth (1/4) cubic foot in volume shall be allowed for every 3,750 square feet of lot area beyond the minimum residential lot size of 7,500 square feet.

(D) No container, receptacle or feeder used for feeding wild/feral animals and/or birds shall be located within thirty (30) 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.

(E) All containers, receptacles or feeders used for feeding the wild/feral animals and/or birds shall be located at least four (4) feet above ground level.

(F) The ground area beneath and surrounding the containers, receptacles or feeders used for feeding

the wild/feral animals and/or birds shall be cleared of feed on a daily basis.
(Ord. 3453, passed 9/19/91)

§ 90.34 NUISANCE DECLARED.

It is hereby declared 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.

§ 90.35 PENALTY FOR VIOLATION

ORDINANCE REPEALED 3517 PASSED 2/6/92.

CRUELTY TO ANIMALS

§90.40 DEFINITIONS

A. An 'Animal' is any non-human mammal kept or harbored by humans within the boundaries of the Village of Lombard.

B. An 'Owner' is any individual, firm, corporation, partnership, other business unit, society, association or other legal entity who, or which, has a right of property in an Animal; keeps or harbors an Animal; or acts as the custodian of an Animal.

C. A 'Person' is any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

D. A 'Wild Animal' is an Animal described or listed in Section 90.05 of this Chapter.

§90.41 DUTIES OF OWNERS

Each Owner shall provide for each Animal:
A. Sufficient quantity of good quality food and water.
B. Proper shelter and protection from the weather;
C. Veterinary care when needed to prevent suffering;
D. Humane care and treatment.

§90.42 PROHIBITED ACTS

No person shall beat, torment, overload, overwork or otherwise abuse an Animal.

No Owner shall abandon any Animal where it may become a public charge or may suffer injury, hunger or exposure.

§90.43 ABANDONED ANIMALS

Upon complaint, the Chief of Police or his/her designee may, pursuant to the Humane Care for Animals Act (510 ILCS 70/10 and 70/12), investigate any suspected violation of this Ordinance and, if the Owner cannot be located after reasonable search, or is known to be absent due to injury, illness, incarceration or other involuntary circumstances, impound any Animal which is found to have been without food, water or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. Notice of removal of an opportunity to redeem the Animal shall be provided pursuant to Section 90.11 of this chapter.

§90.44 POISONING OF ANIMALS

No Person may knowingly poison or cause to be poisoned any animal. The only exception will be with written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmittable to humans or other Animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other Animals. Any drugs used for euthanasia shall be administered by or under the direction of a licensed veterinarian.

§90.45 EXHIBITION OF ANIMALS

No Person shall keep, or permit to be kept, or display for exhibition purposes, any Wild Animal contrary to federal, state or local laws, ordinances, rules or regulations.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 90,
OF THE LOMBARD VILLAGE CODE
IN REGARD TO REGULATING THE SALE OF ANIMALS**

WHEREAS, the Corporate Authorities of the Village of Lombard (the “Village”) has established regulations set forth within Title IX, Chapter 90, pertaining to the care of animals within the Corporate limits of the Village; and

WHEREAS, the Village’s Economic and Community Development Committee (ECDC) Is responsible for providing recommendations to the Corporate Authorities on proposed business regulation activity; and

WHEREAS, the ECDC finds that in order to help ensure that the commercial retail sale of animals is conducted within a humane and appropriate manner, the ECDC recommends that the temporary sale of animals in temporary business endeavors such as flea markets, farmer’s markets and the like is inconsistent with the intent of the provisions set forth within Chapter 90; and

WHEREAS, to help ensure that the sale of animals is conducted within a humane and appropriate manner, the Village’s Economic and Community Development Committee (ECDC) recommends that Chapter 90 be amended to restrict such sales activity, and

WHEREAS, the President and Board of Trustees of the Village of Lombard concurs with the recommendations of the ECDC and deems it to be in the public interest to establish appropriate regulations pertaining to the sale of animals within the Corporate limits in a manner that is consistent with the intent of Chapter 90; and that amendments to Chapter 90 is in the Village’s best interest.

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 9, Chapter 90, Section 90.50 of the Lombard Village Code is hereby established to read as follows:

§90.50 COMMERCIAL SALE OF ANIMALS

- A. The commercial sale of animals shall occur exclusively within a permanent building or structure. The sale of such animals at temporary sales event such as flea markets, farmer’s markets, French markets and the like shall be expressly prohibited.

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Animal Care Regulations

- B. The regulations set forth in Section 90.50(A) above, shall not apply to recognized 501c3 humane associations that may have animals on site of a temporary event, farmer's market or French market, if said animals are associated with the outreach effort of the humane organization and with the sale or adoption occurring separately from the event or market itself.

SECTION 2: That Title 9, Chapter 90, Section 90.48 of the Lombard Village Code is hereby established to read, as amended, as follows:

§90.48 90 FINES

Any Person or Owner convicted of violating Sections 90.41, 90.42, 90.44, 90.45, 90.46, or 90.47A or 90.50 of this chapter shall be fined a minimum of \$50.00 and a maximum of \$750.00 for each separate violation. A separate offense shall be deemed committed upon each day during which a violation occurs.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013, pursuant to a roll call vote as follows:

AYES : _____

NAYS : _____

ABSENT : _____

APPROVED by me this _____ day of _____, 2013.

Ord. _____
Animal Care Regulations

Keith T. Giagnorio
Village President

ATTEST:

Janet Downer
Deputy Village Clerk

Published by me in pamphlet form this _____ day of _____, 2013.

Janet Downer
Deputy Village Clerk