

## CHAPTER 7

### ANIMALS AND FOWL

- Art. I. In General, §7-1100 - §7-1118
- Art. II. Dogs and Cats
  - Div. 1. In General, §7-2100 - §7-2114
  - Div. 2. Registration, §7-2200
  - Div. 3. Rabies Control, §7-2300 - §7-2304
- Art. III. Impoundment, §7-3100 - §7-3104
- Art. IV. Kennels and Pet Shops, §7-4100 - §7-4110
- Art. V. Enforcement
  - Div. 1. Community Service Section, §7-5100 - §7-5102
  - Div. 2. General Provisions, §7-5200 - §7-5202

### ARTICLE I. IN GENERAL

#### SEC. 7-1100. DEFINITIONS.

As used in this chapter, the following terms shall have, unless the context indicates otherwise, the meaning ascribed to them:

- (1) **Animal** means any animal, poultry, bird, reptile or any other dumb creature, but does not include any human being.
- (2) **Animal control facility** means any facility operated by or under contract for the state of Illinois, Rock Island County, or the City of Moline, Illinois for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats and other animals, and also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 1994 (225 ILCS 115/1 et seq.) and amendments thereto which operates for the above mentioned purpose in addition to its customary purposes.
- (3) **Animal shelter** means a facility operated, owned or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. “Animal shelter” also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 1994 (225 ILCS 115/1 et seq.) and amendments thereto which operates for the above-mentioned purpose in addition to its customary purposes.
- (4) **Cat**, except where specifically distinguished, includes all animals of the feline species of the age of four (4) months or older.
- (5) **Chief of police** means the chief of the City of Moline police department or his or her designee.
- (6) **City** means the City of Moline, Illinois, a municipal corporation.
- (7) **City Code** means the City of Moline Code of Ordinances.
- (8) **Community service officer** means any employee of the community service section of the City of Moline police department having custody and control of the City’s animal control facility and of animals therein, and shall include his or her designees.

## MOLINE CODE OF ORDINANCES

- (9) **Community service section** means the community service section of the City of Moline police department.
- (10) **Confine, confined or confinement** means the restriction of an animal at all times by such animal's owner or keeper to an escape-proof building or other enclosure separate from other animals and the public.
- (11) **Dangerous animal** means any animal, as defined above, of any species considered to be ferocious, mischievous or intractable at common law, including lions, tigers, other jungle, desert or mountain cats, bears, elephants, wolves, foxes, raccoons, monkeys, apes, poisonous or constrictor snakes or lizards and shall also mean any animal of any other species, but excluding dogs, known to its owner to be dangerous or any animal, which has given its owner or possessor reason to know that it is dangerous.
- (12) **Dangerous dog** means any individual dog which when either unmuzzled, unleashed or unattended by its owner or keeper, or a member of the owner or keeper's family, in a vicious or terrorizing manner, approaches, in an apparent attitude of attack, any person upon a street, sidewalk or any public grounds or places, or any property other than the property of the animal's owner or keeper.
- (13) **Department** means the City of Moline police department.
- (14) **Dog**, except where specifically distinguished, includes all animals of the canine species of the age of four (4) months or older.
- (15) **Enclosure** means a fence or structure of at least six (6) 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 which may be taken by the owner or keeper, such as tethering, and which shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.
- (16) **Found to be a dangerous dog** means that the chief of police has, after notice and an opportunity to be heard by the dog's owner or keeper, determined that the dog is a "dangerous dog" as defined in this section and has entered a written order based on that determination.
- (17) **Found to be a vicious dog** means that the chief of police has, after notice and an opportunity to be heard by the dog's owner or keeper, determined that the dog is a "vicious dog" as defined in this section and has entered a written order based on that determination.
- (18) **Guard or sentry dog** means a dog specifically trained and used primarily to perform guard, sentry or other security duty including, without limitation, defending, patrolling, or protecting property, life or safety, at a commercial establishment; however, this definition does not include personally owned pets kept on private residential property that also provide security.
- (19) **Guide or support dog** means a dog specifically trained and used to perform services for the sight or hearing impaired or to provide support services for a disabled person.
- (20) **Has been bitten** means that a person or animal has been seized with the teeth or jaws of another animal so that the person or animal seized has been nipped, gripped, wounded or pierced and further means and includes any contact of animal saliva with any break or abrasion of the skin of the person or animal.

## ANIMALS AND FOWL

- (21) **Impound, impounded or impoundment** means confinement at the City of Moline animal control facility or at a licensed veterinarian's place of business.
- (22) **Inoculation** means the injection, subcutaneously or in such other manner as may be approved by the Illinois Department of Agriculture of an antirabies vaccine meeting standards approved by the Illinois Department of Agriculture or by the United States Department of Agriculture.
- (23) **Kennel operator** means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors four (4) or less females capable of reproduction, shall not be considered a kennel operator.
- (24) **Leash** means a cord, rope, strap or chain no longer than six (6) feet in length which shall be securely fastened to the collar or harness of an animal and shall be of sufficient strength to keep the animal under control.
- (25) **Licensed veterinarian** means a veterinarian duly licensed as such under the laws of the State of Illinois or of any other state which, by law, provides for the licensing of veterinarians.
- (26) **Muzzled** means the practice of preventing an animal from opening its mouth fully by means of any commercially manufactured muzzle or other humane device approved by a community service officer.
- (27) **Owner or keeper** means and includes any person, including any individual, partnership, society, association, corporation, firm or other legal entity, or any public or private institution, who:
- a. Has a right of property in an animal;
  - b. Harbors or keeps an animal;
  - c. Has an animal in the person's care;
  - d. Acts as custodian of an animal; or
  - e. Knowingly suffers or permits any dog or cat to remain on or about any premises within the City under said person's charge or control.
- (28) **Peace officer** means any City of Moline police officer or any other law enforcement officer with authority to act within the jurisdiction of the City.
- (29) **Pet shop operator** means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in the state of Illinois. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this chapter and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 1994 (224 ILCS 115/1 et seq.) and amendments thereto shall not be considered a pet shop operator under this chapter.
- (30) **Run line** means the system of tying a dog in place with either rope or chain having a tensile strength of at least three hundred (300) pounds and which allows the dog freedom of movement only on the property of the dog's owner or keeper.

## MOLINE CODE OF ORDINANCES

- (31) **Running at large or at large** means any time an animal is:
- a. off its owner or keeper's property, is not confined within a vehicle being driven or parked upon the street while subject to the control of a competent person, and is not controlled by a leash and "at heel" beside a competent person to whose commands the animal is obedient; or
  - b. on its owner or keeper's property without being contained on the property by means of a fence, chain, leash, competent supervision, or other visible means of restraint sufficient to protect persons or animals not on that property.

- (32) **Vicious dog** means:

- a. Any individual dog that when unprovoked bites or attacks a human being or other animal either on public or private property;
- b. Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of humans or domestic animals;
- c. Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon humans or other animals, unless handled in a particular manner or with special equipment;
- d. Any individual dog that attacks a human being or domestic animal without provocation; or
- e. Any individual dog which has been found to be a dangerous dog upon three (3) separate occasions by a court or an administrative hearing unit of competent jurisdiction as set forth in this chapter.

However, no dog shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner or keeper, or harms or menaces anyone who has tormented or abused it, or is a professionally trained dog for law enforcement duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

- (33) **Wild animal** means any animal *ferae naturae* or naturally wild.

### **SEC. 7-1101. CRUELTY TO ANIMALS.**

- (a) No person shall commit cruelty to any animal. A person commits cruelty to animals by knowingly:
- (1) Overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, starving, or cruelly killing any animal, or causing or knowingly allowing the same to be done;
  - (2) Failing to provide any animal in a person's charge or custody, as owner or keeper or otherwise, with a sufficient quantity of good quality, wholesome food to maintain proper body weight and good general health, kept in a suitable container within viewable range and in an area to prevent tampering, contamination or spillage.
  - (3) Failing to provide any animal in a person's charge or custody, as owner or keeper or otherwise, with a sufficient quantity of good quality, wholesome water kept in an area to prevent contamination and spillage, and replaced with fresh water at least once per day.
  - (4) Failing to provide any animal in a person's charge or custody, as owner or keeper or otherwise, with shelter constructed in a manner to assure protection from the elements.
  - (5) Failing to provide veterinary care when needed to prevent suffering;

## ANIMALS AND FOWL

- (6) Abandoning any animal in an animal control facility, animal shelter, veterinary clinic or on the premises of another or any place where an animal may become a public charge or may suffer hunger, injury, or exposure;
  - (7) Failing to provide humane care and treatment, including keeping the animal in a clean, sanitary and healthy manner;
  - (8) Selling, offering for sale, bartering, or giving away as a pet or novelty any rabbit, baby chick, duckling, or other fowl or any other animal which has been dyed, colored, or otherwise treated to impart an artificial color thereto;
  - (9) Poisoning or causing to be poisoned any dog or other domestic animal except by a licensed veterinarian or humane shelter or pound;
  - (10) Confining an animal in such a manner so that it is forced to stand, lie or sit in its own excrement;
  - (11) Failing to provide living quarters, in addition to the shelter required by Section 7-1101(2), of sufficient size for the animal to exercise and move about;
  - (12) Tethering an animal on a leash or a weight or in such a manner that prevents the animal from moving freely without entanglement;
  - (13) Killing or injuring, or attempting to kill or injure, any domestic animal;
  - (14) Confining or allowing any animal to remain in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. If a community service officer or peace officer has probable cause to believe that an animal has been subjected to cruelty as defined in this subsection, and that the animal's life, safety or health is in danger, the community service officer or peace officer has authority to enter the motor vehicle containing such animal by any reasonable means under the circumstances after making a reasonable attempt to locate the person confining or allowing the animal to remain in the vehicle.
  - (15) Cropping an animal's ear, docking an animal's tail or performing other surgeries or surgical-type procedures, except as performed by a licensed veterinarian; or
  - (16) Instigating, causing, procuring or assisting in any indecent or immoral show or exhibition of any animal.
- (b) Any person who causes, instigates, permits, facilitates, aids, abets, or encourages any violation of this section shall be guilty of the violation of cruelty to animals.
- (c) If a community service officer or peace officer has probable cause to believe that an animal has been subjected to cruelty as defined in subsection (a) above, and that the animal's life, safety or health is in danger, the community service officer or peace officer may seize and impound the animal, may give the animal veterinary or other care at the owner or keeper's expense, and may euthanize the animal at the owner or keeper's expense when, in the judgment of the community service officer or a licensed veterinarian, euthanization is necessary to prevent additional suffering and alternative avenues of alleviating suffering have been exhausted or eliminated as futile. Once an animal subjected to cruelty but not subject to euthanization as stated above has been impounded, the redemption procedures set forth in Article III shall apply.

MOLINE CODE OF ORDINANCES

**SEC. 7-1102. ANIMALS FOR USE IN ENTERTAINMENT.**

(a) **Prohibited acts.**

- (1) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.
- (2) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between two (2) or more animals or any animal and human, or the intentional killing of any animal.
- (3) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.
- (4) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which the person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.
- (5) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.
- (6) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between two (2) or more animals, or any animal and human, or the intentional killing of any animal.
- (7) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.
- (8) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (8) shall apply only when such dog is intended to be used in a dog fight.

(b) **Seizure and disposition of animals and other items illegally used in entertainment.**

- (1) The department may seize and impound any and all animals and seize any equipment, money or other proceeds utilized in or directly related to any violation of this section. Animals and other items impounded or seized shall be held for evidence and for final disposition by the court or an administrative hearing unit of appropriate jurisdiction.
- (2) The department shall give notice to the person from whom the animals, equipment, money or other proceeds were seized pursuant to subsection (b)(1) above, or to the person in possession as owner, or

## **ANIMALS AND FOWL**

lessee of the premises where said items were found, or if the names of any of these persons are unknown to the department upon reasonable inquiry, by posting notice upon the outer door of the premises. The notice shall be directed to any person claiming an interest in the property or money, to come before the court on a specified date, not less than three (3) days from the date of the notice, and to show cause, if any, why the items should not be sold at public auction as contraband, or otherwise be forfeited as contraband to the City for disposition as authorized by this section.

- (3) If in the court's or hearing unit's opinion, after hearing, or upon the default of those notified to appear, it appears to the court or hearing unit that the items seized are in fact contraband, the court or hearing unit shall order disposition of said items in one or more of the following ways:
  - a. Any animals forfeited under this section shall be either humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling provision of the City Code or state law.
  - b. Any money forfeited under this section shall be forfeited to the City treasury.
  - c. Any other items forfeited under this section shall be sold at public auction to the highest bidder for cash, and the proceeds paid into the City treasury.

### **SEC. 7-1103. SHOOTING OR MOLESTING BIRDS.**

No person shall shoot or in any manner molest any bird. No person shall rob any bird's nest of its contents unless done in furtherance of removing a nest from a house or other structure on private property when such nest has become a nuisance.

### **SEC. 7-1104. LIVESTOCK AND DOMESTIC FOWL PROHIBITED IN CITY; RUNNING-AT-LARGE; NUISANCE.**

(a) No person shall keep any cattle, sheep, goats, horses, mules, swine, other beasts of burden related to the foregoing, or domestic fowl of the species of geese, ducks, turkeys, guinea hens, or chickens at any place or upon any premises in the City excepting that horses shall be permitted to be kept upon premises for which a special use has been granted by the City Council to permit a riding stable provided any and all conditions of such special use are fully complied with at all times. No person shall permit any of the above enumerated animals to run at large in the City. Any animals found within the City in violation of this section are subject to impound by the department and disposal as provided in Article III of this chapter.

(b) In addition to any and all other legal or equitable remedies, the animals and fowl prohibited from being kept in the City or running at large in the City by subsection (a), are hereby declared to be nuisances, and may be abated pursuant to the provisions of Chapter 21 of the City Code and amendments thereto.

(c) The provisions of this section shall not apply to the business premises of any duly licensed animal control facility, animal shelter or licensed veterinarian.

(d) The provisions of this section shall not apply to the premises of any duly-licensed business engaged in the sale of fowl as long as the following conditions are met:

- (1) Such fowl is not kept on the sales floor or retail area of the premises;
- (2) The purchaser of such fowl must sign a form verifying that he does not reside within the city limits of the City of Moline and that he will keep the fowl outside the City's limits and use the fowl for agricultural purposes only;

**MOLINE CODE OF ORDINANCES**

(3) Such fowl is sold only in lots of six (6) or more. (Ord. No. 2003-05-06; new Sec. 7-1104 (d) enacted; 05/20/03)

**SEC. 7-1105. BEEKEEPING WITHIN THE CITY PROHIBITED.**

(a) No person shall keep or maintain any bees, beehives, or apiaries within the City.

(b) In addition to any and all other legal or equitable remedies, keeping or maintaining bees, beehives or apiaries within the City is hereby declared to be a nuisance and may be abated pursuant to the provisions of Chapter 21 of the City Code and amendments thereto.

**SEC. 7-1106. DANGEROUS ANIMALS, IN GENERAL.**

(a) Except for purposes of a public exhibition upon seven (7) days prior written notice to and prior written authorization from the chief of police, no person shall possess any dangerous animal in the City, and no person shall permit any dangerous animal within the City for such public exhibition to run at large nor shall any person lead such an animal with a leash, whether the animal is muzzled or unmuzzled, on any street or in any public place within the City

(b) Any person violating Section 7-1106 shall be subject to a mandatory fine of not less than seventy-five dollars (\$75.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 2002-08-11; Sec. 7-1106 (b) repealed; new Sec. 7-1106 enacted; 09/10/02)

**SEC. 7-1107. IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.**

(a) Dangerous animals not in compliance with this chapter are subject to impound by the department and disposal as provided in Article III of this chapter. If such animal cannot be safely taken up and impounded, the animal may be slain or dispatched by any peace officer.

(b) In all cases where an animal slain or dispatched pursuant to this section has bitten any person or animal, it shall be the duty of the community service officer or peace officer to treat the carcass and head as it would any animal displaying symptoms of rabies. No peace officer shall shoot an animal in the head if said animal is displaying symptoms of rabies.

(c) In addition to the impound and disposal procedures set forth in this section, any person violating Section 7-1107 shall be subject to a mandatory fine of not less than seventy-five dollars (\$75.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 2002-08-11; new Sec. 7-1107 (c) enacted; 09/10/02)

**SEC. 7-1108. NUMBER OF RABBITS RESTRICTED.**

(a) The total number of rabbits over six (6) weeks old that may be maintained outdoors on any residential property is two (2).

(b) Rabbits found within the City in violation of this section are subject to impound by the department and disposal as provided in Article III of this chapter.

**SEC. 7-1109. WILD ANIMALS.**

No person shall keep, harbor, possess, act as custodian or have a right of property in a wild animal. Appropriately licensed zoos, veterinary hospitals or clinics, animal control facilities, animal shelters, and persons licensed as wild animal rehabilitators are exempt from this prohibition. Wild animals found within the City in violation of this section are subject to impound by the department and disposal as provided in Article III of this chapter.

## ANIMALS AND FOWL

### SEC. 7-1110. NONRESIDENT NOT TO HAVE ANIMALS IN THE CITY; EXCEPTIONS.

(a) Persons who are not residents of the City shall not keep any animal in the City; however, this prohibition shall not apply to persons remaining in the City for thirty (30) days or less or who are passing through the City, but shall apply to any nonresident who habitually allows an animal to run at large within the City. Any animals found within the City in violation of this section are subject to impound by the department and disposal as provided in Article III of this chapter.

(b) The provisions of subsection (a) shall not apply to appropriately licensed veterinary hospitals or animal control facilities, animal shelters, clinics, and licensed animal kennels and pet shops.

### SEC. 7-1111. REPORTING ANIMAL BITES AND ATTACKS.

(a) Any person owning or keeping a dog or cat or other animal which bites or attacks or approaches a person on a street, sidewalk or public place in an apparent attitude of attack shall immediately report the same in writing to the department.

(b) Any person who has been bitten or so attacked or approached by a dog, cat or other animal shall file a written report of such event with the department within twenty-four (24) hours after such event occurred.

(c) Reports made pursuant to subsections (a) and (b) of this section shall include the name of the person completing the report, the victim's name, address and telephone number; the animal's owner or keeper's name, address and telephone number; a description of the animal; the location where the bite, attack, or approach occurred and the date and time of same; the description and location of the wound, if any; the name of the victim's treating physician, if any; and, if the bite, attack, or approach occurred on the property of the animal's owner or keeper, the purpose for which the victim was on the owner or keeper's property.

(d) Any animal that has bitten any human being is subject to impound by the department and disposal as provided in Article III of this chapter.

### SEC. 7-1112. CONTROL OF ANIMAL WASTES.

(a) **Animal Waste on Public Property.** No person owning, harboring, keeping or controlling any dog or cat or other domestic animal or pet shall cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk or upon any public property whatsoever, or upon any private property without permission from the property owner. The restriction in this section shall not apply to public property when the owner or person in control of such animal complies with the following conditions:

- (1) The person immediately removes all feces deposited by such animal by any sanitary method.
- (2) The feces removed from the aforementioned designated areas is disposed of by the person in accordance with the provisions of this section in a sanitary manner approved by the department or the City's environmental health specialist.

(b) **Animal Waste on Private Property.**

- (1) The accumulation of animal feces in or on any private property is hereby declared a nuisance.
- (2) Every person who is the owner or occupant of private property or the agent in charge of such property is charged with the duty of keeping such property free of any accumulation of animal feces.

## MOLINE CODE OF ORDINANCES

- (3) “Accumulation” for purposes of this subsection (b) shall mean:
- a. any quantity which results in the presence of feces odor at the property line; or
  - b. any quantity that interferes with the use or enjoyment of any neighboring property as the result of odors, visual blight, or attraction of insects, rodents or other pests; or
  - c. any quantity that otherwise constitutes a hazard to the health, safety or convenience of persons residing both on and off of the property.
- (4) Notice to Remove.
- a. Each owner, occupant or agent having charge of such property who is notified in accordance with the provisions set forth herein by a community service officer, a peace officer or any other duly authorized agent of the City, including without limitation, any and all City personnel in the City’s code compliance division, to remove an accumulation of feces, shall be charged with the duty of removing such feces and satisfactorily disposing of the same within twenty-four (24) hours of the effective date and hour of the notice.
  - b. The notice shall set forth in writing the dates of inspection, the address of the property found to have an accumulation of animal feces, the fact that such an accumulation was observed, and the fact that the owner, occupant or agent must remove the accumulation within twenty-four (24) hours of the notice’s effective date and hour.
  - c. If the property where an accumulation of feces is found contains only a single-family dwelling, then the notice shall be directed to the occupant of such property whether such occupant be the property’s owner or lessee. If the property where the accumulation of feces is found contains more than one dwelling unit, then notice shall be directed to the record owner of such property or the agent in charge of such property.
- (5) The notice’s effective date and hour shall be determined in accordance with the manner in which the notice was served:
- a. If a copy of the notice is delivered to an owner of record personally or to any adult occupant of the property personally or to the agent in charge of such property personally, the notice’s effective date and hour is the date and hour so personally served.
  - b. If a copy of the notice is delivered to the usual place of abode of an owner of record or to the occupant at the property and left with a person in the owner or occupant’s family thirteen (13) years of age or older and of suitable discretion, who shall be informed of the contents thereof, and concurrently, a copy of the notice is sent by first class mail addressed to the usual place of abode of such owner and the occupant at the property, said notice becomes effective upon the date and hour of personal service upon such family member.
  - c. If a copy of the notice is sent by certified or registered mail addressed to an owner of record at his or her last known address or the occupant at the property and receipt thereof is returned with the signature of such owner or occupant, then the effective date and hour of said notice shall be midnight of the date following the date signed for as evidenced by the return of mail received. If the notice is returned to the City undelivered, then a copy of the notice shall be posted conspicuously on the property, and the notice’s effective date and hour is the date and hour the notice was so posted.
- (6) No owner, occupant or agent in charge of such property shall fail to satisfactorily remove and dispose of such accumulation of feces within twenty-four (24) hours of the effective date and hour of the

## **ANIMALS AND FOWL**

notice to remove the same. A violation of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00) plus court costs and not more than seven hundred fifty dollars (\$750.00) plus court costs.

- (7) Second or subsequent violations -- Notice not required. After an owner, occupant or agent having charge of property is once notified of a violation of this section, and regardless of whether that person complies with that notice, a second or subsequent instance of an accumulation in violation of this section within one (1) year shall not require any notice to that person, and shall constitute a violation subjecting that person to a fine of not less than one hundred dollars (\$100.00) plus court costs and not more than seven hundred fifty dollars (\$750.00) plus court costs.

### **SEC. 7-1113. LIBERATION OF CONFINED ANIMALS PROHIBITED.**

No person shall remove from restraint, or release from confinement or enclosure, an animal belonging to or kept by any other person, unless in an emergency situation when such removal or release is necessary to protect the confined or enclosed animal from being physically harmed, or unless the animal's owner or keeper consents to the removal or release.

### **SEC. 7-1114. DEAD ANIMALS.**

(a) It shall be unlawful for the owner, keeper or possessor of any dead animal within the City to leave the animal unburied for more than twelve (12) hours after its death, or for anyone to bring and leave the carcass of any dead animal within the City without burying the carcass.

(b) No person shall haul, drag, transport, or otherwise move any dead animal along or upon any street, alley or other public place within the City unless such dead animal is wholly covered so as to conceal the same from view.

(c) No person within the City shall skin or otherwise mutilate any dead animal, or permit another to do so, within the view of any public place or within the view of any private property other than the private property owned or controlled by said person.

(d) No person shall allow the body, or any part thereof, of any dead animal to decompose and petrify on the person's property.

### **SEC. 7-1115. ANIMAL TRAPPING.**

(a) It shall be unlawful to use any type of leg-hold animal trap within the City. It shall be unlawful to use any other animal trap that could cause cruelty to animals within the City without the written approval, guidance and direction of the community service section except where an infestation of City property results in a determination that such infestation is either a public nuisance or that it creates a safety hazard to the public, which determination shall be made by the community service section. In the case of such exception, appropriate means to control the situation shall be used by the community service section.

(b) Nothing in this section shall be in any way used to determine, cause or create any duty upon the City to remedy, abate or eliminate such nuisance or hazard and no liability on the part of the City is created hereby. (Ord. No. 95-4-4, §7-1115 repealed in its entirety; new section enacted, 04/25/95)

### **SEC. 7-1116. ANIMAL CAGES, RUNS, PENS, ETC.**

(a) **Location requirements.** Each cage, enclosure, house, hutch, pen, run, shed or other structure used to harbor an animal hereafter erected, repaired or reconstructed shall be placed not less than five (5) feet from all

## MOLINE CODE OF ORDINANCES

property lines, and not less than twenty (20) feet from any neighboring building or structure designed for or permitting human habitation.

(b) **Construction requirements.** Each cage, enclosure, pen, run, shed or other structure used to harbor an animal hereafter erected, repaired or reconstructed shall meet the following requirements:

- (1) Outdoor dog runs: Each outdoor cage, enclosure, pen, run or shed housing one (1) dog shall have an aggregate base floor, and shall be of sufficient size to accommodate the size of the dog kept in such cage, enclosure, pen, run or shed. Each outdoor cage, enclosure, pen, run or shed housing two (2) or more dogs shall have a concrete floor with a two (2) inch solid curb, and shall be of sufficient size to accommodate both the number and size of the dogs kept in such cage, enclosure, pen, run or shed.
- (2) Outdoor houses: The owner or keeper of each dog kept or maintained outdoors or outside an occupied residential structure must provide said dog with a doghouse or other shelter constructed in a manner to assure the protection of the dog from the elements, including a floor at least two (2) inches off the ground, weatherproof solid sides and roof, and large enough for the dog to have freedom to enter, turn around, sit, stand, and lie in comfort. If the house or shelter is not radiantly heated, it shall have a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness for comfort. The house or shelter shall be placed in such location or protected to prevent the elements from injuring the dog's health.
- (3) Outdoor rabbit cages: The owner or keeper of rabbits over six (6) weeks old shall provide a cage, enclosure, hutch, pen or other structure no smaller than eight (8) cubic feet for each rabbit, and located not less than three (3) feet off the ground. The cage, enclosure, hutch, pen or other structure shall be constructed in a manner to assure the protection of the rabbit from the elements, including weatherproof sides and roof, shall have a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness for comfort, and shall be placed in such location or protected to prevent the elements from injuring the rabbit's health.
- (4) Outdoor bird cages: The owner or keeper of pigeons and other outdoor birds shall provide a cage, enclosure, pen or other structure located at least three (3) feet off the ground, and which shall be constructed in a manner to assure the protection of the birds from the elements, including weatherproof sides and roof, and shall be placed in such location or protected to prevent the elements from injuring the birds' health.

(c) **Maintenance requirements.** Each cage, enclosure, house, pen, run, shed or other structure used to harbor an animal shall be cleaned and maintained in a manner to assure the best possible sanitary conditions. Each person cleaning dog and rabbit cages, enclosures, houses, hutches, pens, runs, sheds or other structures, shall do so in a manner which prevents animal waste runoff onto public right-of-way and which complies with the provisions set forth in the City's Stormwater Utility Ordinance, Chapter 34 of the City of Moline Code of Ordinances.

### **SEC. 7-1117. STRAY ANIMALS.**

(a) Any person who picks up any stray animal shall promptly notify the community service section or the department.

(b) No person shall harbor or hold for reward an animal which strayed upon the person's property or which has been picked up on a public street, highway or other public place unaccompanied by its owner or keeper or other person or which has been stolen from its owner or keeper.

## ANIMALS AND FOWL

### SEC. 7-1118. PENALTY FOR VIOLATION OF CHAPTER.

Unless the section specifically provides otherwise, any person violating any of the provisions of this chapter shall on conviction be fined not less than twenty-five dollars (\$25.00) plus court costs and not more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 98-10-1; §7-1117 repealed; new §7-1117 enacted; 10/06/98)

Any person convicted of violating any of the provisions of this chapter or a like ordinance of another municipality or a like state statute three (3) times within a twelve (12) month period and any member of such person's household shall be deemed ineligible to obtain or keep a license for a cat or dog within the next twelve (12) month period following the third conviction.

## ARTICLE II. DOGS AND CATS

### DIVISION 1. IN GENERAL

#### SEC. 7-2100. DOGS AND CATS RUNNING AT LARGE; IMPOUNDMENT.

(a) No person shall permit any dog or cat to run at large or be at large within the City. Any dog or cat found running at large within the City is subject to apprehension and impound by the department and disposal as provided in Article III of this chapter.

(b) For purposes of this Section 7-2100, "permit" means any of the following:

(1) to affirmatively permit or allow;

(2) inaction by one who knew or should have known the dog or cat was at large and failed to end the "at large" behavior;

(3) placement of the dog or cat in a physical location or a set of circumstances such that it is unreasonable to assume the animal will not run at large or be at large.

(c) Any holder of an unaltered pet license who permits the unaltered animal to run at large or be at large is subject to revocation of said license. (Ord. No. 93-11-6; §7-3100 amended; (c) added; 11/23/93)

#### SEC. 7-2101. REMOVAL OF COLLARS, TAGS AND LEASHES FROM DOGS OR CATS PROHIBITED; EXCEPTIONS.

No person other than a community service officer, a peace officer, an owner or keeper, or a person with the consent of the dog's or cat's owner or keeper, shall remove the collar, inoculation tag, license tag or leash from any dog or cat within the City.

#### SEC. 7-2102. EXCESSIVE BARKING, HOWLING OR YELPING.

(a) **Offense.** No person shall own, keep or harbor any dog or cat that, by frequent or excessive loud barking, howling or yelping, unduly annoys or disturbs the quiet of any neighborhood within the City. However, this subsection shall not apply to the business property of a licensed kennel, pet shop or veterinarian, or to the property of any licensed or City-owned animal shelter or animal control facility. If the department finds that a dog or cat has been left outdoors and unattended for longer than one (1) hour anytime between 10:00 p.m. and 6:00 a.m. on the following day, and the department has probable cause to believe that a violation of this section has occurred, and if the dog's or

## MOLINE CODE OF ORDINANCES

cat's owner or keeper is not home or refuses to take said dog or cat indoors, then, upon obtaining a signed statement from a complainant, the department may impound the dog or cat, which may be disposed of as provided in Article III of this chapter.

(b) **Penalty.** Any person convicted of violating subsection (a) above as a first offense, shall be fined not less than fifty dollars (\$50.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person convicted of violating subsection (a) above as a second offense shall be fined not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person convicted of violating subsection (a) above as a third or subsequent offense shall be fined not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs.

(c) **Nuisance.** Any dog or cat described in subsection (a) above is hereby declared to be a nuisance, and the City may, in addition to seeking any other appropriate legal remedy, pursue equitable remedies to abate said nuisance in accordance with the provisions of Chapter 21 of the City Code. Upon finding a nuisance exists, and in order to abate such a nuisance, the court may, in addition to ordering any other legal or equitable relief, order any of the following:

- (1) That the owner or keeper may no longer own, harbor or maintain the dog or cat causing the nuisance on any property within the City; and/or
- (2) The owner or keeper to surrender the dog or cat causing the nuisance to the City for the purpose of adoption or euthanization; and/or
- (3) That the owner or keeper cause the dog or cat causing the nuisance to be surgically altered such that said dog or cat will no longer be capable of barking, howling or yelping in a manner which constitutes a nuisance.

### **SEC. 7-2103. TAKING UP AND TREATING INJURED DOGS AND CATS.**

A community service officer or any peace officer may remove from any street or public place within the City any injured or ill dog or cat not being attended to and properly cared for by its owner or keeper and shall impound the dog or cat, or place the dog or cat in the possession of a licensed veterinarian and the dog or cat may be disposed of as provided in Article III of this chapter. If a veterinarian renders needed or warranted veterinarian treatment to an injured or ill dog or cat placed in his or her possession pursuant to this section, the veterinarian shall advise the community service section of the cost of the treatment, and in the event the owner or keeper of the dog or cat redeems the dog or cat, the owner or keeper shall, in addition to paying impound redemption fees as otherwise set forth in this chapter, pay the full amount of the veterinarian's charges. If the dog or cat is not redeemed, it shall be disposed of in the manner provided in Article III of this chapter.

### **SEC. 7-2104. DANGEROUS AND VICIOUS DOGS – HEARING AND DETERMINATION.**

(a) **Notice.** The date of service of any notice under this section shall be either the date of personal service or three (3) days from the date that the notice was mailed.

(b) **Impound.** If a community service officer or peace officer determines that probable cause exists to believe that a dog is a dangerous dog, the community service officer or peace officer shall order the dog's owner or keeper to confine the dog pending an administrative hearing. Failure to obey said order constitutes a violation of this section. If a community service officer or peace officer determines that probable cause exists to believe that a dog is a vicious dog, the dog shall be impounded. Any owner or keeper of any dog impounded under this section shall be responsible for the costs incurred during the period of impoundment, such as food, veterinary care, and board, unless following an administrative hearing the dog is found not to be vicious. A dog impounded under this section will not be

## ANIMALS AND FOWL

returned to the owner or keeper or any other person unless following an administrative hearing the dog is found not to be vicious. Dogs found to be vicious will be euthanized by the community service section, or turned over by the City to an appropriate agent or agency for euthanization. Any owner or keeper shall further be responsible for all costs incurred by the City in euthanizing the vicious dog.

(c) **Administrative hearing to be conducted.** An administrative hearing shall be conducted to determine whether or not the dog is a dangerous dog or a vicious dog.

(d) **Notice and time for hearing.** The owner or keeper of the dog shall be served with a notice of the administrative hearing, either personally or by first class mail to the owner or keeper's last known address. The administrative hearing shall be held promptly within not less than five (5) working days nor more than fifteen (15) working days following service of the notice upon the owner or keeper of the dog. The service of a notice to appear in the circuit court on an ordinance violation charge, even if that notice refers to charges of vicious or dangerous dogs, shall not start the running of the clock for the administrative hearing process.

(e) **Conduct of hearing.** The administrative hearing shall be open to the public and shall be recorded by a tape recorder, stenographer, or other reliable means. The chief of police shall serve as the hearing officer. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and live testimony. The hearing officer shall determine, based upon a preponderance of the evidence, whether or not the dog is a dangerous dog or a vicious dog. If the notice of the administrative hearing charged that the dog is vicious but does not charge that the dog is dangerous, the hearing officer may nevertheless determine that the dog is dangerous rather than vicious, if the evidence so warrants.

(f) **Notice of determination.** The dog's owner or keeper shall be notified in writing of the hearing officer's determination either personally or by first class mail to the owner or keeper's last known address.

- (1) If the hearing officer determines that the dog is neither dangerous nor vicious, the owner or keeper may redeem the dog, if impounded, as otherwise provided in Article III of this chapter. The owner or keeper shall not be required to pay those daily impoundment fees that are attributable solely to the pendency of the administrative hearing but shall be required to pay all other fees.
- (2) If the hearing officer determines that the dog is dangerous, the owner or keeper may redeem the dog, subject to the requirements of Section 7-2105 and Article III of this chapter.
- (3) If the hearing officer determines that the dog is vicious, the animal may not be redeemed, and the notice of determination shall also state that the dog shall be euthanized within five (5) working days of the date of the notice unless the owner or keeper requests a stay of ten (10) working days during which to file a complaint for court review of the hearing officer's determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. seq., and amendments thereto.

(g) **Failure to appear.** If the dog's owner or keeper cannot be found or fails to appear in person or by legal counsel for the administrative hearing, the hearing officer shall make a determination by default, without need of any testimony or other evidence, that the dog is vicious or dangerous, as well as abandoned, and the dog shall be euthanized without further notice to the owner or keeper.

(h) **Time for euthanasia – stay.** Upon the hearing officer's determination that the dog is vicious, it shall be euthanized after five (5) working days from the date of the notice of determination to the owner or keeper, unless the owner or keeper within that time period delivers to the office of the chief of police a request to stay the euthanasia for a period of ten (10) working days for the purpose of filing a complaint for court review of the hearing officer's determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. seq., and amendments thereto. If, at the end of that period, the City has not received notice that a complaint has been filed, the dog shall be euthanized without further notice to the owner or keeper.

## MOLINE CODE OF ORDINANCES

(i) **Appeal.** Any person aggrieved by the hearing officer's decision may appeal to the Circuit Court pursuant to the provisions of the of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. seq., and amendments thereto.

### **SEC. 7-2105. KEEPING OF DANGEROUS DOGS.**

(a) No person shall own, keep or harbor any dog found to be a dangerous dog inconsistently with this section within the City. A dog found to be a dangerous dog and kept in a manner which violates this section is hereby declared a nuisance and is subject to impound by the department and disposal as provided in Article III of this chapter. (Ord. No. 2002-08-11; Sec. 7-2105 (a) repealed; new Sec. 7-2105 (a) enacted; 09/10/02)

(b) The owner or keeper of a dog found to be a dangerous dog must post in clear view at all times, and at the most conspicuous or prominent point of entry to the property, a sign indicating the presence of a dangerous dog on the property. The sign shall be at least eight and one-half (8½) inches by eleven (11) inches in size, and shall contain in words and pictures a clear indication that a dangerous dog is on the property.

(c) A dog found to be a dangerous dog must be muzzled and controlled by a leash of no more than three (3) feet in length and of appropriate strength whenever the dog is not contained within the owner's or keeper's residence or an enclosure located on the owner's or keeper's property from which the dog cannot escape. A dog found to be a dangerous dog must be spayed or neutered within fourteen (14) days of the date of the written notice of determination, and the owner or keeper must provide written proof of such spaying or neutering to the community service section. (Ord. No. 2002-07-07; Sec. 7-2105 (c) repealed; new Sec. 7-2105 (c) enacted; 07/23/02)

(d) No person shall transfer, sell or give away to any person within the City any dog that has been found to be a dangerous dog, unless the transferor, prior to the transfer, informs the receiving party of the finding and notifies the community service section or department of the pertinent details of the transfer, including without limitation, the address where the dog will be located after the transfer.

(e) Any owner or keeper of a dog found to be a dangerous dog must, within fourteen (14) days of the date of the hearing officer's determination that the dog is dangerous, present said dog to the City's animal control facility for the purpose of injecting a computer microchip ("microchip") which identifies the dog and contains information concerning the fact that the dog has been found to be a dangerous dog. The dog's owner or keeper shall be responsible for paying the reasonable costs associated with injecting the microchip. Failure to present said dog to the City's animal control facility as herein described shall be deemed a violation of the City Code.

(f) In addition to the impound and disposal procedures set forth in this section, any person violating Section 7-2105 shall be subject to a mandatory fine of not less than seventy-five dollars (\$75.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs, and to any and all other legal and equitable remedies available to the City by law to abate said nuisances. (Ord. No. 2002-08-11; new Sec. 2105 (f) enacted; 09/10/02)

### **SEC. 7-2106. KEEPING OF VICIOUS DOGS PROHIBITED.**

(a) No person shall own, keep, harbor, sell, abandon, or give away any dog found to be a vicious dog within the City, whether or not owned by such person, except to relinquish the dog for impoundment. Such dogs are hereby declared nuisances and are subject to impound by the department and disposal as provided in Article III of this chapter.

(b) In addition to the impound and disposal procedures set forth in this section, any person violating Section 7-2106 shall be subject to a mandatory fine of not less than seventy-five dollars (\$75.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs, and to any and all other legal and equitable remedies available to the City by law to abate said nuisances. (Ord. No. 2002-08-11; Sec. 7-2106 repealed in its entirety; new Sec. 7-2106 enacted; 09/10/02)

## ANIMALS AND FOWL

### **SEC. 7-2107. FEMALE DOGS OR CATS IN HEAT.**

No owner or keeper of any female dog or cat shall permit the dog or cat to be in other than an enclosed structure or not within an enclosure during periods of estrus ("heat"). Any such female dog or cat found outside an enclosed structure or enclosure, whether on the property of the owner or keeper or not, shall be subject to impound by the department and disposal as provided in Article III of this chapter.

### **SEC. 7-2108. LIMITATION UPON DOGS OR CATS PER RESIDENCE.**

(a) No person shall own, keep, harbor or control more than four (4) dogs, four (4) cats, or any combination of four (4) dogs and cats at said person's residence. Any dogs or cats found within the City in violation of this section are subject to impound by the department and disposal as provided in Article III of this chapter.

(b) In addition to any and all other legal or equitable remedies, the dogs and cats prohibited from being kept in the City by subsection (a), are hereby declared to be nuisances, and may be abated pursuant to the provisions of Chapter 21 of the City Code and amendments thereto.

### **SEC. 7-2109. NEUTERING OF DOGS AND CATS.**

(a) All dogs and cats must be neutered by the age of six (6) months or an unaltered pet license issued to the owner or keeper of an unaltered animal. (Ord. No. 93-11-6; Article III amended by adding new §7-3109; 11/23/93)

(b) Any dog or cat in violation of subsection (a) shall be subject to impound by the department and disposal as provided in Article III of this chapter.

### **SEC. 7-2110. EUTHANASIA.**

Any owner or keeper of a dog or cat may surrender such dog or cat to the animal control facility for the purpose of euthanasia. The owner or keeper shall be responsible for the charges of this service as the chief of police determines and publishes in pamphlet form from time to time. A copy of such pamphlet shall be made available for public review at the City's animal control facility. (Ord. No. 93-11-6; Article III amended by adding new §7-3110; 11/23/93)

### **SEC. 7-2111. USE OR POSSESSION OF DOGS IN CONJUNCTION WITH CRIMINAL ACTIVITY.**

(a) No person who owns, keeps, harbors, possesses or controls any dog shall use the dog in the course of committing or in furtherance of any criminal or quasi-criminal act, nor suffer or permit such dog to be so used. If a dog, in any manner, impedes a community service officer's or peace officer's efforts to investigate or stop criminal or quasi-criminal behavior, to make any stop or arrest, or to serve any process or warrant or execute any search or seizure, the dog shall be irrebuttably presumed to have been so used.

(b) No person shall be in possession of any dog while said person is manufacturing, delivering, or possessing with the intent to manufacture or deliver any controlled substance or cannabis in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.) or the Cannabis Control Act (720 ILCS 550/1 et seq.) or any amendments thereto. No person shall possess a dog in any dwelling unit or in or on the property of any single-family dwelling while any person in said dwelling unit or in or on the property of said single-family dwelling is manufacturing, delivering, or possessing with the intent to manufacture or deliver any controlled substance or cannabis in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.) or the Cannabis Control Act (720 ILCS 550/1 et seq.) or any amendments thereto. For the purpose of this section, any person present in said dwelling unit or in or on the property of said single-family dwelling during the violation of the Controlled Substances Act or the Cannabis Control Act shall be irrebuttably presumed to be in possession of any dog found in said dwelling unit or in or on the property of said single-family dwelling at that time.

## MOLINE CODE OF ORDINANCES

(c) Any dog found in violation of this section is subject to impound by the department and disposal as provided in Article III of this chapter.

(d) In addition to the impoundment and forfeiture of any dog used or possessed in violation of subsections (a) or (b) above, any person violating this section shall be fined not less than five hundred dollars (\$500.00), plus court costs.

### **SEC. 7-2112. POLICE DOGS.**

(a) **Teasing, striking or tampering with police dogs prohibited.** No person shall willfully or maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to any dog used by a community service officer or peace officer in the performance of his or her functions or duties, or when placed in confinement off duty; and no person shall interfere or meddle with any such dog used by the department or any other law enforcement department or agency or any handler thereof in the performance of the functions or duties of the department or other law enforcement department or agency.

(b) **Injuring or killing police dogs prohibited.** No person shall willfully or maliciously torture, mutilate, injure, disable, poison, or kill any dog used by the department or any other law enforcement department or agency in the performance of the functions or duties of the department or other law enforcement department or agency or when placed in confinement off duty. However, a peace officer or veterinarian may perform euthanasia in emergency situations when delay would cause the animal undue pain and suffering.

(c) **Penalty.** Any person violating subsection (a) of this section shall be fined not less than three hundred dollars (\$300.00) plus court costs. Any person violating subsection (b) of this section shall be fined not less than five hundred dollars (\$500.00) plus court costs.

### **SEC. 7-2113. GUIDE AND SUPPORT DOGS.**

(a) No person shall willfully or maliciously annoy, taunt, tease, harass, torment, beat, or strike a guide or support dog or otherwise engage in any conduct directed toward a guide or support dog that is likely to impede or interfere with the dog's performance of its duties or that places the sight impaired, hearing impaired, or disabled person being served or assisted by the dog in danger of injury.

(b) No person shall willfully or maliciously torture, injure, or kill a guide or support dog.

(c) No person shall willfully or maliciously permit a dog that is owned, harbored, or controlled by the person to cause injury to or the death of a guide or support dog while the guide or support dog is discharging its duties.

(d) **Penalty.** Any person violating subsection (a) of this section shall be fined not less than three hundred dollars (\$300.00) plus court costs. Any person violating subsections (b) or (c) of this section shall be fined not less than five hundred dollars (\$500.00) plus court costs.

### **SEC. 7-2114. GUARD AND SENTRY DOGS.**

(a) No person shall own, harbor, keep or control a guard or sentry dog within the City unless said person registers said dog with the department. The registration must include, in addition to such other information as required by the department, a physical description of the dog and must state the location where the dog will be stationed. Any change in the dog's location, or the removal of the dog from the City or the dog's death must be reported to the department within twenty-four (24) hours.

## ANIMALS AND FOWL

(b) The owner or keeper of a guard or sentry dog must comply with all provisions of this chapter, including without limitation those provisions relating to the care, maintenance and licensing of animals. In addition, the owner or keeper of a guard or sentry dog shall comply specifically with the following:

- (1) Any dog utilized for guard or sentry dog purposes shall be immunized against distemper, hepatitis, leptospirosis, and parvovirus, and proof of the dog's immunizations shall be provided to the department as well as retained on file at the location where the dog is stationed. The required immunizations set forth in this Section are in addition to the mandatory rabies immunization as required by this chapter and state law.
  - (2) Any dog utilized or maintained as a guard or sentry dog shall be in a physically healthy condition by gross observation and free from any apparent disease or internal or external parasitic condition. Any dog that the department has reasonable cause to believe is injured, sick, diseased, unwell, or malnourished or constitutes a danger to the public health and safety may be impounded as provided in this chapter and restricted from use until the dog is examined by a licensed veterinarian and treated, if deemed necessary.
  - (3) In addition to a current City license tag, the owner or keeper of a guard or sentry dog shall have, affixed to the dog's collar, harness or other device, a fluorescent medallion that signifies the dog is a guard or sentry dog.
  - (4) No person shall own, keep, use, control or maintain a guard dog or sentry dog on any property within the City unless a warning sign is posted in plain view at each gate or point of entry onto the property. The warning signs shall include the message "**WARNING: GUARD DOG ON PREMISES**" in bold print and shall have the name of the guard or sentry dog's owner or keeper and a 24-hour manned emergency telephone number printed below the warning.
  - (5) Each guard or sentry dog shall, whenever the dog is kept on actual duty, be visited by its owner or keeper, or his or her responsible designee, at least once daily to insure that the dog's physical condition, its surroundings, and its food and water supply are adequate as specified in this Section and if inadequate the person shall do whatever may be necessary to correct or remedy the situation.
- (c) Any guard or sentry dog found in violation of this section is subject to impound by the department and disposal as provided in Article III of this chapter.

## DIVISION 2. REGISTRATION.

### SEC. 7-2200. REGISTRATION.

(a) Every person other than those excepted by the provisions of Section 7-1110(b) of this chapter, that owns, harbors, keeps, or controls a dog or cat within the City of Moline shall within thirty (30) days of acquisition of the dog or cat, register the dog or cat or cause it to be registered for a license with the County. The license tag shall be securely attached to a substantial collar or harness and shall at all times be kept on the dog or cat for which the license is issued.

(b) New residents and persons acquiring in any manner whatsoever a new dog or cat shall have thirty (30) days in which to obtain a county license. (Ord. No. 2002-11-01; Division 2, "REGISTRATION," repealed in its entirety; new Division 2, "LICENSING," enacted; 11/05/02; Ord. No. 3060-2005; Division 2, "LICENSING," repealed; new Division 2, "REGISTRATION," enacted; 09/20/05; CB/Ord. No. 3060-2005; Division 2, "REGISTRATION," repealed in its entirety; new Division 2, "REGISTRATION," enacted; 09/20/05)

**MOLINE CODE OF ORDINANCES**

**DIVISION 3. RABIES CONTROL**

**SEC. 7-2300. INOCULATION REQUIRED.**

(a) The owner or keeper of any dog or cat within the City shall cause the dog or cat to be inoculated by a licensed veterinarian and shall maintain a current inoculation for such dog or cat at all times. "Current" status for purposes of this division shall be determined by rules and regulations of the Illinois Department of Agriculture and by the United States Department of Agriculture, and amendments thereto.

(b) The accounts and finance officer, or designee thereof, shall have the duty of issuing an inoculation tag for current rabies inoculation as outlined above, upon submission of proof of current inoculation by the dog's or cat's owner or keeper.

**SEC. 7-2301. DOGS OR CATS TO WEAR COLLAR WITH CURRENT INOCULATION TAG.**

The owner or keeper of any dog or cat within the City shall secure upon the dog or cat a good and substantial collar with a securely attached current inoculation tag which shall be worn by the dog or cat at all times.

**SEC. 7-2302. DOGS OR CATS WITHOUT COLLAR AND INOCULATION TAG SUBJECT TO IMPOUNDMENT AND DISPOSAL.**

Any dog or cat found within the City off of the premises occupied by the owner or keeper of the dog or cat and not wearing a collar with the inoculation tag attached thereto as required by this division shall be subject to impound by the department and disposal as provided in Article III of this chapter to the extent that Article III does not conflict with Section 7-2303, below.

**SEC. 7-2303. CERTAIN DOGS OR CATS SUBJECT TO CONFINEMENT OR IMPOUNDMENT; NOT TO BE REMOVED FROM CITY.**

(a) It shall be unlawful for the owner or keeper of any dog or cat, when notified that such dog or cat has bitten any person or animal, to refuse to surrender possession of the dog or cat to a community service officer or peace officer for confinement at a licensed veterinary hospital or clinic in the City for not less than ten (10) days, the cost of such confinement to be paid by the owner or keeper.

(b) A community service officer or peace officer, when the owner or keeper provides evidence that such dog or cat has a current inoculation and when such dog or cat does not currently display symptoms of rabies, may allow the owner or keeper to confine such dog or cat at the owner or keeper's property for the same ten-day period; provided, the owner or keeper agrees in writing to return to a community service officer or peace officer a release form approved by the department and executed by a licensed veterinarian at the end of such ten-day period.

(c) It shall be unlawful for the owner or keeper of any dog or cat, when such owner or keeper has knowledge that any person or animal has been bitten by such dog or cat, to euthanize, sell, give away, or otherwise dispose of or remove from the City any such dog or cat until a community service officer has given written permission to do so.

(d) It shall be unlawful for any person to refuse or fail to comply with the written or printed instructions of a community service officer or peace officer made pursuant to this section. If such instructions cannot be delivered personally, they shall be mailed to the owner or keeper of such dog or cat by regular mail, postage prepaid. The

## **ANIMALS AND FOWL**

affidavit of the community service officer or peace officer delivering or mailing such instructions is prima facie evidence that the owner or keeper of such dog or cat was notified of his or her responsibilities.

### **SEC. 7-2304. PROCEDURE WHEN RABIES IS SUSPECTED.**

Any dog or cat having symptoms of the disease known as rabies shall be confined under the supervision of a veterinarian for a period of ten (10) days. Any dog or cat having any symptoms of rabies, when impounded by the department, shall immediately be placed in the care of a licensed veterinarian. If a licensed veterinarian determines that the dog or cat is suffering from rabies, the dog or cat may not be destroyed or euthanized without a licensed veterinarian's specific authorization. If a licensed veterinarian determines that the dog or cat is not suffering from rabies, the dog or cat is subject to a redemption or disposal as provided in Article III of this chapter.

## **ARTICLE III. IMPOUNDMENT**

### **SEC. 7-3100. GROUNDS FOR IMPOUNDMENT.**

An animal is subject to impoundment if it:

- (1) Has been treated cruelly in violation of Section 7-1101;
- (2) Has been used in entertainment in violation of Section 7-1102;
- (3) Is domestic livestock or fowl in violation of Section 7-1104(a);
- (4) Is a dangerous animal pursuant to Section 7-1107(a);
- (5) Is a rabbit found in violation of Section 7-1108(b);
- (6) Is a wild animal found in violation of Section 7-1109;
- (7) Is an animal kept in the City by a non-resident in violation of Section 7-1110(1);
- (8) Has bitten any animal or person as set forth in Section 7-1111;
- (9) Is a dog or cat running at large in violation of Section 7-2100;
- (10) Is a dog or cat making excessive noise in violation of Section 7-2102(a);
- (11) Is a dog or cat that is injured or ill as set forth in Section 7-2103, or is otherwise in distress or in imminent danger of harm to its health or safety;
- (12) It is a dog and there is probable cause to believe that the dog is a dangerous dog, and has not been confined as provided in Section 7-2104(b);
- (13) Is a dog that has been found to be a dangerous dog under Section 7-2104 and is not kept in compliance with Section 7-2105;
- (14) Is a dog and there is probable cause to believe that the dog is a vicious dog under Section 7-2104(b);
- (15) Is a dog that has been found to be a vicious dog, as provided in Section 7-2106;
- (16) Is a female dog or cat that is in other than an enclosed structure or not within an enclosure during periods of estrus ("heat") for said female dog or cat in violation of Section 7-2107, whether said

## **MOLINE CODE OF ORDINANCES**

female dog or cat is on or off the property of its owner, except as part of a planned and supervised breeding;

- (17) Is a dog or cat found in violation of Section 7-2108;
- (18) Is a dog or cat that has not been neutered by the age of six (6) months and does not have an unaltered pet license in violation of Section 7-2109;
- (19) There is probable cause to believe that it was used or possessed in connection with a violation of Section 7-2111 regarding use or possession of dogs in conjunction with criminal activity;
- (20) Is an unregistered guard or sentry dog under Section 7-2114, or is a guard or sentry dog otherwise not kept in compliance with Section 7-2114;
- (21) Is an unlicensed dog or cat in violation of Section 7-2200;
- (22) Is a dog or cat failing to display a current and valid license tag in violation of Section 7-2200;
- (23) Is a dog or cat failing to display a current and valid inoculation tag in violation of Section 7-2302;
- (24) Is a dog or cat that has bitten any person or animal as set forth in Section 7-2303;
- (25) Is a dog or cat displaying symptoms of rabies as provided in Section 7-2304;
- (26) Is believed to be a source or threat of rabies or other infectious disease, is otherwise diseased, or presents a threat or hazard to public health or safety;
- (27) Is otherwise subject to impoundment under any other section of this chapter or state law.

### **SEC. 7-3101. NOTICE OF IMPOUNDMENT TO OWNER OR KEEPER.**

(a) When any dog or cat displaying an inoculation tag or City-issued license tag is impounded by the department subject to this chapter or state law, a community service officer shall search City records or contact the veterinarian who issued the inoculation tag to determine the identity of the dog's or cat's owner or keeper, and shall immediately provide the apparent owner, if any, with written notice of the impoundment by certified mail, return receipt requested.

(b) When any dog or cat not displaying an inoculation tag or City-issued license tag or any other animal is impounded by the department subject to this chapter or state law, a community service officer shall make a reasonable attempt to discover the identity of the animal's owner or keeper, and if such an identity is discovered, the community service officer shall immediately provide such person with written notice of the impoundment by certified mail, return receipt requested.

(c) In addition to the requirements of subsections (a) and (b) above, whenever the department impounds any animal subject to this chapter or state law, the community service section shall enter the date of impounding, a description of the impounded animal, and the reason for the impound upon the records of the City's animal control facility in a book to be kept by the community service section solely for such purpose. Public notice of the animal's impoundment shall be given by making said book available for public inspection at the City's animal control facility.

(d) The notice provided for in subsections (a) and (b) above shall be in the following or a substantially similar form:



## MOLINE CODE OF ORDINANCES

You may redeem the animal upon the following conditions:

- \_\_\_\_\_ Providing proof of inoculation against rabies or providing payment for inoculation;
- \_\_\_\_\_ Payment of a \$15.00 redemption fee;
- \_\_\_\_\_ Payment of a fee of \$5.00 pending for each day the animal has been impounded;
- \_\_\_\_\_ Providing proof of license or providing payment of the applicable license fee;
- \_\_\_\_\_ Payment of necessary costs of veterinary or other care.

If you fail to redeem the animal within five (5) days of impoundment, the Community service section shall cause the animal to be euthanized or disposed of by adoption.

You may not redeem the animal until legal proceedings involving the animal are concluded and the animal is ordered as permitted to be redeemed by a court or administrative hearing officer or unit of competent jurisdiction. The animal must be redeemed within five (5) days of the entry of such order. If the court or administrative hearing officer or unit orders that you may not redeem the animal, it will be placed for adoption or euthanized as maybe appropriate.

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Community Service Officer

### **SEC. 7-3102. REDEMPTION; FEES.**

(a) Any animal impounded under the provisions of Sections 7-3100(3), (5), (7), (9), (10), (11), (16), (17), (18), (20), (21), (22) and (23) may be redeemed by its owner or keeper or authorized representative within five (5) days from the date of impoundment upon payment by such person to the community service section for the use of the City, the following fees:

- (1) A redemption fee of twenty-five dollars (\$25.00). (Ord. No. 93-11-6; §7-3300(a)(1) repealed; new (a)(1) enacted; 11/23/93)
- (2) The amount of the veterinarian's current inoculation fee unless current inoculation is proven.
- (3) Ten dollars (\$10.00) for each day that the animal has been impounded.
- (4) The license fee imposed by Section 7-2201 unless a valid City license or license from another jurisdiction is proven.
- (5) Any other costs as provided in this chapter.

No animal will be released pursuant to this section, unless payment of fees is received or proof established excusing payment.

(b) If any animal subject to redemption under subsection (a) above is not redeemed within five (5) days after impoundment, the department shall cause the animal to be euthanized by approved methods or disposed of by adoption.

(c) If an animal is impounded pursuant to Section 7-3100(17) for violation of Section 7-2109, the owner will be offered the option of paying the scheduled pound fees set forth in subsection (a) above or voluntarily neutering the animal within seven days. A deposit of forty-five dollars (\$45.00) shall be made at the time of redemption. If proof of neutering (by way of veterinarian certification) is provided to the department within fourteen (14) days of the violation, then the underlying violation of Section 7-2109 shall not be filed as a complaint, or if previously filed, shall be dismissed by the city attorney or designee thereof and the deposit shall be returned. (Ord. No. 93-11-06; §7-3107 amended by adding new (d); 11/23/93)

**ANIMALS AND FOWL**

**SEC. 7-3103. ANIMALS NOT SUBJECT TO IMMEDIATE REDEMPTION.**

(a) Any animal impounded under the provisions of Section 7-3100(1), (2), (4), (6), (8), (12), (13), (14), (15), (19), (24), (25) and (26) shall not be subject to immediate redemption, but instead shall be impounded pending the conclusion of judicial or administrative proceedings against the person violating this chapter. Upon rendering a decision with respect to the underlying judicial or administrative proceeding, the judge or administrative hearing officer or unit shall enter an order providing for the disposition of the animal by redemption, adoption pursuant to department policies and procedures, or euthanization. Any animal impounded under Section 7-3100(27) shall be disposed of as provided in this chapter or applicable state law.

(b) If redemption is ordered under subsection (a), the animal may be redeemed within five (5) working days from the date that notice of the order is given. Any person redeeming such animal shall be required to pay the fees and costs set forth in Section 7-3102.

(c) If adoption or euthanization is ordered under subsection (a), the order shall also provide that if the animal is euthanized its owner or keeper shall pay the costs associated with euthanization.

**SEC. 7-3104. ADOPTION.**

(a) Any animal placed for adoption under the provisions of this chapter may be adopted upon payment to the community service section, for the use of the City, the following fees:

- (1) Dogs and cats ..... \$ 8.00  
Other animals ..... \$10.00
- (2) The amount of the veterinarian’s current inoculation fee unless inoculation is proven;
- (3) The amount of forty-five dollars (\$45.00) for neuter/spay deposit;
- (4) The license fee imposed by Section 7-2201.

(b) Any animal adopted under the provisions of subsection (a) shall be presented for neutering or spaying to a veterinarian within sixty (60) days of the date of adoption and proof of said neutering or spaying shall be presented to the community service section and upon presentation the deposit shall be returned to the adopting person.

(c) The owner or keeper of any animal may release said dog or cat to the community service section impounded for disposition as an impounded animal free of charge, provided said owner or keeper signs a written waiver relinquishing all rights to the animal and supplies satisfactory proof of ownership. If proof of ownership is unavailable, the community service section shall follow the procedures set forth in this chapter for impounded stray animals.

**ARTICLE IV. KENNELS AND PET SHOPS**

**SEC. 7-4100. LICENSE REQUIRED.**

(a) No person shall engage in business as a pet shop operator, kennel operator, animal shelter or any combination thereof, or otherwise engage in the business of buying, selling or dealing in animals, without first obtaining a license from the City issued to such person by the accounts and finance officer or his or her designee (“accounts and finance officer”).

(b) Only a person who complies with all of this article’s requirements shall be entitled to receive or retain such a license. Licenses are not transferable from one person to another or from one premises to another. A

## **MOLINE CODE OF ORDINANCES**

valid license shall be posted in every licensed place of business pursuant to Section 7-4104 and shall expire April 30 of each year and shall be renewed before May 1 of each year.

### **SEC. 7-4101. LICENSE APPLICATION.**

Any person desiring a license required by this article shall make written application therefore to the accounts and finance officer on forms provided by the accounts and finance officer, stating the name and residence of the applicant and the place at which the applicant intends or desires to carry on the business, giving the street location as well as a description of the premises.

### **SEC. 7-4102. LICENSE FEE.**

Any person desiring a license required by this article shall pay a license fee of fifty dollars (\$50.00) annually. Any person failing to obtain a license prior to engaging in business as a pet shop operator, kennel operator, animal shelter or any combination thereof, or otherwise engaging in the business of buying, selling or dealing in animals, shall be assessed two (2) times the applicable fee in addition to any other fine, penalty or cost assessed for violating this article.

### **SEC. 7-4103. INVESTIGATION OF PREMISES.**

Upon the filing of an application for a license required by this article, the accounts and finance officer shall forward copies of same to the department and the land development manager or his or her designee for inspection of the premises for compliance with all relevant state and City health regulations and all City ordinances for compliance with this article and the City's zoning ordinances. Upon receipt of compliance reports with said regulations and ordinances from the appropriate City officials, and upon receipt of the license fee, the accounts and finance officer shall issue a license to the applicant.

### **SEC. 7-4104. POSTING LICENSE ON PREMISES.**

Any person receiving a license under the provisions of this article shall display said license conspicuously in the licensed premises.

### **SEC. 7-4105. INFORMATION ON DOGS AND CATS FOR SALE.**

Every pet shop operator, kennel operator, animal shelter or any combination thereof, or any person otherwise engaged in the business of buying, selling or dealing in animals shall provide the following information for every dog or cat available for sale or offered as a gift or promotional consideration:

- (1) The age, sex, and weight of the dog or cat;
- (2) The dog or cat's breed;
- (3) A record of the dog or cat's vaccinations and veterinary care and treatment;
- (4) A record of the dog or cat's surgical sterilization or lack of surgical sterilization, and if the dog or cat has not undergone surgical sterilization, information concerning the benefits to the dog or cat of such sterilization;
- (5) The name and address of the dog's or cat's breeder;
- (6) The name and address of any other person who owned or harbored the dog or cat between its birth and the point of sale.

## ANIMALS AND FOWL

### SEC. 7-4106. SALE OR GIFT OF REPTILES AND OTHER ANIMALS.

(a) Every pet shop operator, kennel operator, animal shelter or any combination thereof, or any person otherwise engaged in the business of buying, selling or dealing in animals shall provide the information set forth in subsection (b) below for every reptile for sale, or offered as a gift or promotional consideration, by conspicuously and prominently posting a notice containing such information regarding safe reptile-handling practices on the premises where reptiles are displayed, housed, or held and by distributing such information in written form to the reptile's purchaser or recipient.

(b) The following information must be posted on the premises and provided to the purchaser or recipient as set forth in subsection (a) above:

- (1) "As with many other animals, reptiles carry salmonella bacteria, which can make people sick. Safe reptile-handling steps should be taken to reduce the chance of infection."
- (2) "Always wash your hands thoroughly after you handle your pet reptile, its food, and anything it has touched."
- (3) "Keep your pet reptile and its equipment out of the kitchen or any area where food is prepared. Kitchen sinks should not be used to bathe reptiles or wash their dishes, cages, or aquariums. If a bathtub is used for these purposes, it should be cleaned thoroughly and disinfected with bleach."
- (4) "Do not nuzzle or kiss your pet reptile."
- (5) "Keep reptiles out of homes where there are children under 5 years of age or people with weakened immune systems. Children under 5 years of age or people with weakened immune systems should avoid contact with reptiles."
- (6) "Pet reptiles should not be allowed in child care centers."
- (7) "Pet reptiles should not be allowed to roam freely throughout the home or living area."

### SEC. 7-4107. ENFORCEMENT.

Any licensee or any licensee's agent shall permit any community service officer or any peace officer or other City official free and unrestricted access to the licensed premises for the purposes of inspecting such premises. Inspections shall be performed as often as deemed necessary by the community service officer or any peace officer or other City official for the enforcement of this article. This section does not provide an exclusive enforcement scheme, and any and all other enforcement provisions set forth in this chapter may be utilized to enforce this article's provisions.

### SEC. 7-4108. LICENSE SUSPENSION/REVOCAION.

(a) **In general.** The department may suspend or revoke any license granted hereunder if the operation of the licensed premises is found to be detrimental to the health or safety of the animals in the licensed premises or the public in general, is found to be noncompliant with state law or City ordinances, or if the licensee has been found to be guilty of violating any City ordinance or state law in the operation of the licensed premises. Said suspension or revocation shall occur after notice and an opportunity for hearing, as provided in this section.

(b) **License suspension.** Licenses may be suspended temporarily by the department by notifying the licensee in writing that the license is, upon service of a notice, immediately suspended or that the suspension shall be

## MOLINE CODE OF ORDINANCES

effective on a specific future date, and that an opportunity for a hearing before the chief of police will be provided if a written request for a hearing is filed with the department.

(c) **Emergency license suspension.** Notwithstanding any other provision of this article, if the department finds unsanitary or other conditions which, in the judgment of the department, constitutes a substantial hazard to the health and safety of animals on the licensed premises or to the public health and safety, the license may be immediately suspended without warning, notice, or hearing, but with written notice from the department following the immediate suspension as soon as is practicable, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. The licensee shall cease operating the licensed business immediately upon suspension, but upon written application to the department, the license holder shall be afforded a hearing before the chief of police as soon as practicable.

(d) **Reinstatement of suspended license.** Any person whose license has been suspended may, at any time, make application for a re-inspection for the purpose of license reinstatement. This application shall include a statement signed by the applicant that, in the applicant's opinion, the conditions causing the license suspension have been corrected. The application shall also contain any necessary documentation required by the department to assure the licensee's compliance with state law or City ordinances.

(e) **License revocation.** For serious or repeated violations of any applicable state law or City ordinances, or for interference with a community service officer or peace officer or any other City official in the performance of any duties with respect to this article or any other provision of this chapter or other City ordinances, the license may be permanently revoked after an opportunity for a hearing before the chief of police has been provided to the licensee. Prior to revoking a license, the community service officer, peace officer or other City official shall notify the license holder in writing stating the reasons for which the license is subject to revocation and advising that the license shall be permanently revoked at the end of five (5) calendar days following service of such notice, unless a request for a hearing is filed with the health authority by the license holder within such five (5) calendar day period. A license may be suspended for cause pending its revocation or a hearing relative to license revocation.

(f) **Notice.** A notice provided for in this article is properly served when it is delivered to the license holder or an agent of the license holder at the license holder's premises, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the license holder.

(g) **Hearings.** Hearings provided for in this article shall be conducted at a place and time designated by the chief of police or his or her designee and shall be open to the public and recorded by a tape recorder, stenographer or other reliable means. The chief of police may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and live testimony. Based upon the record of the hearing, the chief of police shall make written findings and shall sustain, modify or rescind any license suspension or revocation notice or order considered in the hearing.

(h) **Appeal.** Any person aggrieved by a decision of the chief of police may appeal to the circuit court under the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. seq., and amendments thereto.

### **SEC. 7-4109. PENALTY.**

(a) **Fines.** In addition to the license suspension and revocation procedures set forth in this article, any person violating the provisions of this article shall be fined not less than one hundred dollars (\$100.00) plus court costs, and not more than seven hundred fifty dollars (\$750.00) plus court costs.

(b) **Nuisance.** Any person engaging in business as a pet shop operator, kennel operator, animal shelter or any combination thereof, or otherwise engaging in the business of buying, selling or dealing in animals, contrary to the provisions of this article or contrary to any applicable state law or City ordinances shall be guilty of creating a

## ANIMALS AND FOWL

public nuisance, which, in addition to any other remedy available at law or in equity, may be abated by the City pursuant to the provisions set forth in Chapter 21 of the City Code.

### **SEC. 7-4110. THIS ARTICLE DECLARED SUPPLEMENTAL TO STATE LAW.**

The provisions of this article are in addition to, and not in replacement of, any law of the state of Illinois.

## ARTICLE V. ENFORCEMENT

### DIVISION 1. COMMUNITY SERVICE SECTION

#### **SEC. 7-5100. IN GENERAL.**

The community service section is responsible for enforcing this chapter and state laws and regulations pertaining to animals and their care and treatment and the proper operation of the City's animal control facility. A community service officer shall have authority to make arrests, issue summons, and take other actions necessary to enforce this chapter and such state law and regulations whenever peace officers are authorized to enforce the provisions thereof. Community service officers shall be considered special peace officers of the City for the purposes herein set forth upon being administered the oath of office required in Chapter 26 of the City Code.

#### **SEC. 7-5101. IMPOUNDMENT OF ANIMALS; RECORDS.**

Community service officers and other peace officers are hereby authorized to impound animals pursuant to the provisions of this chapter, department procedures and other applicable state laws and regulations.

#### **SEC. 7-5102. BOND.**

All community service officers assigned to the community service section shall be bonded.

### DIVISION 2. GENERAL PROVISIONS

#### **SEC. 7-5200. AUTHORITY TO ENTER PREMISES FOR THE PURPOSE OF ENFORCING THE PROVISION OF THIS CHAPTER.**

(a) **In general.** Community service officers or any other peace officers, or both, are authorized to enter any premises wherein such officer has reasonable grounds to believe that any animal might be harbored in violation of this chapter. In the event that the owner, occupant or other person in control of the premises refuses any officer authorized entry by this section admittance to the premises, the officer shall apply to a court of competent jurisdiction and obtain either a search warrant or an administrative search warrant (hereinafter referred to in this article as a "warrant") as may be appropriate under the circumstances.

(b) **Execution of search warrant.** A warrant obtained pursuant to subsection (a) above shall be executed within ninety-six (96) hours from the time of issuance. If the warrant is executed, a duplicate copy shall be left with any person from whom any animals or other evidence is seized; if no person is available the copy shall be left at the place from which the animal or other evidence was seized. Any warrant not executed within such time shall be void and shall be returned to the court of the judge issuing the same as not executed.

## MOLINE CODE OF ORDINANCES

(c) **Command of search warrant.** The warrant shall command the person directed to execute the same to search the place particularly described in the warrant and to seize the animal or other evidence particularly described in the warrant.

(d) **Use of force in execution of search warrant.** All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a warrant.

(e) **Detention and search of persons on premises.** During the execution of the warrant the person executing the same may reasonably detain to search any person in the place at the time to protect himself or herself from attack or to prevent the disposal or concealment of any animal or evidence particularly described in the warrant.

(f) **Return and inventory to court of things seized.** Return of all animals and evidence seized shall be made without unnecessary delay before the judge issuing the warrant or before any court of competent jurisdiction. An inventory of any animals or evidence seized shall be filed with the return and signed under oath by the person executing the warrant. The judge shall upon request deliver a copy of the inventory to the person from whom or from whose premises the animal or evidence was taken and to the applicant for the warrant.

(g) **Disposition of animal or evidence seized.** The court before which the animal or evidence is returned shall enter an order providing for custody pending further proceedings.

(h) **When search warrant may be executed.** A warrant may be executed at any time of any day or night.

(i) **No search warrant quashed for technicality.** No warrant shall be quashed nor evidence suppressed because of technical irregularities not affecting the substantial rights of the accused.

(j) Nothing herein shall be deemed an exclusive remedy nor shall anything herein be deemed to preclude community service officers and peace officers from conducting or making warrantless entries, searches and seizures as allowed by law.

### **SEC. 7-5201. HINDERING COMMUNITY SERVICE OFFICER DUTIES.**

No person shall hinder, delay, impede, interfere with or obstruct any community service officer, peace officer or other department personnel performing his or her duties under this Chapter 7, or engaged in capturing, impounding or taking to the City's animal control facility any animal subject to impoundment.

### **SEC. 7-5202. CITY TO PROVIDE ANIMAL CONTROL FACILITY AND OTHER FACILITIES.**

The City shall provide and maintain an animal control facility suitable for impounding and maintaining dogs and cats and other small animals, and shall provide and furnish all other equipment and supplies required in the application of this chapter. In lieu thereof, the City may enter into an intergovernmental agreement to accomplish the objectives of this section. (Ord. No. 2001-07-03; chapter repealed; new chapter enacted; 07/03/01)