

**AN ORDINANCE** Amending the Regulation of Animals in the  
**CITY OF WYOMING**, Stark County, Illinois.

[Amendment of City Code 6-2-1 through 6-2-40]

**WHEREAS**, the City Council has considered in open session amendment of the regulation of animals in the City;

**AND, WHEREAS**, the City Council has determined that in order to protect public health and safety, and the property rights of citizens, the keeping of animals in the City should be regulated;

**NOW, THEREFORE**, Be It Ordained by the City Council of the **CITY OF WYOMING**, Stark County, Illinois, as follows:

**Section One:** That Title 6, Chapter 2, Sections 6-2-1 through 6-2-40 of the Wyoming City Code is hereby amended to read as follows:

“ Title 6  
Chapter 2  
ANIMALS

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State law references: Animal Control Act, 510 ILCS 5/1 et seq.; authority to regulate animals preserved, 510 ILCS 5/24; general authority relative to animals, 65 ILCS 5/11-20-9.

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- Sec. 6-2-1. Definitions.
  - Sec. 6-2-2. Interference with enforcement officers.
  - Sec. 6-2-3. Keeping livestock.
  - Sec. 6-2-4. Disposal of dead animals.
  - Sec. 6-2-5. Running at large.
  - Sec. 6-2-6. Confinement of female dogs and cats in heat.

- Sec. 6-2-7. Noisy dogs and cats.
- Sec. 6-2-8. Dangerous animals.
- Sec. 6-2-9. Killing or wounding birds.
- Sec. 6-2-10. Cruelty to animals.
- Sec. 6-2-11. Animal bites.
- Sec. 6-2-12. Diseased animals.
- Sec. 6-2-13. Penalty.
- Secs. 6-2-14--6-2-40. Reserved.
- Sec. 6-2-1. Definitions.

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

- (1) Animal means any animal, other than man.
- (2) Animal welfare officer means the administrator or warden appointed pursuant to the Animal Control Act (510 ILCS 5/1 et seq.).
- (3) At large means any dog, animal or cat shall be deemed to be at large where it is off the premises of its owner's real property and not restrained by a competent person.
- (4) Cat means all domesticated members of the genus Felis, male or female, four months of age or older.
- (5) Competent person means a human being that is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient.
- (6) Confinement structure means a securely locked pen, kennel or structure at least six feet in height designed and constructed for the keeping of a vicious dog and designed, constructed and maintained in accordance with the standards set forth in this chapter. Such pen, kennel or structure must have secure sides and a secure top attached to the sides, as well as be suitable to prevent the entry of young children. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure and left unattended. Such structures must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house vicious dogs

must comply with all zoning and building regulations of the city and county. All such structures must be adequately lighted, ventilated and kept in a clean and sanitary condition.

- (7) Constrained means contained within a fenced enclosure, or within the garage or home on the owner's premises, such enclosure to be such where other animals and dogs would not have access to the animal or dog so constrained.
- (8) Dangerous dog means any individual dog which, when either unmuzzled, unleashed, or unattended by its owner or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks or any public grounds or places. State law references: Similar provisions, 510 ILCS 5/15(a)(2).
- (9) Department means the department of agriculture of the state.
- (10) Dog means all members of the canine family. State law references: Similar provisions, 510 ILCS 5/2.11.
- (11) Has been bitten means has been seized with the teeth or jaws so that the person or thing seized has been nipped or gripped or has been wounded or pierced, and includes contact of saliva with any break or abrasion of skin.
- (12) Inoculation against rabies means the injection, subcutaneously or otherwise, as approved by the state department of agriculture, of canine antirabic vaccine approved by the department. State law references: Similar provisions, 510 ILCS 5/2.13.
- (13) Kitten means all domestic members of the genus Felis, male or female, under the age of four months.
- (14) Owner means any person having a right of property in a dog, cat or other animal, or who keeps or harbors a dog, cat or other animal, or who has in his care, or acts as custodian of, or knowingly permits a dog, cat or other animal to remain on or about any premises occupied by him. State law references: Similar provisions, 510 ILCS 5/2.16.
- (15) Pup and puppy means all members of the canine family, male or female, under four months of age.
- (16) Restraint. A dog or cat off the premises of its owner's real property is under restraint within the meaning of this chapter:(1) If it is controlled by a line or leash not more than six feet in length when the line or leash is held by a competent person; (2) When at "heel" of a competent person; (3) When within a vehicle being driven, parked or stopped; or (4) When not more than 50 feet from a competent person, if such dog is not annoying or worrying

any human or domestic animal or trespassing on private property or in a public area where dogs are forbidden.

- (17) Vicious dog means: (1) Any individual dog that when unprovoked inflicts bites on or attacks a human being or other animal either on public or private property. (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals. (3) Any individual dog that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment. (4) Any individual dog which attacks a human being or domestic animal without provocation. (5) Any individual dog which has been found to be a dangerous dog upon three separate occasions. No dog shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

State law references: Similar provisions, 510 ILCS 5/15(a)(1).

Sec. 6-2-2. Interference with enforcement officers.

It shall be unlawful for any person to interfere with the animal welfare officer or any of his assistants in the performance of their duties, or to prevent or attempt to prevent the animal welfare officer or any of his assistants from capturing or impounding any dog, cat, animal or fowl within the city.

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Sec. 6-2-3. Keeping livestock.

No domestic animal, including but not limited to horses, mules, cattle, sheep, swine, goats, or domestic fowl of the species of geese, ducks, turkeys, chickens, barn fowl or guinea fowl, or any species of such animals or fowl, shall be kept, boarded or maintained within the limits of the city except where provided for in agricultural and residential country home districts. The owner or keeper of any such domestic animal, fowl or bird who shall allow or permit the animal, fowl or bird to be kept, boarded or maintained within the city limits except as noted in this chapter shall be punished as provided in this chapter. Dogs and cats shall be allowed to be kept within the city as provided for in this chapter.

Sec. 6-2-4. Disposal of dead animals.

- (A) Every person having within his possession or control, or upon any premises occupied or owned by him, any

dead animal, not proper for food, and liable to become noxious and detrimental to health, shall at once dispose of the animal through a licensed disposal company or through the animal welfare officer.

- (B) No person shall leave or throw into any place, street or public water or offensively expose or bury anywhere within the city the body, or any part thereof, of any dead or fatally sick or injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl or fish in a place where such animal or offensive meat, bird, fowl or fish may be dangerous to the life or detrimental to the health of any person.

State law references: Illinois Dead Animal Disposal Act, 225 ILCS 610/1 et seq.

Sec. 6-2-5. Running at large.

- (a) The owner, possessor or keeper of any dog or cat shall keep his dog or cat under restraint at all times and shall not permit such dog or cat to be at large.
- (b) Any dog, cat, animal or fowl shall be deemed to be at large when it is not under control of a competent person either by leash, cord, chain or otherwise.
- (c) A dog, cat, animal or fowl is under restraint within the meaning of this section if he is controlled by a leash, "at heel" beside a competent person and obedient to that person's commands, or restrained on or within the property limits of its owner, possessor or keeper.
- (d) Every dog, cat, animal or fowl, as provided in this section, running at large within the city shall be impounded by the animal welfare officer.

State law references: Authority to prohibit certain animals from running at large, 65 ILCS 5/11-20-9.

Sec. 6-2-6. Confinement of female dogs and cats in heat.

No owner or keeper of any female dog or cat shall permit or allow the dog or cat to run at large while the dog or cat is in heat (the period of time being 21 days when ovulation could occur). All female dogs and cats, while in heat, shall be confined for a period of 21 days.

Sec. 6-2-7. Noisy dogs and cats.

- (a) It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in any such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary

sensibilities. Such dogs and cats are hereby declared to be a public nuisance. State law references: Authority to define, prevent and abate nuisances, 65 ILCS 5/11-60-2.

- (b) Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by a person in the city, the police department shall notify the owner or possessor of the dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.
- (c) If the warning given to the person alleged to be keeping a dog or cat as set forth in subsection (b) of this section is ineffective, then a written verified complaint signed by at least one citizen may be presented to the police department of the city, alleging that the dog which habitually barks, cries, howls or yelps or a cat which habitually cries or howls is being kept by any person within the city, citing within the complaint the times, dates and places of the alleged violation. Upon receiving the verified complaint, the police department shall inform the owner or possessor of such dog or cat that the complaint has been received and deliver a copy of it to the owner or possessor. If within ten days the owner or possessor has not taken necessary steps to alleviate the howling, yelping or crying, a citation or complaint may be issued to the owner or possessor of the dog or cat charging a violation as alleged in the verified complaint.

Sec. 6-2-8. Dangerous animals.

- (a) Any dog, cat or other animal running at large within the city which endangers the safety of any person or animal may be slain by an animal control officer or law enforcement officer.
- (b) Prior to a hearing as described in subsection (c) below, the city may impound any cat, dog or other animal found within the city limits upon determining through reliable information or reports that it is a dangerous animal. If the city shall impound an animal prior to a hearing, the hearing shall be held within 14 days after impoundment.
- (c) The mayor may hold an administrative hearing to determine whether any animal is a dangerous animal. The notice of the administrative hearing to determine if the animal is dangerous shall be in writing and inform the owner of the nature of the charge. Service of this notice shall be made upon the alleged dangerous animal's owner by certified mail delivered to the address of the owner of the animal, or hand-delivery to the address of the owner of the animal, at least three days prior to the hearing date. The mayor shall not proceed to an

administrative hearing to determine whether the animal is a dangerous animal, unless he determines that proper notice was given, or that the owner is avoiding service despite good-faith efforts to serve the notice.

- (d) The mayor shall determine at the hearing whether the dog, cat or other animal is a dangerous animal. The mayor shall find that the animal is a dangerous animal if such animal: (1) Has been involved in an unprovoked attack on a person or animal or bitten any person or animal; (2) Has chased, molested, attacked, bitten, interfered with, or physically intimidated a person or persons while off the premises of the owner; (3) Has caused property damage resulting in financial loss greater than \$300.00 to persons other than the owner; (4) Presents a potential danger to the health, safety and welfare of persons within the city.
- (e) If the mayor finds that the animal is a dangerous animal, then the mayor shall order appropriate remedies, including, but not limited to, the caging, muzzling or destruction of the animal. The mayor may also assess all costs to the owner of the animal for enforcing the appropriate remedy and impounding and boarding the animal.
- (f) It shall be unlawful for any person to own, act as a custodian for, care for or keep a dangerous animal for another.
- (g) It shall be unlawful for any person to knowingly sell, trade, give away, or otherwise dispose of a dangerous animal except by humane destruction by a licensed veterinarian or at an animal shelter. State law references: Keeping of dangerous animals, 720 ILCS 585/1; dangerous dogs, 510 ILCS 5/15.

Sec. 6-2-9. Killing or wounding birds.

No person shall kill or wound, or attempt to kill or wound, by the use of firearms, bow and arrow, pelting with stones or otherwise, any bird within the city limits; or shoot an arrow or throw a stone, club or other missile at any bird within any private grounds or public parks, squares or grounds; or enter upon any private enclosure or public grounds belonging to the city for the purpose of doing any act prohibited in this section.

Sec. 6-2-10. Cruelty to animals.

It shall be unlawful for any person to overload, overwork, cruelly beat, ill treat, torture, mutilate or cruelly kill any animal or cause or knowingly allow such acts to be done, or to instigate, cause or procure any dogfight or cockfight. State law references: Humane Care for Animals Act, 510 ILCS 70/1 et seq.; authority to prohibit cruelty to animals, 65 ILCS 5/11-5-6.

Sec. 6-2-11. Animal bites.

- (a) Investigation; record; confinement of animal. The animal welfare officer shall investigate and keep a written record of every person bitten by any dog or animal within the city and confine, securely chain or cause to be confined or securely chained any dog or animal for observation during a period of ten days immediately following the date such person is bitten. Such dog or animal may be chained and confined by or for him upon the premises of the owner, keeper or possessor of such dog or animal when the owner, keeper or possessor of such dog or animal shall agree to care for, feed and water such dog or animal and keep such dog or animal chained or confined at such owner's, keeper's or possessor's expense, under the supervision and direction of the animal welfare officer; otherwise, the animal welfare officer shall impound and confine such dog or animal during such ten days within the county animal shelter or, if he deems advisable, may impound and confine such dog or animal with some veterinarian within the city for such ten days following the date such person has been bitten by such dog or animal.
- (b) Animals suspected of having rabies. The animal welfare officer shall cause any dog or animal which shows symptoms of rabies to be examined at once by a duly licensed veterinarian. If such veterinarian shall certify, in writing, that such dog or animal is afflicted with rabies, the animal welfare officer shall cause such dog or animal immediately to be destroyed and its head sent for examination to the state department of public health. State law references: Dog and other animal bites, 510 ILCS 5/13; dogs exhibiting signs of rabies, 510 ILCS 5/12.

Sec. 6-2-12. Diseased animals.

- (a) No diseased or sickly horse, cattle, swine, dog, cat or other animal, or any animal that has been exposed to any disease that is contagious among such animals, shall be brought into the city.
- (b) No person shall keep, retain or employ to be kept or retained at any place within the city any horse, mule, goat, swine or other animal being in any diseased condition, other than an animal being cared for on the premises of a doctor of veterinary medicine licensed to practice veterinary medicine in the state.
- (c) Any animal being in any street or public place within the city, and appearing in the estimation of any police officer, animal welfare officer or warden, or an officer of the county public health department, injured or



diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, or not having been removed to some private premises or to some place designated by such officer or animal welfare officer or warden within one hour after being found or left in such condition, may be destroyed in a humane manner by such officer or animal welfare officer or warden, or as he may direct, and shall thereafter, unless at once removed by the owner, be treated as any other dead animal found on a street or public place.

- (d) No person shall skin or wound such animal in such street or public place unless to destroy it in a humane manner as authorized in this section, except that the owner or person having control of such animal may destroy in a humane manner the life thereof in the presence and by the consent of a police officer or an inspector or officer of the department.
- (e) Any dog or animal suspected to be afflicted with rabies, running at large within the city, may be destroyed in a humane manner by the animal welfare officer, or by any police officer, sheriff, or deputy sheriff, if such officer deems it essential to the safety of any person within the city.

Sec. 6-2-13.

- (a) PENALTY: Any person, firm or corporation violating this chapter owning and permitting any dog or cat to run at large and not keeping such dog or cat tied or confined within a structure in the city of Wyoming, shall be fined in the sum of not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) and costs for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 75-1, 2-3-1975)
- (b) LIABILITY: The owner, possessor or keeper of any animal shall be liable for any damage caused by the animal to persons, other domestic animals, or other persons' property. All owners, possessors or keepers of animals shall have in force and shall maintain, during all times such person owns, possesses or keeps an animal in the City, liability insurance insuring against loss and damage caused by such animal. Failure to maintain such insurance shall be a violation of this chapter.

Secs. 6-2-14--6-2-40. Reserved."

Section Two: All ordinances or parts of ordinances in conflict herewith to the extent of such conflict are hereby repealed. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalid or unenforceable section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section Three: This ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed and Approved by the Mayor and City Council of the **CITY OF WYOMING**, Stark County, Illinois, this 10th day of December, A.D. 2007.

Ald. Pat Peggy Stue David Single Sawyer  
Ayes: Hahn, Neats, Hancock, Howard, Carlson, Hall

Nays: - 0 -

Absent: - 0 -

Approved: Sally Pepper  
Mayor

ATTEST:

[Signature]  
City Clerk

**CERTIFICATION**

STATE OF ILLINOIS,        )  
COUNTY OF STARK,        )     SS.  
CITY OF WYOMING.         )

I, JUDY St JOHN, Clerk of the **CITY OF WYOMING**, in the County of Stark and State of Illinois, do hereby Certify that the attached and foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of the City Council of said City held the 10th day of December, A.D. 2007, insofar as the same relates to the adoption of the following Ordinance entitled "**AN ORDINANCE** Amending the Regulation of Animals in the **CITY OF WYOMING**, Stark County, Illinois" a true and accurate copy of said Ordinance being attached hereto.

I do further certify each member of the City Council was given notice of said meeting in accordance with the procedural rules of the City; that the deliberations of the City Council were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a time and place convenient to the public after strict compliance with all requirements of "An Act In Relation To Meetings" approved July 11, 1957, as amended (the Open Meetings Act), and that the City Council has complied with all other applicable laws, ordinances, regulations and procedures in the adoption of said ordinance.

Dated this 10th day of December, A.D. 2007.

(CORPORATE SEAL)

  
City Clerk

