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City of Troy
116 E. Market Street
Troy, Illinois 62294



Ordinance No. 2016 - 06

AN ORDINANCE Amending Chapter 90 of the Troy Municipal Code
(Also known as the Animals Ordinance)

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS

THIS 4TH DAY OF APRIL 2016

Whereas, the City of Troy, Illinois, presently has in force Chapter 90 - Animals which is contained in the Troy Municipal Code; and

Whereas, the City Council of the City of Troy, Illinois, has performed a review of the City's Animals Ordinance and believes that changes are necessary to comply with State of Illinois Animal Control Act (510 ILCS 5); and

Whereas, the City Council of the City of Troy, Illinois, acknowledges that the State of Illinois prohibits "breed discrimination" of vicious dogs through 510 ILCS

5/15(a), which states, "Vicious dogs shall not be classified in a manner that is specific as to breed," and through 510 ILCS 5/24, which states, "Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed"; and

Whereas, the Administrative & Community Services Committee reviewed Chapter 90 - Animals for conflicts with 510 ILCS 5 and recommended changes to Chapter 90.50 – 90.99 as a result of that review; and

Whereas, the City Council has duly considered the matter and the recommendation of the Administrative & Community Services Committee and has determined and concluded that it is in the best interest of the City, and in compliance with the powers conferred upon the City by the State of Illinois through 510 ILCS 5, to amend the existing Animals Ordinance and Troy Municipal Code of Ordinances.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois

SECTION 2: That *Chapter 90 Animals* of the Troy Municipal Code of Ordinances is amended as described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

Ordinance 2016-06
Passed April 4, 2016

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

Passed by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this fourth (4th) day of April, 2016.

Aldermen:

DeCarli :Aye

Italiano: Aye

Total:

Dyer: Aye

Jackson: Aye

8 Ayes

Greenfield: Aye

Partney: Aye

0 Nays

Hendrickson: Aye

Turner: Aye

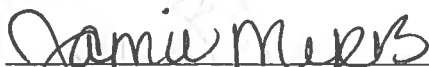
APPROVED:



Allen P. Adomite

Mayor, City of Troy, Illinois

ATTEST:



Jamie Myers, City Clerk

(SEAL)

Chapter 90.50 – 90.99 – VICIOUS AND DANGEROUS DOGS

~~§ 90.50 DEFINITIONS. [Definitions moved and consolidated forward to 90.25]~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~ADMINISTRATOR. A veterinarian licensed by the state and appointed to direct the Madison County Animal Control Department and to carry out the provisions of this chapter and state statutes appertaining hereto.~~

~~BITE. To seize or cut with the teeth so as to damage, bruise or break the skin or tissue.~~

~~CONFINEMENT STRUCTURE. A securely locked pen, kennel or structure designed and constructed for the keeping of a pit bull dog and shall be designed, constructed and maintained in accordance with the standards herein. The pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when the animals are within the structure. The structure 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 no less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated and kept in a clean and sanitary condition.~~

~~FIGHT. A prearranged conflict between two or more animals, but does not include a conflict that is unorganized or accidental.~~

~~K-9 PATROL DOG or POLICE DOG. A professionally trained dog used by law enforcement officers for law enforcement purposes and activities.~~

~~LEASH. A cord, chain, rope, strap or other such physical restraint having a tensile strength capable of restraining the animal attached of not less than 300 pounds.~~

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

~~NIP. To pinch or squeeze with teeth with no breaking of skin or tissue.~~

~~PIT-BULL DOG. Any:~~

- ~~—(1) Bull terrier breed of dog;~~
- ~~—(2) Staffordshire bull terrier breed of dog;~~
- ~~—(3) American pit bull terrier breed of dog;~~
- ~~—(4) American Staffordshire terrier breed of dog; and~~
- ~~—(5) Dogs of mixed breed or of other breeds than above listed, which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers.~~

~~RUNNING AT LARGE. The failure to confine a pit bull dog in accordance with § 90.52.~~

~~VICIOUS PIT BULL DOG. Any animal that has, without provocation, attacked a human being or other animal, or a pit bull dog that by its behavior or physical condition constitutes an immediate and serious physical or health threat to human beings or animals, or any pit bull dog which has previously attacked or bitten any human being or other animal on two or more reported occasions.~~

~~(1986 Code, § 6-46) (Ord. 1997-48, passed 10-9-1997)~~

§ 90.3655 FIGHTING PROHIBITED. [Section moved forward to 90.36]

No person shall fight or bait, conspire to fight or bait or keep, train or transport for the purpose of fighting or baiting, any ~~pit-bull~~ dog.

~~(1986 Code, § 6-51) (Ord. 1997-48, passed 10-9-1997) Penalty, see § 90.99~~

§ 90.510 ENFORCEMENT AND AUTHORIZATION.

(A) The City of Troy and their agents, employees and assigns shall comply with and enforce all provisions of the State Animal Control Act (510 ILCS 5/1 et seq.), and the applicable regulations duly promulgated by the Madison County Animal Care and Control Administrator and the State Department of Agriculture as pertaining to vicious or dangerous dogs or other animals.

(B) The State's Attorney of Madison County is specifically authorized by the City of Troy to file a complaint to enjoin all persons from maintaining or protecting dangerous dogs or animals and the State's Attorney is specifically directed to abate the same and to enjoin the owner of a dangerous dog or other animal to prevent the animal from leaving the premises of its owner pursuant to law and the aforesaid statute.

§ 90.52 DANGEROUS DOGS.

The Administrator shall follow all statutory procedures set forth in 510 ILCS 5/15.1 in determining whether to declare a dog to be a dangerous dog.

§ 90.53 VICIOUS DOGS.

A vicious dog includes any such animal so declared by the Administrator or a court of competent jurisdiction, as determined by the law in effect at the time of such declaration.

~~**§ 90.51 LICENSING OF PIT BULL DOGS.**~~

~~(A) No person shall possess any pit bull dog for a period of more than 48 hours without having first obtained a license therefor from the city.~~

~~(B) An application for a license to possess a pit bull dog shall be filed with the City Clerk on a form prescribed and provided by the City Clerk and shall be accompanied by all of the following:~~

~~—(1) Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license;~~

~~—(2) Proof of ownership of the pit bull dog;~~

~~—(3) A copy of the current immunization and health record of the pit bull dog prepared by a veterinarian licensed to practice in the state;~~

~~—(4) A certificate of insurance evidencing coverage in an amount not less than \$300,000 providing coverage for any injury, damage or loss caused by the pit bull dog;~~

~~—(5) Two photographs of the pit bull dog to be licensed taken not more than one month before the date of the application. One photograph shall provide a front view of the pit bull dog and shall~~

clearly show the face and ears of the pit bull dog. One photograph shall show a side view of the pit bull dog;

~~—(6) A license fee of \$50; and~~

~~—(7) Such other information as may be required by the City Clerk.~~

~~—(C) Upon receipt of an application, the City Clerk shall forward the application to the Police Department which shall cause an inspection of the premises on which the pit bull dog shall be kept to determine that all provisions of this subchapter relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the Department shall notify the City Clerk in writing of the results of its inspection.~~

~~—(D) Upon receipt of the results of the Police Department inspection, the City Clerk shall notify the applicant of the approval or denial of the license. In the event that the license is denied, the notification shall be provided in writing and the reasons for the denial shall be stated. Upon approval, the City Clerk shall issue a license to the applicant.~~

~~(1986 Code, § 6-47) (Ord. 1997-48, passed 10-9-1997) Penalty, see § 90.99~~

~~§ 90.52 CONFINEMENT OF PIT BULL DOG.~~

~~No person shall possess any pit bull dog unless the pit bull dog is confined in accordance with this section.~~

~~(A) Confinement indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the pit bull dog to exit the structure on its own volition. No pit bull dog shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the pit bull dog from exiting the structure.~~

~~(B) Confinement in an exterior yard. No person shall confine a pit bull dog in an exterior area unless the pit bull dog is confined in a confinement structure constructed and maintained in accordance with this subchapter, except that a pit bull dog may be confined outside of a confinement structure in a manner set forth in division (C) of this section.~~

~~(C) Confinement on leash. No person shall permit a pit bull dog to go outside a confinement structure, house or other structure unless the pit bull dog is securely restrained with a leash no longer than four feet in length and fitted with a muzzle. No person shall permit a pit bull dog to be kept on a leash unless a person is in physical control of the leash. No leash restraining any pit bull dog shall be attached to any inanimate object, including but not limited to trees, posts, stakes and buildings.~~

~~(1986 Code, § 6-48) (Ord. 1997-48, passed 10-9-1997) Penalty, see § 90.99~~

~~§ 90.53 REPORTING REQUIREMENTS OF LICENSEE.~~

~~(A) Any person holding a license pursuant to this subchapter shall report the incidence of any of the following events:~~

~~—(1) The sale, barter, exchange, gift or death of any pit bull dog shall be reported within 48 hours;~~

~~—(2) The escape from confinement or theft of any pit bull dog shall be reported immediately upon discovery of the escape or theft;~~

~~—(3) The biting or nipping of any person or animal by a pit bull dog shall be reported upon occurrence;~~

~~—(4) The birth of any offspring of a pit bull dog shall be reported within 48 hours of the birth of the offspring; and~~

~~—(5) The permanent removal of any pit bull dog from the territorial limits of the municipality shall be reported within 48 hours of the removal by surrender of the license of the owner to the City Clerk.~~

~~(B) Except as provided in division (A)(5) of this section, the report of any incident required to be reported under this section shall be made to the Police Department of the municipality.~~

~~(1986 Code, § 6-49) (Ord. 1997-48, passed 10-9-1997)~~

~~§ 90.54 SIGN REQUIRED.~~

~~All persons possessing a pit bull dog shall display in a prominent place on the premises where a pit bull dog is to be kept a sign which is readable by the public from a distance of not less than 100 feet using the words "Beware of Dog — Pit Bull." A similar sign shall be posted on any confinement structure.~~

~~(1986 Code, § 6-50) (Ord. 1997-48, passed 10-9-1997) Penalty, see § 90.99~~

~~§ 90.56 IMPOUNDMENT OF VICIOUS PIT BULL DOG.~~

~~Any pit bull dog which by its actions is a "vicious pit bull dog" as defined herein shall be subject to immediate impoundment by the Police Department in a humane facility for the keeping of dogs. If the incident giving rise to the impoundment has resulted in an injury to a person, upon impoundment by the Police Department, the Chief of Police or his or her designee shall notify the Rabies Control Administrator of the county pursuant to ILCS Ch. 510, Act 5, § 12, as amended, and shall transfer control of the pit bull dog to the Administrator in accordance with ILCS Ch. 510, Act 5, § 13, as amended.~~

~~(1986 Code, § 6-52) (Ord. 1997-48, passed 10-9-1997)~~

~~§ 90.57 IMPOUNDMENT OF PIT BULL DOG RUNNING AT LARGE.~~

~~Any pit bull dog found to be running at large by any member of the Police Department of the municipality shall be presumed to be in violation of this section and shall be subject to impoundment by the Police Department in a humane facility for the keeping of dogs.~~

~~(1986 Code, § 6-53) (Ord. 1997-48, passed 10-9-1997)~~

~~§ 90.58 REDEMPTION OF IMPOUNDED PIT BULL DOG.~~

~~(A) An owner of a pit bull holding a license pursuant to this subchapter may redeem an impounded pit bull dog if: (a) a pit bull dog has been impounded pursuant to § 90.56, or (b) a vicious pit bull dog has not caused an injury to a person, subject to the following conditions:~~

~~—(1) Proof of a valid license issued by the municipality under this subchapter; and~~

~~—(2) Payment of the cost of keeping the pit bull dog during the period of impoundment.~~

~~(B) An owner of a pit bull dog which has caused injury to a person resulting in the impoundment of the pit bull dog shall be entitled to redeem the pit bull dog in accordance with ILCS Ch. 510, Act 5, § 13, as amended.~~

~~(1986 Code, § 6-54) (Ord. 1997-48, passed 10-9-1997)~~

~~§ 90.59 REVOCATION OF LICENSE.~~

~~A license granted pursuant to this subchapter shall be automatically revoked upon any violation by the licensee of any provision of this subchapter. In the event of a revocation of the license, the license fee shall be retained by the city.~~

~~(1986 Code, § 6-55) (Ord. 1997-48, passed 10-9-1997)~~

~~§ 90.5460 EXCEPTIONS.~~

~~This subchapter shall not apply to any active-duty K-9 patrol dogs or police dogs as defined herein.~~

~~(1986 Code, § 6-56) (Ord. 1997-48, passed 10-9-1997)~~

~~§ 90.99 PENALTY.~~

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.~~

~~(B) (1) Upon conviction of each violation of §§ 90.51 through 90.55, the Court shall assess a fine which shall be not less than \$50 and not more than \$500 for §§ 90.51 through 90.55.~~

~~— (2) Upon a finding by the Court that a licensee has violated §§ 90.51 through 90.55, the Court shall enter an order revoking the license and ordering the former holder of the license to remove the pit bull dog from the municipality.~~

~~(1986 Code, § 6-57) (Ord. 1997-48, passed 10-9-1997)~~