

**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 07-041**

**AN ORDINANCE REGULATING THE CONTROL OF ANIMALS IN
THE VILLAGE OF HOMER GLEN,
WILL COUNTY, ILLINOIS**

**JAMES P. DALEY, Village President
Gale Skrobuton, Village Clerk**

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CHRISTOPHER LOCACIUS
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MARGARET SABO
LAUREL WARD**

Trustees

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ODELSON & STERK, LTD. - Village Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805**

**AN ORDINANCE REGULATING THE CONTROL OF ANIMALS
IN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS**

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, the corporate authorities of each municipality may regulate and prohibit the running at large of animals (65 ILCS 5/11-1-1, 2006 State Bar Edition);and

WHEREAS, the Village of Homer Glen has previously entered into an intergovernmental agreement with the Will County Animal Control Department that provides for animal call out services as provided under exhibit ‘A’ and any renewal to the aforementioned agreement; and

WHEREAS, the President and Board of Trustees of the Village of Homer Glen have determined that it is necessary and in the best interests of the Village to regulate and control animals within the Village under and pursuant to the provisions of the Illinois Municipal Code and the general police powers of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

SECTION 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: Definitions – As used in this Ordinance, unless the context otherwise requires, the term specified in this Section 2 has meanings ascribed to them in this Section.

- a. **“Animal Control Officer”** - The person appointed, or hired, by the Village to properly apprehend, handle and care for animals.

- b. **“At Large”** – means off the premises of the owner and not under the control of a leash of the owner, a member of the owner’s family or an authorized person. For the purpose of this Ordinance, voice control shall not be considered as control.
- c. **“Feral”** – means existing in a wild or untamed state, or returning to an untamed state after domestication.
- d. **“Leash”** – means a cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog and shall be of sufficient strength to keep such dog under control.
- e. **“Owner”** – means any person having a right of property in a dog, or who keeps or harbors a dog , or who has in his care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him.
- f. **“Person”** – means any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.
- g. **“Pound”** – means any facility used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

SECTION 3: Animals Running at Large-Prohibited –

- a. It is unlawful to permit any dog to run at large or to be on any public right-of-way or property other than that of such owner without being securely restrained by a leash. A dog may be allowed on a property other than that of its owner without a leash if the property owner gives permission. Dogs that are running at large within the Village are deemed to be in violation of this Ordinance and may be apprehended and impounded. The Animal Control Officer shall utilize the

Village's approved pound, or a public pound if necessary. The owner or owners of the dog or dogs running at large shall be responsible for the dog's conduct and subject to the penalty provisions of this Ordinance.

- b. It is unlawful for any person to regularly feed, water or otherwise attract or create conditions within the Village, which allow dogs, cats or other domesticated or feral animals to accumulate on the property and otherwise endanger the health, safety, and welfare of the residents.

SECTION 4: Impoundment and Redemption – When such dogs are apprehended and impounded by the Animal Control Officer, he shall give notice of not less than seven (7) days to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Animal Control Officer, or an authorized agent of the Village, who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog. A reasonable attempt will be made to contact all dog owners. In case the owner of any impounded dog desires to make redemption thereof, he or she may do so on the following conditions:

- a. Present proof of current rabies inoculation, or
- b. Pay for the rabies inoculation of the dog, and
- c. Pay the pound for the board of the dog for the period it was impounded, and
- d. If the incident is a first offense, the dog owner may be given a warning rather than a citation, at the discretion of the Animal Control Officer. The owner will not have to pay the administrative redemption fee to the Village, but must cover the cost of boarding the dog for the period it was impounded.
- e. If the incident is not a first offense, the dog owner must pay an administrative redemption fee of \$20 for the second incident, \$40 for the third incident, and \$80

for the fourth incident. Beyond four offenses, the dog owner must pay a maximum fee of \$100 per offense.

SECTION 5: Dogs not Redeemed – When not redeemed by the owner within seven (7) days of notice, a dog which has been impounded in accordance with the provisions of this Ordinance shall be humanely dispatched, offered for adoption, or otherwise disposed of by the pound as a stray dog in accordance with the Will County Animal Control Ordinance.

SECTION 6: Penalty – Any person found in violation of this Ordinance shall be fined a minimum of One Hundred Dollars (\$100.00) and a maximum of Seven Hundred Fifty Dollars (\$750.00) for each offense.

SECTION 7: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

SECTION 8: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 9: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED this 24th day of July, 2007, pursuant to a roll call vote as follows:

| | YES | NO | ABSENT | PRESENT |
|---------------------------|------------|-----------|---------------|----------------|
| De Vivo | | X | | |
| Knaack | X | | | |
| Locacius | X | | | |
| Niemiec | X | | | |
| Sabo | X | | | |
| Ward | X | | | |
| | | | | |
| Daley (Village President) | | | | |
| TOTAL | 5 | 1 | | |

APPROVED by the Village President on July 24, 2007.

James P. Daley
Village President

ATTEST:

Gale Skrobuton
Village Clerk

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