

**VILLAGE OF TOLONO  
CHAMPAIGN COUNTY, ILLINOIS**

**ORDINANCE NO. 18-O-10**

**AN ORDINANCE AMENDING THE TOLONO  
MUNICIPAL CODE AS IT RELATES TO ANIMAL CONTROL**

**Passed by the Board of Trustees and  
Approved by the President  
of  
Village of Tolono, Illinois  
on April 17, 2018**

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**Published in pamphlet form by authority of the President and Board of Trustees of  
the Village of Tolono, Champaign County, Illinois, this 17<sup>th</sup> day of April, 2018.**

## **ORDINANCE 18-O-10**

### **AN ORDINANCE AMENDING THE TOLONO MUNICIPAL CODE AS IT RELATES TO ANIMAL CONTROL**

**WHEREAS**, the Village of Tolono is a duly authorized and functioning non-home rule municipality in Champaign County, Illinois; and

**WHEREAS**, 65 ILCS 5/11-1, 65 ILCS 5/11-20-9, 510 ILCS 5/24, 65 ILCS 5/11-20-9, 65 ILCS 5/11-60-2, 65 ILCS 5/11-20-5, 510 ILCS 5/14, 720 ILCS 5/48-10 (b), 65 ILCS 5/11-5-6, 65 ILCS 5/1-2-1, other statutory provisions, and the Illinois Constitution empower the Village to create and enforce laws to protect the health, welfare and safety of the public including the regulation of Animals; and

**WHEREAS**, the Village has heard from members of the public, its Police Department and other parties considering animal control issues; and

**WHEREAS**, the Village President and Board of Trustees have determined it appropriate to adopt the within ordinance to update its animal control regulation.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, ILLINOIS, AS FOLLOWS:**

1. Title 6 of the Village of Tolono Municipal Code shall now read in entirety as follows:

#### **"TITLE 6 ANIMALS**

##### **Chapter 6.04**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) **ANIMAL** means every living creature, other than man.

(B) **DANGEROUS ANIMAL** means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile.

(C) **DANGEROUS DOG** means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury. 510 ILCS 5/2.05a.

(D) DOG. Except where specifically distinguished, shall include all members of the canine family.

(E) OCCUPIED RESIDENCE means a house or other type of shelter that is intended or used for human occupancy and has been occupied by humans for more than a total of six months in the last two years at that location. For the purposes of this definition, "intended or used for human occupancy" means running water and sanitation are provided within the residence.

(F) OWNER means any person who (1) has a right of property in an animal, (2) keeps or harbors an animal, (3) has an animal in his or her care, or (4) acts as custodian of an animal.

(G) RUNNING AT LARGE is hereby defined to be any animal off the private premises of its owner or keeper and not controlled by a leash, rope, or other restraining paraphernalia.

(H) PERSON means any individual, firm, association, partnership, corporation, or other legal entity, any public or private institution, the State, or any municipal corporation or political subdivision of the State.

(I) PRIMATE means a nonhuman member of the order primate, including but not limited to chimpanzee, gorilla, orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye, and tarsier.

(J) VISCIOUS DOG means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.  
510 ILCS 5/2.19b.

#### 6.08 RUNNING AT LARGE.

It shall be unlawful, and hereby declared to be a nuisance, for any animal to run or go at large at any time within the Village, and any person being the owner of the animals running at large shall be in violation of this chapter.

#### 6.12 HOUSING.

(A) All enclosures in which any animals are kept must be kept in a sanitary manner and be regularly cleaned in order to prevent any accumulation of dirt, manure, or offal.

(B) Except for real estate zoned Agricultural under the Village of Tolono Zoning Ordinance, it is unlawful, and hereby declared to be

a nuisance, for any person to keep any rooster, peacock, fox, swine, pig, sheep, goat, cattle, horse, mule, pony, ducks, pigeons, geese or other domestic fowl on any premises owned, occupied, or controlled by him or her in the Village.

#### 6.16 REMOVAL OF EXCREMENT.

No person may appear with an animal upon the public ways or within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor may any person fail to remove any excrement deposited by such animal. Violation of the within provision shall result in a fine of \$25.00 for each offense.

#### 6.20 NOISES.

No person or persons shall keep or maintain any animal within the Village which disturbs the peace and quiet of the neighborhood or persons by frequent and long continued noise, barking or howling.

#### 6.24 PROCLAMATION OF DANGER FROM RABIES.

(A) Whenever a case of rabies has occurred in or near the Village, the President may act to prevent its spread among humans, dogs, or other animals. The President may order:

1. that all dogs or other animals in the Village be:
  - a. kept confined within an enclosure; or
  - b. kept muzzled and restrained by leash.
2. that all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies.
3. other measures as may be necessary to control the spread of rabies.

(B) The President may determine the area of the Village in which, and the period of time during which, such orders shall be effective.

#### 6.30 RABIES INOCULATION.

The owner or keeper of any dog in the Village shall be and is hereby required to have the dog inoculated against rabies by a licensed veterinarian each year or as often as the veterinarian requires, or as required by State and/or County law.

#### 6.34 IMPOUNDING.

- (A) An animal is hereby declared to be a nuisance, and may be taken up and impounded:
  - 1) that is unlawfully running at large;
  - 2) which bites any person or injures any person so as to cause an abrasion of the skin; or
  - 3) that is a dog that commits acts or behaves in a manner within the definition of a "dangerous dog" and/or a "vicious dog", as defined by the Illinois Animal Control Act, 510 ILCS 5/1, et seq.
- (B) Dogs may be impounded by taking them to the Champaign County Animal Control Center or its designee or, if otherwise unavailable, to a licensed veterinarian all of which are hereinafter known as the "Impounder". The owner or keeper of any dog so impounded is hereby required to pay the fees of the Impounder and for the keeping of the dog before the dog is released, at the regular rates charged for those services by the Impounder in charge. In effecting the capture of a dog or dogs running at large, officers are authorized and directed to use traps, nets, or tranquilizer guns.
- (C) Unclaimed stray dogs will be kept for a period of 5 days and then either adopted or otherwise disposed of.
- (D) A dog that commits acts or behaves in a manner within the definition of a "dangerous dog" and/or a "vicious dog" may be reported to the County Animal Control Administrator, for possible investigation under the Illinois Animal Control Act, 510 ILCS 5/1, et seq.
- (E) If there appears to be imminent danger to the public, any dangerous animal located on public property or in the alternative located on private property with invitation to the Village by its resident or owner found not in compliance with the provisions of Chapter 6.30 shall be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of this Section, the animal with regard to which the conviction was obtained shall be confiscated and placed in an approved facility, with the dangerous animal owner responsible for all costs connected with the seizure and confiscation of the animal. Approved facilities include, but are not limited to, the Champaign

County Animal Control Center, a zoological park, federally licensed exhibit, humane society, veterinary clinic or hospital or animal refuge.

#### 6.38 KEEPING OF DANGEROUS ANIMALS.

No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his or her possession any dangerous animal or primate except at a properly maintained zoological park, federally licensed exhibit, circus, college or university, scientific institution, research laboratory, veterinary hospital, licensed hound running area (520 ILCS 5/3.26), or animal refuge in an escape proof enclosure. It is no defense that the person violating this section has attempted to domesticate the dangerous animal or primate.

#### 6.42. EXEMPTIONS.

- (A) Chapter 6.38 does not prohibit a person from continuing to possess a primate if the person provides written notification to the County Animal Control Administrator required under 720 ILCS 5/48-10(c)(1).

The notification shall include:

- (1) the person's name, address, and telephone number; and
  - (2) the type of primate, the age, a photograph, a description of any tattoo, microchip, or other identifying information, and a list of current inoculations.
- (B) Chapter 6.38 does not prohibit a person who is permanently disabled with a severe mobility impairment from possessing a single capuchin monkey to assist the person in performing daily tasks if:
- (1) the capuchin monkey was obtained from and trained at a licensed nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, the nonprofit tax status of which was obtained on the basis of a mission to improve the quality of life of severely mobility-impaired individuals; and
  - (2) the person complies with the notification requirements as described in subsection 6.38(A).

- (C) A person who registers a primate under 6.38(A) shall notify the County Animal Control Administrator within 30 days of a change of address.
- (D) A person who registers a primate shall notify the County Animal Control Administrator immediately if the primate dies, escapes, or bites, scratches, or injures a person.

#### 6.46 PENALTY.

- (A) Any person that violates any provision of this chapter shall be responsible for the payment of all fees associated with any impounding.
- (B) Each day of a violation of this chapter (and each animal where applicable) shall constitute a separate offense.
- (C) The owner or keeper of any dog that commits acts or behaves in a manner within the definition of a "dangerous dog" and/or a "vicious dog", as defined by the Illinois Animal Control Act, ILCS Ch. 510, Act 5, I et seq., upon conviction for a violation of this chapter, be fined not less than \$100 nor more than \$750 for each offense.
- (D) Any owner of an animal running at large prohibited by Chapter 6.08 shall be subject to the following fines in any given one-year period:
  - (1) First offense - \$100.00
  - (2) Second offense - \$150.00
  - (3) Third and subsequent offenses - \$250.00
- (E) Notwithstanding provision otherwise and where ever in this Title 6 where no penalty is otherwise provided, whenever in this Title 6 any act is prohibited, or is made or declared to be unlawful or an offense, or whenever in this Title 6 the doing of any act is required or the failure to do any act is declared to be unlawful where no specific penalty is provided therefore, the minimum for the violation shall be \$100.00 and the maximum fine shall be \$750.00.

#### 6.50 ENFORCEMENT.

The within Title 6 may be enforced by the Village of Tolono Police, the Village Board President, and/or any individuals designated by the Village Board President.”

2. Ordinance No. 06-08 "Animal Control Ordinance" adopted on September 5, 2006 is hereby repealed and all other Titles and other portions of the Tolono Municipal Code, not otherwise amended otherwise shall remain in effect. Notwithstanding language otherwise, any citations, complaints and/or ordinance violations issued and/or such prior ordinances prior to the date of the adoption of the within ordinance shall remain in effect and may be enforceable under such prior ordinances.

3. **INVOCATION OF AUTHORITY.**

This Ordinance is enacted pursuant to the authority granted to this Village by 65 ILCS 5/11-1, 65 ILCS 5/11-20-9, 510 ILCS 5/24, 65 ILCS 5/11-20-9, 65 ILCS 5/11-60-2, 65 ILCS 5/11-20-5, 510 ILCS 5/14, 720 ILCS 5/48-10 (b), 65 ILCS 5/11-5-6, 65 ILCS 5/1-2-1, other statutory authority and by the Constitution of the State of Illinois and Illinois Compiled Statutes

4. **STATE LAW ADOPTED.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

5. **APPROVAL AND EXECUTION OF DOCUMENTS.**

The Village President and Village Clerk are hereby authorized and directed to execute and/or publish documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

6. **OTHER ACTIONS AUTHORIZED.**

That the President, Village Clerk and Village Employees are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

7. **ACTS OF VILLAGE OFFICIALS.**

That all acts and doings of the officials of the Village, past, present, and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

8. **HEADINGS.**

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no



substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

9. **SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

10. **SUPERSEDER AND PUBLICATION.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

11. **EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Terrence Stuber

With a second by Trustee Jared Ping, roll call vote:

Vicki Buffo no

Jared Ping yes

Anna Morris absent

Terrence Stuber yes

Ryan Perry absent

Gary Trulock yes

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF TOLONO, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS  
17<sup>TH</sup> DAY OF APRIL, 2018 A.D.

  
Robert Murphy, Village President

ATTEST:

  
Brandy Dalton, Village Clerk

(SEAL)

Recorded in the Municipal Records: April 17, 2018  
Published in pamphlet form: April 17, 2018

[illegible]

# CERTIFICATE

I, Brandy Dalton, certify that I am the duly appointed and acting municipal clerk of the Village of Tolono, Champaign County, Illinois.

I further certify that on April 17, 2018, at a duly conducted regular meeting, the Corporate Authorities of such municipality passed and approved Ordinance No. 2018-O-10 entitled:

**AN ORDINANCE AMENDING THE TOLONO MUNICIPAL CODE  
AS IT RELATED TO ANIMAL CONTROL**

I further certify that the attached copy of said ordinance is a true and correct copy of said ordinance, as appears from the records of the Village of Tolono, Illinois.

The pamphlet form of Ordinance No. 2018-O-10, including the Ordinance and a cover sheet thereof was prepared, a copy of such ordinance was posted in the municipal building, commencing on April 17, 2018, and was so posted for at least ten (10) days thereafter. Copies of such ordinance are now and will continue to be available for public inspection upon request in the office of the municipal clerk.

DATED at Tolono, Illinois, this 27<sup>th</sup> day of April, 2018.

*Brandy Dalton*  
Brandy Dalton  
Village Clerk  
Village of Tolono, Illinois