

ORDINANCE NO. D. 12-04-07 A

AN ORDINANCE OF THE CITY OF ORIENT, ILLINOIS  
CONCERNING DANGEROUS DOGS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORIENT,  
ILLINOIS:

SECTION I: DEFINITIONS

As used in this Ordinance, the following terms shall mean:

1. DANGEROUS DOG:

- a. Any dog with a known propensity, tendency or disposition by prior acts to attack unprovoked, to cause injury to or otherwise endanger the safety of human beings or domestic animals; or
- b. Any dog which bites (to the extent of puncturing or severely bruising skin), inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- c. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
- d. Any dog which has previously attacked or bitten a human being other than under the type of circumstances that would be justifiable under Clause 1(k) of this Section.
- e. Any dog which has behaved in such a manner that the owner thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite human beings other than the type which would be justified under Clause 1(g) of this Section.
- f. Any dog which has been trained as an attack or guard dog.
- g. EXCEPTIONS: An animal shall not be deemed dangerous solely because:  
(1) it bites, attacks or menaces (a) anyone assaulting its owner, or (b) any person or other animal who has tormented or abused it, or (2) it is otherwise acting in defense of any attack from a person or other animal upon its owner or any other person, or (3) it is protecting or defending its young or the young of any other animal.

h.

2. ANIMAL CONTROL OFFICER: The official designated by the City of Orient to be the primary enforcement officer for the City of the sections of this Ordinance and the state laws regulating animals and owners of animals, but shall also include for purposes other than those contained in Section V.2, public law enforcement officers and County animal control officers.

3. IMPOUNDED: Taken into custody of the County Animal Shelter.

Reviewed 12/1/15

4. OWNER: Any person, partnership, company or corporation owning, keeping or harboring dog(s).

## SECTION II: PROHIBITION OF DANGEROUS DOGS

1. It shall be unlawful for any owner or keeper (i.e. any person to whom any dangerous dog is entrusted) to allow any dangerous dog to be harbored within the City.
2. The Animal Control Officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this Ordinance, and any such Animal Control Officer is hereby empowered to seize and impound any dangerous dog whose owner fails to comply with the provisions hereof, subject to the right of such owner to contest the seizure or impoundment, as provided in this Ordinance, in the Circuit Court in and for Franklin County.
3. In the event that the owner of the dog refuses to surrender the dog to the Animal Control Officer, the Animal Control Officer may request a police officer to obtain a search warrant from a judge of the Circuit Court in and for Franklin County and to seize the dog upon the execution of the warrant.

## SECTION III. ENFORCED OF DANGEROUS DOG PROHIBITION

In the event that a public law enforcement officer, or the Animal Control Officer has probable cause to believe that a dangerous dog is being harbored in the City in violation of this Ordinance, he may:

1. Order the violation immediately corrected and cite the owner or keeper to appear in Court for the violation, or
2. If the violation cannot be immediately corrected and the dog is posing a serious threat to human beings or other domestic animals, the dog may be seized and impounded, in which case the owner or keeper will be cited to appear in court for the violation. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing. If the Court rules that the dog is not dangerous as defined, it will be released to the owner upon payment of the expense of keeping such dog. If the Court rules that it is dangerous as defined, the dog will be released to the owner after payment of any fees and penalties, and upon presentation of proof by the owner or keeper that the dog will no longer be harbored in the City.

If, within seven (7) days after impoundment, the owner or keeper of an alleged dangerous dog fails to either provide proof that the dog will no longer be harbored in the City in compliance with the provisions of this Ordinance or fails to reclaim it from the County Animal Shelter after impoundment, it will be humanely euthanized.

#### SECTION IV: CUSTODIAL LIABILITY

In the event that the owner of the dangerous dog is a minor, the custodian, parent or guardian, legally responsible for such minor shall be liable for all injuries and property damage sustained by any person or domestic dog caused by an unprovoked attack by said dangerous dog.

#### SECTION V: DESTRUCTION OF IMPOUNDED DOGS

1. No dog shall be destroyed within seven (7) days of being impounded unless necessary to prevent or stop an attack upon a person or another animal, for humane reasons related to sickness or injury of the dog, or as otherwise provided by law.
2. An impounded dog shall not be destroyed pending an owner's appeal or a Circuit Court order of destruction if the appeal shall have been filed within seven (7) days of impoundment or order of destruction of such dog and notice shall have been served within seven (7) days of the impoundment of such dog upon the Animal Control Officer. The Animal Control Officer shall have the burden of proving that the dog should be destroyed pursuant to this Ordinance.
3. Other provisions of this Ordinance notwithstanding any dog which has bitten or scratched someone shall be quarantined for ten (10) days from the time the bite or scratch occurs. Any owner who fails to properly quarantine their dog is subject to citation for violation of this section and the dog shall be removed to the County Animal Shelter for the remainder of its quarantine period. The owner will be responsible for all quarantine fees.

A dog whose owner is unavailable or incapable of quarantining the dog, may be taken by the Animal Control Officer and quarantined by the County Animal Shelter for the prescribed period.

#### SECTION VI: VIOLATIONS AND PENALTIES

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a petty offense and, upon conviction thereof in a Court of competent jurisdiction, shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each violation committed, each day's continuance of a violation constituting a separate offense. In addition to the foregoing, the City, any property owner or any resident citizen aggrieved may proceed in the Circuit Court in and for Franklin County, Illinois, by way of injunction, to enforce the discontinuance of such violation or any situation or condition which may have been brought about or exist by reason of such violation of this Ordinance and may, in addition to such injunctive relief, be awarded both compensatory and punitive damages for such violation.

SECTION VII: REPEAL OF CONFLICTING ORDINANCES

All ordinances, parts of ordinances and amendments thereto in conflict herewith heretofore adopted by the Board of Commissioners of the City are hereby expressly repealed.

SECTION VIII: SEVERABILITY

Each section and each sentence of this Ordinance is enacted separately and the invalidity or unconstitutionality of any one particular sentence and/or section shall not affect the validity and/or constitutionality of any other sentence and/or section.

SECTION IX: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORIENT, FRANKLIN COUNTY, ILLINOIS, THIS 4<sup>th</sup> DAY OF December, 2007.

AYES: 3  
NAYS: 0  
ABSENT: 2

APPROVED BY THE MAYOR OF THE CITY OF ORIENT THIS 4<sup>th</sup> DAY OF December, 2007.

Mario Allois Jr  
MARIO ALLOIS, JR., MAYOR

ATTEST: Monica Dorris  
Monica Dorris, City Clerk

