

Chapter 14 - ANIMALS

Footnotes:

--- (1) ---

Cross reference— *Kennels and pet shops, § 22-726 et seq.; veterinary hospitals, § 22-1101 et seq.; environment, ch. 38; health and sanitation, ch. 50; rodent control, § 50-391 et seq.; agricultural exemptions, § 122-18.*

State Law reference— *Animal regulations generally, 510 ILCS 5/1 et seq.; Humane Care for Animals Act, 510 ILCS 70/1 et seq.*

ARTICLE I. - IN GENERAL

Sec. 14-1. - Administration.

- (a) For the purpose of enforcing this chapter, the power of the community service officer shall be as follows:
- (1) The community service officer shall be clothed with full police powers for the purpose of enforcing this chapter. All other police officers shall cooperate with the community service officer in carrying out this chapter.
 - (2) For the purpose of carrying out this chapter and making inspections under this chapter, the community service officer or any police officer may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or an animal thought to be infected with rabies or to enforce any section of this chapter, only with the consent of the owner, lessee or agent of the premises, unless such consent cannot be immediately secured and a clear and present danger will result to the health, safety and welfare of the citizens of the city if such animal is not immediately apprehended.
- (b) Anyone authorized to enforce this chapter shall not be held responsible for any accident or property damages that may occur while in the process of enforcing any section of this chapter.

(Code 1967, § 4-1)

Cross reference— Administration, ch. 2.

Sec. 14-2. - Keeping animals other than domesticated pets.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Domesticated means any animal wild by nature that has been so reclaimed as to become tame, under the dominion and control of its owner, associated with family life or accustomed to living in or near the habitations of man.

Fowl includes chickens (except for hens as regulated under article VIII of chapter 14 of this Code), turkeys, geese and ducks.

- (b) Within the city, no person shall own or keep any goats, sheep, hogs, cattle, fowl, reptile or serpent, spider, or other animal normally wild, dangerous to human life or carnivorous in nature, other than domesticated house pets. Each day such animal is kept in violation of this section shall constitute a separate and distinct offense. It is no defense to a violation of this section that the owner or keeper of any animal or reptile that is prohibited in this section has attempted to domesticate such animal or reptile.

(Code 1967, § 4-2; Ord. No. 16-20, § 1, 7-12-2016; Ord. No. 19-42, § 2, 9-24-2019)

Sec. 14-2.5. - Cruelty to animals, fowl.

- (a) No person shall beat, cruelly treat, frighten, overload, overwork, overdrive, overburden, abandon, torture, torment, mutilate, transport in a cruel manner, or otherwise abuse any warm- or cold-blooded animal or fowl.
- (b) No person shall knowingly poison or cause to be poisoned any dog, cat or other domestic or wild animal except rats or mice, and then only with approved department of agriculture poison.

(Code 1967, § 4-3)

Sec. 14-3. - Noise disturbance.

It shall be unlawful to own or keep any animal or fowl which, by causing frequent or loud noise, shall disturb the comfort or repose of persons in the vicinity.

(Code 1967, § 4-4)

Sec. 14-4. - Securing unattended horses attached to vehicles.

No person shall leave any horse or other animal attached to any carriage, wagon, cart, sleigh, sled, or other vehicle in any part of the streets, avenues, alleys or lanes of the city without securely fastening such horse or other animal, either by hitching the horse or other animal to a post or by fastening it by a halter to a weight sufficiently heavy to secure such horse or other animal.

(Code 1967, § 4-5)

Cross reference— Traffic and vehicles, ch. 106.

Sec. 14-5. - Backing horse-drawn vehicles to curb.

When a horse-drawn vehicle is backed up to the curb, the horse shall be turned so as to stand parallel with the sidewalk and headed in the general direction of travel for the side of the street on which the vehicle is standing.

(Code 1967, § 4-6)

Cross reference— Traffic and vehicles, ch. 106.

Sec. 14-6. - Owner's responsibility for removal of excreta.

The owner of every animal shall be responsible for the removal and sanitary disposition of any excreta deposited by his animal anywhere in the city, other than in the areas designated in section 14-9. When accompanying the animal outside his premises, the owner shall have on his person suitable means for the removal of such excreta, which will then be placed in a refuse container for sanitary removal.

(Code 1967, § 4-7)

Sec. 14-7. - Dogs or cats during estrus (heat).

Any person in control of a female dog or cat during the period of estrus (heat) shall take all necessary steps to prevent male dogs or cats from coming in contact with such female animal, except for planned breeding.

(Code 1967, § 4-8)

Sec. 14-8. - Running at large.

- (a) No person owning, harboring or having the care, charge, control or possession of any animal other than domesticated cats or feral cats, as set forth in article IV of this chapter shall cause, permit or allow such animal to be, remain, go to or run at large upon any public street, alleyway, park or unenclosed lot or land within the city.
- (b) Any such animal found to be at large is hereby declared to be a public nuisance and a danger to public health and safety. Nothing in this section shall prohibit the city and/or its agents or employees, including humane society employees, from issuing traps for the purpose of trapping such animals, including domesticated or feral cats, found to be at large. Nothing in this section shall prohibit the city and/or its agents or employees, including humane society employees or registered care givers of feral cats, from trapping animals, including domesticated or feral cats, at large. Trapping of feral cats shall be in accordance with the provisions of the T-N-R program.
- (c) An animal shall not be considered to be at large if the animal is:
 - (1) Attached to a chain or leash not exceeding six feet in length, and held continuously by a person capable of controlling the animal;
 - (2) Upon the property of the person or persons who either own or have control of the animal; or
 - (3) Confined within an automobile.
- (d) Any person who acts intentionally or with reckless disregard for the safety of the animal or others in violating the provisions of this section 14-8 will be subject to fines as set forth in section V of appendix B to this Code.

(Code 1967, § 4-9; Ord. No. 04-33, § 2, 6-22-2004; Ord. No. 20-06, § 1, 2-25-2020)

State Law reference— Authority to prohibit animals at large, 65 ILCS 5/11-20-9.

Sec. 14-9. - Required pet facilities for multifamily dwellings.

- (a) No person shall own operate or maintain an apartment dwelling or condominium in any multifamily residence district, unless and until he shall provide a designated area for the exercise and relief of dogs, cats or other animals legally owned by the residents of such dwelling.
- (b) The designated area required by this section shall meet the following requirements:
 - (1) Each pet building shall have at least one approved dog run or a number designated by the health officer. The number of runs for each building shall be adequate to receive all of the dog droppings within a 24-hour period.
 - (2) The minimum size for a dog run shall be ten feet by 20 feet.
 - (3) The runs shall be constructed so as to permit proper filtering or drainage of the animal waste. A minimum eight-inch base of no. 10 gravel covered with a four-inch layer of gravel and sand mixture is required to facilitate raking and removal of droppings on a daily basis.

- (4) The designated area shall be trapped with acceptable material to prevent a washout of the gravel and sand.
 - (5) It shall be the responsibility of the apartment complex to clean the dog runs on a daily basis.
 - (6) The runs shall include the installation of a three-foot fence of durable structure and materials sufficient to screen the runs.
 - (7) The runs shall be sufficiently removed from the common areas of the dwelling in question, including playgrounds for children, to ensure the safety and sanitation for the residents of the dwelling.
- (c) It shall be the responsibility of the person who owns, operates and maintains any apartment dwelling in a multifamily residence district to ensure that areas designated pursuant to this section are policed and maintained in a clean and sanitary condition at all times.
 - (d) The health officer shall determine if the requirements of subsections (b) and (c) of this section have been met. This determination will be based on consideration of the size of the area designated in proportion to the number of residents in the apartment dwelling in question, the proximity to the designated area of the apartment dwelling and common areas thereof, the drainage of the designated area and the cleanliness and sanitary condition at the time of inspection. If the health officer shall find the designated area to be insufficient in any requirement set out in subsection (b) or (c) of this section, written notice shall be served on the person who owns, operates and maintains the apartment dwelling in question whose name and address can be determined by certified mail, return receipt requested. This notice shall state the nature of the deficiency and the designated area and the steps necessary to correct the deficiency. If, within seven days following acknowledgment of the notice by return receipt, the person on whom it was served has failed to correct the deficiency described in the designated area, the health officer may employ such facilities for the city as he deems necessary in or on the premises to correct the deficiency described in the notice. The reasonable cost of correcting the deficiency shall exist as a lien against the real estate on which the apartment dwelling is located, and this lien shall be enforceable as a mechanic's lien under 770 ILCS 60/1—60/39, inclusive, by the compliance with the provisions thereof.
 - (e) Failure to comply with the notice served pursuant to subsection (d) of this section constitutes a misdemeanor punishable by subsection 14-16(a) of this chapter.

(Code 1967, § 4-10)

Cross reference— Zoning, ch. 122.

Sec. 14-10. - Diseased animals.

No animal affected with a contagious or infectious disease shall be allowed to run at large or be allowed in any public place whereby the health of man or beast may be affected, nor shall such animal be brought into the city except under the supervision of a registered veterinarian. The community service officer shall have the authority to cause such animal to be humanely euthanized if found running at large with symptoms of any contagious or infectious disease.

(Code 1967, § 4-11)

Cross reference— Health and sanitation, ch. 50.

Sec. 14-11. - Rabies inoculation required.

Every owner or keeper of any dog, cat or other animal four months or more of age, within the limits of the city, shall cause such dog, cat or other animal to, at such intervals as approved by the state department of agriculture, be inoculated by a registered veterinarian, with a serum approved by the state department of agriculture to prevent rabies, except when a registered veterinarian shall specifically recommend otherwise. It shall be unlawful to keep or harbor any dog or cat that has not been inoculated as approved by the county department of animal control. A serially numbered tag issued by the county department of animal control shall be displayed on the animal for which the tag was issued when the animal is off the property of the owner.

(Code 1967, § 4-12)

State Law reference— Similar provisions, 510 ILCS 5/8, 5/24.

Sec. 14-12. - Report, disposition of animals suspected of rabies.

It shall be the duty of every veterinarian or any other person who discovers any dog or other animal to be suffering from rabies to report such fact immediately to the chief of police. Such report shall give the name, if known; the place of residence of the person owning or harboring the dog or other animal; the place where the dog or other animal can be found; and the license number of the dog, if known. The dog or other animal shall be immediately taken up and impounded in the manner provided in this chapter and securely kept until the chief of police can make or cause to be made an examination. If it shall be determined that such dog or other animal is suffering from rabies, the dog or other animal shall be immediately destroyed.

(Code 1967, § 4-13)

Sec. 14-13. - Report and disposition of biting animals.

- (a) It shall be unlawful for the owner or keeper of any dog or other animal, when notified that such dog or other animal has bitten any person or has so injured any person so as to cause an abrasion of the skin, to sell or give away such dog or other animal or to permit or allow such dog or other animal to be taken beyond the limits of the county. However, it shall be the duty of such owner or keeper, upon receiving notice of the conduct of the dog or animal as provided in this subsection, to deliver such dog or other animal to any community service officer or police officer, whereupon such officer shall forthwith cause such dog or other animal to be conveyed to and examined by a registered veterinarian.
- (b) A currently inoculated animal shall be examined the first and tenth day after the bite. An animal not currently inoculated shall be examined the first, fifth and tenth day after the bite. The animal owner or keeper shall be responsible for all costs relating to examination and impoundment of the biting animal. If the owner is not known, such animal shall be impounded for a period of not less than ten days. All unclaimed animals shall be placed for adoption, humanely euthanized, or otherwise disposed of in accordance with state law. If the animal's death occurs during the examination period, the head of such animal shall be submitted to the county department of animal control for rabies virus analysis. Wild, undomesticated animals shall be humanely euthanized, and the head of such animal submitted for rabies virus analysis to the county department of animal control within 24 hours of the bite; however, for an animal that weighs less than one pound, the entire animal shall be submitted. All specimens shall be refrigerated, not frozen, until released to the county department of animal control.
- (c) The owner or keeper of such dog, cat or other animal shall be strictly liable for all veterinary and laboratory

fees incurred pursuant to this section.

(Code 1967, § 4-14)

Sec. 14-14. - Destruction, disposition of dangerous animals.

- (a) The members of the police department are authorized to destroy any dangerous dogs or other animals of any kind when it is necessary for the protection of any person or property; however, any other person is authorized to kill any dangerous dogs or animals of any kind when it is necessary for the protection of any person.
- (b) If any dangerous, fierce or vicious dog or other animal cannot be safely taken up and impounded, such dog or other animal may be slain. However, when any dog or other animal that has bitten a person or that has caused an abrasion of the skin is slain, whether by order of courts or otherwise, and a period of less than ten days has elapsed since the day upon which the dog or other animal bit any person or caused an abrasion of the skin of any person, it shall be the duty of the person slaying such dog or other animal to forthwith deliver the carcass and the brain of such dog or other animal to the chief of police.
- (c) Any animal with known dangerous or vicious propensities shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (d) It is unlawful for any person to maintain a public nuisance by having, keeping or permitting a dangerous dog or other animal to be in the person's custody, control or ownership or to permit any dangerous dog or animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police-owned dogs are exempt under this subsection; provided, however, the attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this subsection, each such dog shall be currently inoculated against rabies as required by law. It shall be the duty of the owner of such exempted dog to notify the police department of any change of address. For a sentry or guard dog, the owner shall keep the police department advised of the location where such dog will be maintained.

A police officer or any citizen of the city may file a complaint against the owner of a dangerous dog or other animal to enjoin the owner or person in custody and control of the dangerous dog or other animal from maintaining or permitting such, to abate the nuisance, and to enjoin the owner or person in custody or control of such dog or other animal from permitting the dog or other animal to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond, in such amount as the court may determine, enjoining the defendant from maintaining such nuisance. If the existence of a nuisance is established, the owner or the person in custody or control of such dog or other animal shall be in violation of this subsection, and, in addition, the court shall enter an order restraining the owner or the person in custody or control of such dog or other animal from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

(Code 1967, § 4-15)

State Law reference— Similar provisions, 510 ILCS 5/15(c).

Sec. 14-15. - Liability of owner of dog or other animal that attacks.

- (a) If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of injuries sustained, in addition to fines as set forth in section V of appendix B to this Code.
- (b) If a dog or other animal, without provocation, attacks and injures another animal which at the time of the attack was either leashed or confined, the owner of the attacking animal shall be liable to the owner of the injured animal for the full amount of the injuries sustained, in addition to fines set forth in section V of appendix B to this Code.
- (c) The owner or keeper of any dog or other animal, whether domesticated or not, may not bring the pet into any food area, restaurant, foodstore, cafeteria, etc., unless such animal provides guidance to a blind, deaf or physically disabled person nor shall any such dog or other animal be present at or upon any school premises, public playground, public swimming pool, public hall, or office unless written permission has been granted by the public agency or its agent owning the property, unless such animal provides guidance to a blind, deaf or physically disabled person.
- (d) The owner or keeper of any dog, cat or other animal running at large shall be held strictly liable for the full amount of any damage to property caused by the animal.

(Code 1967, § 4-16; Ord. No. 20-06, § 2, 2-25-2020)

Sec. 14-16. - Violations and penalties.

Any person violating any section of this chapter shall be punished by a penalty in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in section V, appendix B to this Code.

(Code 1967, §§ 4-17—4-19; Ord. No. 97-39, § 1, 6-10-1997; Ord. No. 20-06, § 3, 2-25-2020)

Secs. 14-17—14-45. - Reserved.

ARTICLE II. - DOGS

DIVISION 1. - GENERALLY

Secs. 14-46—14-75. - Reserved.

DIVISION 2. - RESERVED

Footnotes:

--- (2) ---

Editor's note— Ord. No. 14-42, § 1, adopted November 25, 2014, repealed division 2, §§ 14-76 and 14-77, which pertained to licenses and derived from Ord. No. 09-48, adopted Dec. 1, 2009.

Secs. 14-76—14-105. - Reserved.

ARTICLE III. - IMPOUNDMENT

Sec. 14-106. - Running at large; frequent violations declared nuisance.

It shall be the duty of such city employees as shall be designated for that purpose by the chief of police or by the city council to take up and impound in such place as may be designated and set apart for that purpose any dog or other animal found running at large in the city contrary to any of the sections of this chapter or other city ordinances or of any regulations of the state, whether such dog or other animal is licensed or not. Any dog or other animal reported running at large a minimum number of three times shall be deemed a nuisance and, as such, may be slain at the discretion of the chief of police.

(Code 1967, § 4-21)

Sec. 14-107. - Place of impoundment; redemption.

Animals that are impounded shall be kept in the enclosure designated as the municipal pound, which pound shall be located in the county, until redeemed or until otherwise disposed of as may be directed from time to time by the council. Animals held in the pound shall be held at least 48 hours for redemption, at which time all unclaimed animals shall be placed for adoption, humanely euthanized, or otherwise disposed of in accordance with state law. Any person seeking to redeem any impounded animal shall pay a redemption fee in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code, plus the actual costs to the city of boarding the dog or animal for the period impounded. The owner shall also show proof of current rabies inoculation and the current city license, if applicable.

(Code 1967, § 4-22; Ord. No. 97-39, § 1, 6-10-1997)

Sec. 14-108. - Notice of impounding licensed dog.

When any licensed dog shall be impounded, notice of not less than seven days, by United States mail, postage prepaid, which shall, under this section, constitute due notice, shall be given by the police department to the owner or keeper of the licensed dog, informing such owner or keeper of the impounding of his dog. All unclaimed animals shall be placed for adoption, humanely euthanized, or otherwise disposed of in accordance with state law, but not sooner than the eighth day after notice is mailed to the owner or keeper.

(Code 1967, § 4-23)

Sec. 14-109. - Capture and impounding of cats.

- (a) Any cat that disturbs the peace and quiet of a neighborhood or that is found to be abandoned in the city shall be deemed a public nuisance.
- (b) The police department, immediately upon impounding each cat, shall register the color and sex of the cat and, if bearing an inoculation tag, the number of the tag shall be recorded. When any cat is impounded, the police department shall take reasonable steps to give notice, by mail or telephone, informing the owner of

such cat of the impoundment.

(Code 1967, § 4-24; Ord. No. 04-33, § 3, 6-22-2004)

Sec. 14-110. - Redemption or disposal of cats.

If an impounded cat is redeemed by the owner or keeper thereof, an impounding fee, in accordance with the schedule of rates, fees, fines and penalties as adopted by the city council from time to time and found in appendix B to this Code, shall be paid by such owner or keeper before the cat is released. If an impounded cat is not claimed within seven days, the cat may be disposed of in a humane manner.

(Code 1967, § 4-25; Ord. No. 97-39, § 1, 6-10-1997)

ARTICLE IV. - TRAP-NEUTER-RETURN (TNR) PROGRAM

Sec. 14-111. - Intent and legislative purpose.

There is hereby adopted the City of Rolling Meadows Trap-Neuter-Return (T-N-R) program for feral cats. The program shall be staffed by volunteer care givers who will trap feral cats, transport the feral cats to a veterinary facility to be examined for general health and to ensure the feral cats are not infected with any communicable diseases. The feral cats will also be vaccinated, including a rabies inoculation and spayed/neutered. Thereafter, the volunteer(s) shall return the feral cat(s) to the location where the cats were originally trapped, provided the property owner consents to the cats return. The T-N-R program shall be completely voluntary and no funding will be provided by the City of Rolling Meadows without prior approval of the city council.

(Ord. No. 04-33, § 1, 6-22-2004)

Sec. 14-112. - Definition.

For purposes of this article IV, a feral cat shall mean an unsocialized, undomesticated, free roaming cat that has not been diagnosed with a communicable disease, as may be determined by an animal control officer or a veterinarian.

(Ord. No. 04-33, § 1, 6-22-2004)

Sec. 14-113. - Registration requirement—Care givers of feral cats.

All care givers of feral cats in the City of Rolling Meadows shall be registered with the City of Rolling Meadows. Registration shall be on a form as provided by the city clerk, and registration shall be free of charge. The registration form shall include the name and address of the care giver, contact information for the care giver, the location of the colony, the current number of cats in the colony, the veterinarian of record and feral cat trap information, the name and address of the trap renter if applicable, and any other information deemed reasonably necessary for the effective control or management of the T-N-R program and to protect the welfare of the community and affected animals. The registration form shall be dated and signed under penalty of perjury.

(Ord. No. 04-33, § 1, 6-22-2004)

ARTICLE V. - VICIOUS AND DANGEROUS DOGS

Sec. 14-114. - Definitions.

For the purpose of this article, except as otherwise indicated, the following definitions shall apply:

- (1) *Animal administrator.* Any designee of the chief of police of the city who may be assigned, from time to time, to perform duties related to animal control in the city, including a veterinarian.
- (2) *Vicious dog.* A dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.
- (3) *Dangerous dog.*
 - (a) Any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal; or
 - (b) A dog that, without justification, bites a person and does not cause serious physical injury.
- (4) *Enclosure.* A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, 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 enclosed and locked and 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. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(Ord. No. 07-39, § 1, 11-27-2007)

Sec. 14-115. - Dogs deemed vicious.

- (a) In order to have a dog deemed "vicious," the animal administrator must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the state's attorney's office and the owner. The animal administrator, state's attorney, or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the people of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The animal administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

- (1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
- (2) The injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its

- offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring; or
- (3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

If a dog is found to be a vicious dog, such dog shall at all times be kept in an enclosure. The dog shall be spayed or neutered within ten days of said determination at the expense of its owner and microchipped, if not already spayed, neutered or microchipped. It shall be unlawful for any person to keep or harbor a vicious dog on a porch or patio or in any part of a house or building that would allow the dog to exit such structure on its own volition. The only times that a vicious dog may be allowed out of the enclosure are:

- (1) If it is necessary for the owner or keeper to obtain veterinary care for the vicious dog;
- (2) In the case of an emergency or natural disaster where the dog's life is threatened; or
- (3) To comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a leash not exceeding six feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

In addition, the owner of a vicious dog must comply with the following conditions:

- (1) The owner, at his/her own expense, shall acquire a special license tag from the city designating the animal as vicious, and shall post signage at the front and rear property lines of the premises on which said animal is kept, which signage reads as follows: "BEWARE OF VICIOUS DOG."
 - (2) The owner shall notify the city within 24 hours if the dog is loose, unconfined, has attacked another animal, or has attacked a human being, or has been removed from the city, or has died.
 - (3) The owner must provide proof that the dog has been neutered.
 - (4) The owner of a vicious dog shall present to the city proof that the owner has procured liability insurance in the amount of at least \$100,000.00, covering the 12-month period during which licensing is sought. The insurance policy shall contain a provision that the city will be notified by the insurance company of any cancellation, termination or expiration of the policy.
 - (5) The owner, at his/her expense, shall attend classes in dog obedience and care offered through any approved institution, park district or licensed trainer.
 - (6) The owner shall allow inspection by the animal administrator without prior notification, on a regular basis, but not more than three times a year, of the premises in which the vicious animal is kept. The animal administrator shall determine whether or not the enclosure is secure, that facilities exist to adequately feed, house and maintain the animal, that the location of the enclosure is not likely to endanger the peace, quiet, health, safety or comfort of persons in the vicinity of the location, and that maintenance of the dog in the location has not resulted in or is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse.
- (b) Any dog that has been found to be a vicious dog and is not confined to an enclosure shall be impounded by the animal administrator.

If the owner of the vicious dog has not appealed the impoundment order to the circuit court with 15 working days, the animal may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear all costs associated with the impoundment and the burden of timely notification to the animal administrator in writing.

- (c) No owner or keeper of a vicious dog shall sell or give away any vicious dog without approval from the animal administrator or court.
- (d) If the owner of a vicious dog is unwilling or unable to comply with the foregoing regulations, then the owner shall have the animal humanely euthanized by an animal shelter, animal control agency, or licensed veterinarian.

(Ord. No. 07-39, § 1, 11-27-2007)

Sec. 14-116. - Dangerous dogs.

- (a) The animal administrator may find a dog to be a dangerous dog after a thorough investigation including sending, within ten business days of the animal administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the animal administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses, and making a detailed written report. No dog shall be deemed a dangerous dog unless shown to be a dangerous dog by a preponderance of the evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

A dog shall not be declared dangerous if the animal administrator determines the conduct of the dog was justified because:

- (1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;
- (2) The threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
- (3) The injured, threatened or killed companion animal was attacking or threatening to attack the dog or its offspring; or
- (4) The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

If a dog is found to be a dangerous dog, the dog shall be spayed or neutered within 14 days of the finding at the expense of the owner and microchipped, if not already, and one or more of the following as deemed appropriate by the animal administrator or his appointee:

- (1) Evaluation of the dog by a board-certified veterinary behaviorist or other recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.
- (2) Direct supervision and leash control by an adult 18 years of age or older when the animal is on public or private property other than the property of the owner.
- (3) The dog shall be muzzled when the animal is on public or private property other than the property of the owner in a manner that will prevent it from biting any person or other animal.

- (b) The owner, at his/her own expense, shall acquire a special license tag from the city designating the animal as dangerous, and shall post signage at the front and rear property lines of the premises on which said animal is kept, which signage reads as follows: "BEWARE OF DANGEROUS DOG."
- (c) It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under the control by a leash or other recognized control methods.
- (d) The owner of a dog found to be a dangerous dog by the animal administrator or his appointee may file a complaint against the animal administrator or his appointee in the circuit court within 30 days of receipt of the notification of the determination.

(Ord. No. 07-39, § 1, 11-27-2007)

Sec. 14-117. - Exempted dogs.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police-owned dogs are exempt from this article; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies and registered with the city for its specific duties. It shall be the duty of the owner of such exempted dog to notify the animal administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the animal administrator advised of the location where such dog will be stationed. The animal administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(Ord. No. 07-39, § 1, 11-27-2007)

Sec. 14-118. - Right of entry; inspections; apprehension of dog or other animals; refusal of owner to deliver dog or other animal.

For the purpose of making inspections hereunder, the administrator, or his or her authorized representative, or any law enforcement officer may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or an animal thought to be infected with rabies. If, after request therefore, the owner of the dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this chapter.

(Ord. No. 07-39, § 1, 11-27-2007)

Sec. 14-119. - Penalties.

The penalties for violation of this chapter are set forth in Appendix B V., "Schedule of Rates, Fees, Fines and Penalties" and each day that such violation shall occur or continue shall constitute a separate offense.

(Ord. No. 07-39, § 1, 11-27-2007)

Secs. 14-120—14-129. - Reserved.

ARTICLE VI. - BEEKEEPING.

Sec. 14-130. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) *Abate* means to exterminate, destroy, eliminate, seize, impound or mitigate.
- (2) *Africanized honey bees* means a population of hybrid bees resulting from a cross between *Apis mellifera* and *Apis mellifera scutellata*.
- (3) *Apiary* includes bees, comb, hive, appliances, or colonies, wherever they are kept, located or found.
- (4) *Appliance* means any implement or other device which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.
- (5) *Beehive* means a Langstroth type beehive.
- (6) *Bees* means honey-producing insects of the genus *Apis* and includes all life stages of these insects.
- (7) *Colony* means one hive and its contents, including bees, comb and appliances.
- (8) *Comb* includes all materials which are normally deposited into hives by bees but excludes extracted honey or royal jelly, trapped pollen, and processed beeswax.
- (9) *Hive* means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.
- (10) *Honeybee* means the common domestic honeybee, limited to the *Apis mellifera* species, specifically excluding the African honeybee, *Apis mellifera ssp scutellata* or africanized honeybees.
- (11) *Langstroth type beehive* means a beehive consisting of an outer frame with a solid top cover, an inner cover, a bottom board, and a number of boxes and supers containing tightly spaced movable frames.
- (12) *Overly aggressive behavior* means a colony of honeybees that exhibits a level of aggression in response to stimuli that makes the colony a nuisance and a public health hazard.
- (13) *Swarm* means a cluster or flying mass of honeybees.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-131. - Beekeeping permit required.

Persons seeking to have and maintain an apiary in the city shall first register/obtain a beekeeping permit. Applicants may be beekeepers on the residential property of another, as long as all requirements have been satisfied and permission has been granted from the property owner to keep an apiary and verified in writing. Applications shall be submitted to the city manager or designee. Beekeeping registration/permits are only available for single-family detached residential property.

- (1) At the time of registration/application for a beekeeping permit, the applicant shall:
 - a. Complete the inspection/permit form (as provided by the city);
 - b. Pay a \$10.00 annual registration fee;
 - c. Provide written consent of the property owner, if the apiary will be located on residential property not owned by the applicant. The property owner will be required to sign the application as well; and
 - d. Complete beekeeping questionnaire (as provided by the city).
- (2) State registration. Beekeeper must, within 30 days of installation of a colony into a beehive, register their

beehive(s) with the Illinois department of agriculture or as otherwise required by the state. State registration must be maintained for the life of the beehive. The beekeeper shall provide proof of such state registration to the city manager's office.

- (3) Expiration and renewal. Beekeeping permits shall be valid for up to one year. All beekeeping permits expire on March 31 of each calendar year. Beekeepers must submit their renewal application at least 21 days prior to the expiration date. A renewal permit, including a new beekeeping questionnaire, shall be subject to the requirements in subsection 14-131(1) a-c and (2).

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-132. - Apiary inspection.

Beekeepers must have their beehives inspected by the state apiary inspector at least every other year and provide a copy to the city manager's office.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-133. - Beehive type.

All beehive types are allowed and shall be kept in sound and usable condition.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-134. - Apiary maintenance.

Beekeepers shall keep all beekeeping equipment in good condition and secure unused equipment from weather, potential theft, vandalism or occupancy by migratory colonies. If no longer in use, the beekeeping equipment is to be disassembled and stored appropriately.

- (1) *Components.* Beekeepers shall ensure that no bee comb, wax or other materials are left upon the grounds of the beehive or apiary site. Beekeepers shall promptly store or dispose of any bee comb, wax or other materials which have been removed from the beehive in a sealed container or within a building or other bee proof enclosure.
- (2) *Water.* Beekeepers shall ensure that a convenient source of water is available. If the beekeeper is providing a source, it must be maintained in a secure receptacle so as not to create a breeding site for mosquitoes.
- (3) *Colony maintenance.* Beekeepers shall monitor and maintain their colony or colonies so as not to become a nuisance. Colonies must be monitored at least twice a month from March 1 to November 30.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-135. - Aggressive behavior.

In any instance in which a colony exhibits overly aggressive behavior by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to immediately contact the state apiary inspector.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-136. - Beehive location.

Apiaries may only be located and maintained in residential districts with detached residences.

- (1) Apiaries shall be located only in a rear yard at least 60 feet from a front lot line.
- (2) Apiaries shall be located at least ten feet from a side property line.
- (3) Apiaries shall be located at least ten feet from a rear lot.
- (4) Apiaries and beehives shall be permitted on the ground, rooftops or balconies of single family homes only (no multi-family/townhomes/etc.).
- (5) Beekeepers shall not keep more than five beekeeping structures including two hives in their apiary on any property.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-137. - Flyways.

Each beehive entrance must have a flyway barrier which directs the honeybees upwards as they exit the beehive. The distance between the beehive entrance and flyway barrier shall be no more than ten feet. The flyway barrier must be six feet in height.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-138. - Signage.

Beekeepers shall conspicuously post a weatherproof sign at least ten inches by one foot on the front of the property (or front window or on the porch) and shall state, "state registered beehive(s) on property" or similar language that makes clear that bees are on the premises. The sign must be visible and easily read from outside the property and must include contact information for the appropriate state department with which the apiaries are registered.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-139. - Nontransferability.

A beekeeping permit shall not be assigned or transferred to any other person, or to any other location.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-140. - Suspension and revocation of beekeeping permit.

The city manager shall have the authority to suspend or revoke a beekeeping permit.

The powers of the city manager to suspend or revoke a beekeeping permit and the procedure for suspension or revocation of a beekeeping permit shall be the same as those provided for at chapter 22, section 22-40 of the Code of Ordinances.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-141. - Nuisance bees; duty to exterminate.

Bees, including africanized honey bees shall be considered a public nuisance when they interfere with the normal use of private or public property swarm or have shown unusual aggressive behavior toward a person or animal.

Every owner or person in charge of, or in possession of, any property on which nuisance bees are present shall proceed in good faith to endeavor to exterminate said bees.

(Ord. No. 16-20, § 2, 7-12-2016)

Sec. 14-142. - Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the city manager, an action by the city attorney for injunctive relief may be commenced for the abatement, removal and enjoyment thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this chapter.

(Ord. No. 16-20, § 2, 7-12-2016)

Secs. 14-143—14-149. - Reserved.

ARTICLE VII. - FEEDING OF WILDLIFE

Sec. 14-150. - Feeding of wildlife is prohibited.

It shall be unlawful for any person to knowingly or intentionally place or leave food of any kind outdoors or in a container placed outdoors in such a manner as to create offensive odors or for the purpose of feeding wildlife or to become an attractant to rodents, nuisance birds, wild animals, vermin or insects. Elevated bird feeders are allowed as long as all feed is placed in a container or feeder designed for the specific purpose of feeding birds.

(Ord. No. 19-40, § 1, 9-10-2019)

Secs. 14-151—14-159. - Reserved.

ARTICLE VIII. - KEEPING OF HENS AND OUTDOOR HEN SHELTERS ON RESIDENTIAL LOTS

Sec. 14-160. - Definitions.

As used in this article, the following terms are defined as follows:

Coop means a structure housing hens consisting of a covered inside enclosure.

Hens means the female of the species *Gallus gallus domesticus*, commonly known as chickens.

Run means an enclosure connected to a coop for the purposes of allowing hens to leave the coop while remaining in an enclosed, predator safe environment.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-161. - License and permit required.

- (a) *License required.* No person shall keep hens within the city without first obtaining a license therefor issued by the city ("chicken license"). The number of locations for which chicken licenses may be issued shall be limited to 25. Chicken licenses shall be issued on a first come, first serve basis and no more than one license shall be allowed per residential lot. If the city receives valid chicken license applications that exceed the maximum number of available licenses, all exceeding applications will be placed on a waiting list in the order that they were received, which waiting list will be maintained by the city manager or city manager's designee. Chicken licenses are valid for up to one year. An annual license fee of \$25.00 will be required prior to the city's issuance of the chicken license and the applicant's purchasing of the hens. A building inspection and the city's approval of the construction and installation of any run, coop or other enclosure used for the housing of hens is required prior to obtaining a chicken license. Proof of premise registration with the Illinois Department of Agriculture will be required prior to the issuance of the initial chicken license and any renewal licenses. A chicken license for keeping hens shall not be transferable or run with the land, but shall terminate and become invalid upon the licensee no longer occupying the property for which the license was issued.
- (b) *Building permit required.* Any run, coop, and other enclosure used for housing hens may be erected only after obtaining a building permit, as provided herein.
- (c) *Renewal license.* A renewal chicken license will be required each year after the issuance of the initial chicken license, with no additional building inspection required. An administrative fee of \$25.00 will be required for each renewal license. Applicants must submit a renewal chicken license application, at least 21 days prior to January 1 of each year. If a chicken license expires without timely renewal, the next applicant on the waiting list will be contacted by the city to confirm participation and processing of the chicken license application. That waiting list applicant will have 30 days to resubmit the application for a chicken license if changes are necessary to the original application.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-162. - License and permit application process.

Any applicant for a license for keeping hens or for a building permit to erect any run, coop, and/or other enclosure used for housing hens must submit the following to the public works director:

- (a) A completed application and questionnaire on forms provided by the city.
- (b) A completed building permit application, including a plat of survey accurately depicting the potential location of a coop, run or other enclosure used for the housing of hens on the applicant's property.
- (c) The required license fee for a license to keep hens in the amount of \$25.00 and the required building permit fee, if any, for the coop, run and/or enclosure used for the hens. The building permit fee for a coop, run and/or other enclosure used for housing hens shall be the same fee as for a shed.
- (d) Once the construction and installation of the coop, run and/or other enclosure is complete, the city will inspect the site for construction and installation approval.
- (e) After the city has approved the construction and installation of the coop, run and/or other enclosure, the applicant will complete a one-time premise registration with the Illinois Department of Agriculture. A fillable Illinois Premises Identification Registration form is available on the Illinois Department of

Agriculture's website.

- (f) After the applicant has complied with and completed items (a)—(e) within the timeframes determined by the department of public works, the city will issue the applicant the chicken license. Only after the chicken license has been issued by the city may the licensee obtain hens for location on the licensed premises.
- (g) A license for keeping hens shall be granted on an annual basis. The licensee is required to obtain a renewal license by no later than January 1 of each year in order to maintain hens on the premises. The renewal license application must be submitted at least 21 days before January 1 and requires the completion of an updated license application, questionnaire, and submission of the administrative fee.
- (h) Chicken licenses may be obtained for coops located on residential property owned by someone other than the applicant as long as the license applicant resides on the property, all requirements of this article have been satisfied and written permission has been granted from the property owner to maintain hens on the property.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-163. - Regulations for the keeping of hens and hen shelters.

- (a) The following regulations shall apply to any person licensed to keep hens and to maintain any outdoor hen shelter on a residential lot within the city:
 - (1) The keeping or harboring of any rooster is prohibited.
 - (2) No person shall keep or harbor less than two and no more than six hens on any licensed premises.
 - (3) Hens are not to be maintained for financial gain or for any business purpose, without maintaining an applicable license issued by the State of Illinois or the City of Rolling Meadows.
 - (4) Hens shall not be permitted to run at-large in the city. Hens must be kept within a coop with an attached run to protect the hens from predators and to prevent hens from encroaching onto neighboring properties.
 - (5) The slaughtering of hens on any residential lot is prohibited.
- (b) The following regulations shall apply to all hen shelters maintained in the city:
 - (1) A coop or other covered enclosure shall be provided for housing hens. In addition to the coop, a run area of a minimum of six square feet per hen will be required and a maximum of 100 total square feet will be permitted for both the coop and the run. The maximum roof height of any coop or structure used for housing hens shall not exceed eight feet. For a pitched roof structure, the roof height measurement shall be measured from the midpoint of the pitched roof.
 - (2) A coop, run or other structure used for housing hens shall be permitted only in conjunction with a single family detached dwelling in an approved residentially zoned district.
 - (3) A coop, run or other structure used for housing hens shall be located a minimum of ten feet from any lot lines of the licensee's property and shall not be located within ten feet of any residence.
 - (4) All hens and coops, runs or other structures are prohibited in any front yard or street-facing yards.
 - (5) Coops or other covered enclosures for housing hens shall be constructed of durable building materials, shall be weatherproofed and contain insulated walls and/or be covered by an insulated blanket, in order to withstand inclement and extreme weather, and shall be secure from any predators. No heat lamps shall be permitted in any coop or other structure used for housing hens.

- (6) The interior area of any hen coop or shelter and the rear yard area of the property on which the hen shelter shall be maintained in a sanitary condition. All areas where hens are kept shall be clean and well-maintained to no accumulation of waste. All refuse and hen waste shall be disposed of in a clean and sanitary fashion. In all properties where hens are kept shall not produce or cause odors that are detectible on adjacent property.
- (7) Any odors from hens, hen manure, or other hen-related substances shall not be perceptible beyond the property boundaries where the hens are kept. It is hereby declared a nuisance and it shall be unlawful for any licensee to allow such nuisance to exist beyond the boundaries of the licensed property.
- (8) All hen feed shall be kept in rodent proof containers until utilized for consumption by the permitted hens.
- (9) No licensee shall allow hens to make noise loud enough to annoy or disturb the comfort, health, peace, or repose of reasonable persons of ordinary sensibilities, and it is hereby declared a nuisance and it shall be unlawful for any licensee to allow such nuisance to exist.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-164. - Right of entry for enforcement.

City officials shall be authorized to enter upon any premises where hens are kept, or where there is reason to believe hens are kept, in order to enforce the provisions of this article.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-165. - Suspension, revocation, and nonrenewal of licenses.

- (a) Whenever a licensee violates or fails to act in conformity with the provisions of this article, any license for keeping hens may be suspended or revoked, or the city may refuse to renew the license, following notice and a hearing before the city manager.
- (b) If a license is revoked for any cause, no license shall be granted to the same licensee for keeping hens for a period of one year from the date of revocation.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-166. - Summary suspension.

If the public works director or designee presents to the city manager sufficient evidence demonstrating probable cause to believe that the licensee has violated provisions of this chapter or has violated state or federal law, and that said violation possesses an immediate threat to the public health, safety or welfare, the city manager may, upon the issuance of a written order stating the reason for such conclusion, and without prior notice or hearing, order the licensed structure for the keeping of hens closed and the license issued pursuant to this chapter to be summarily suspended, pending a hearing and a determination regarding suspension or revocation. The licensee shall be provided a copy of the order and a notice of violation. A hearing shall be commenced not more than ten days following the entry of such order, unless the licensee shall agree to a longer period of time.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-167. - Injunction.

Any violation of this article is hereby declared to be unlawful and a public nuisance. Upon request of the city manager, an action by the city attorney for injunctive relief may be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this article.

(Ord. No. 19-42, § 1, 9-24-2019)

Sec. 14-168. - Removal of structures.

Runs, coops and other enclosures used for the housing of hens shall be removed within 60 days of a licensee no longer keeping hens, upon a licensee no longer occupying the property for which a license for keeping hens was issued, or upon a license for the keeping of hens having expired or been revoked. All hens shall be removed within five days of a final determination regarding the suspension or revocation of license.

(Ord. No. 19-42, § 1, 9-24-2019)