



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 6.a

Title:

Recommendation to Update Title 6 “Animals” of the City Ordinance, to Include Modifications to Chapters 6.04 “Definitions”, 6.08 “Administration and Enforcement”, 6.12 “Regulations”, and 6.20 “Cats”

Presenter:

Police Chief Keegan

Meeting: Government Services Committee

Date: November 23, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

Police Department staff conducted a periodic review of the animal ordinance and are requesting the attached edits be made to better align with the provisions of the City’s agreement with Kane County Animal Control.

Attachments *(please list):*

*Suggested updates to all chapters listed

Recommendation/Suggested Action *(briefly explain):*

Recommendation to update Title 6 “Animals” of the City Ordinance, to Include Modifications to Chapters 6.04 “Definitions”, 6.08 “Administration and Enforcement”, 6.12 “Regulations”, and 6.20 “Cats”.

6.04 – Definitions

Sections

- 6.04.010 – Generally
- 6.04.020 – Animal
- 6.04.030 – Animal control center
- 6.04.040 – Animal Control Officer
- 6.04.050 – Animal under restraint
- 6.04.055 – Beekeeping
- 6.04.060 – Bite
- 6.04.070 – Cat
- 6.04.080 – Cattery
- 6.04.090 – Dangerous or Vicious Animal
- 6.04.100 – Dog
- 6.04.110 – Impounded
- 6.04.120 – Impoundment day
- 6.04.130 – Kennel
- 6.04.140 – Licensed Pet
- 6.04.150 – Neutered animal
- 6.04.160 – Owner
- 6.04.170 – Person
- 6.04.180 – Pet Shop
- 6.04.190 – Stray Animal
- 6.04.200 – Vaccination

6.04.010 – Generally

For the purposes of this title, unless the context otherwise requires, the terms specified in this chapter shall have the meanings ascribed to them in this chapter.

(1977-M-11 : (part); Prior code : Ch.20 Art. I (part))

6.04.020 – Animal

"Animal" means any living vertebrae, domestic or wild, but does not include man.

(1977-M-11 : (part); Prior code : § 20.01)

6.04.030 – Animal control center

"Animal control center" means a facility licensed under the Animal Welfare Act of the state and operated by or under formal agreement with the city as a repository for the safe keeping and humane care of animals impounded under the provisions of this chapter.

(1977-M-11 : (part); Prior code : § 20.02)

6.04.040 – Animal Control Officer

"Animal control officer" means an employee of the ~~city~~ City of St. Charles who shall have the power and authority to enforce the provisions of this title and shall where appropriate be the employee of Kane or Dupage County who implements the provisions of this title pertaining to animals pursuant to an intergovernmental agreement with the city ~~and an animal control agency~~.

(1989-M-78 : § 1; 1977-M-11 : (part); Prior code : § 20.03)

6.04 Definitions

6.04.050 – ~~Animal under restraint~~Control

~~"Control" means any animal that is either secured by a leash or within the property of its owner, or confined within a cage or crate, or confined within a vehicle, or on the property of another person with the consent of that property owner. Voice control means the immediate recall of a dog or other animal at the sound of the owner's voice.~~
~~"Animal under restraint" means any animal secured by a leash or other sturdy device not to exceed six feet in length or within the premises of its owner or on the premises of a person other than the owner with the consent of said person or within an area specifically designated by the city as an animal exercise run when the subject animal is within the control of a competent person.~~

(1977-M-11 : (part); Prior code : § 20.04)

6.04.055 – Beekeeping

Beekeeping: The maintenance of honeybee colonies, for any purpose including, but not limited to, the collection of honey and other products that hives produce or as a hobby.

(2017-M-12 : § 1)

6.04.060 – ~~Bite Has been bitten~~

~~"Has been bitten" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. "Bite" means seizure with the toenails or teeth or jaws of an animal so that the skin of the human being seized has been pierced or broken and further includes contact of the saliva of the said animal with any open and unhealed break or abrasion of the skin of said human being.~~

(1977-M-11 : (part); Prior code : § 20.05)

6.04.070 – Cat

"Cat" means any live male or female cat (*Felis catus*).

(1977-M-11 : (part); Prior code : § 20.06)

6.04.080 – Cattery

"Cattery" means any establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee or selling cats; provided, however, that the ownership of cats which are a part of the household shall not constitute the operation of a cattery unless more than two cats aged four months or older are kept in such household. Cattery also does not include any animal control center as defined in this chapter or any pound center as defined in this chapter or any pound or similar facility operated by a subdivision of local, state or federal government.

(1977-M-11 : (part); Prior code : § 20.07)

6.04.090 – Dangerous ~~Dog (or Animal) or Vicious Animal~~

~~"Dangerous dog" means any individual dog or animal when unmuzzled, unleashed, or unattended by it's 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 in a public place.~~

~~"Dangerous or vicious animal" means any animal that attacks a person or that is known to have attacked a person on a previous occasion when said person was peacefully conducting himself where he lawfully was entitled to be.~~

(1977-M-11 : (part); Prior code : § 20.09)

6.04.100 – Dog

"Dog" means a live male or female dog (*Canis familiaris*).

(1977-M-11 : (part); Prior code : § 20.10)

Commented [CS1]: This mirrors the KCACO language.

Formatted: Indent: Left: 0.08", No bullets or numbering

Commented [CS2]: This mirrors the KCACO language.

Commented [CS3]: FYI – no longer a definition for "cattery" in KCACO – do we need to keep this definition?

Commented [CS4]: This mirrors the KCACO language.

6.04 Definitions

6.04.110 – Impounded

"Impounded" means having been taken into the custody of the city.
(1977-M-11 : (part); Prior code : § 20.11)

Formatted: Indent: Left: 0.07", Right: 2.82", Line spacing: Multiple 1.37 li, Keep with next, Keep lines together

6.04.120 – Impoundment Business day

~~."Impoundment day" means any calendar day or part thereof on which an animal is in possession of the animal control center; provided, however, that should the final day of the elsewhere described holding period be a Sunday, legal holiday or day of emergency on which the animal control center is totally closed to the public, such final day shall not be counted as a day of impoundment nor be billed as a board day to owners redeeming impounded animals, the day immediately following thus being the last day of the holding period. "Business day" means any day including holidays that the Animal Control facility or other contracted pounds are open to the public for animal reclaims.~~

Commented [CS5]: Change to mirror KCACO language.

Formatted: Indent: Left: 0"

(1977-M-11 : (part); Prior code : § 20.12)

6.04.130 – Kennel

"Kennel" means any establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee or selling dogs; provided, however, that the ownership of dogs which are part of the household shall not constitute the operation of a kennel unless more than two dogs aged four months or older are kept in such household. Kennel also shall not include any animal control center as defined in Section 6.04.030 or any pound or similar facility operated by a subdivision of local, state or federal government.
(1977-M-11 : (part); Prior code : § 20.13)

Commented [CS6]: KCACO does not have a similar definition – do we need to keep this?

6.04.140 – Licensed Pet

"Licensed pet" means any dog or cat four months of age or over for which the owner can produce proof of having paid the license fee for the current year.
(1977-M-11 : (part); Prior code : § 20.14)

6.04.150 – Neutered animal

"Neutered animal" means a male or female animal surgically treated by a licensed veterinarian to render it incapable of reproduction.
(1977-M-11 : (part); Prior code : § 20.15)

6.04.160 – Owner

"Owner" means any person having a right of property in an animal or who keeps or harbors any animal or who has an animal in his care or custody.
(1977-M-11 : (part); Prior code : § 20.16)

6.04.170 – Person

"Person" means any individual, firm, corporation, partnership, association or other legal entity.
(1977-M-11 : (part); Prior code : § 20.17)

6.04.180 – Pet Shop

"Pet shop" means any establishment, other than a kennel or cattery as defined in this chapter, wherein any person engages in the business of selling animals represented as suitable for use as pets.
(1977-M-11 : (part); Prior code : § 20.18)

6.04.190 – Stray or Straying Animal

Commented [CS7]: This mirrors the KCACO language.

6.04 Definitions

"Stray " or "Straying Animal" means a dog or other animal not on the property of the owner or not confined or under control by a leash or other recognized control measures.

"Stray animal" means any animal not under restraint and not in the presence of or within the property of its owner.

(1977-M-11 : (part); Prior code : § 20.19)

Formatted: Indent: Left: 0.08", No bullets or numbering

6.04.200 – Vaccination

"Vaccination" means the injection, as approved by the department of agriculture of the state, of an antirabies vaccine approved by said department, with verification thereof consisting of a current certificate and current tag issued in accordance with Illinois statutes.

(1977-M-11 : (part); Prior code : § 20.20)

Formatted: Indent: Left: 0.06"

6.04.210 – Physical Injury

"Physical Injury" means the impairment of physical condition.

6.04.220 – Serious Physical Injury

"Serious Physical Injury" means a physical injury that creates a substantial risk of death or that causes death, serious protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

6.04.230 – Vicious Dog (or Animal)

"Vicious Dog" means a dog or animal that, without justification, attacks a person and causes serious physical injury or death or any individual dog or animal that has been found to be a "dangerous dog" upon three separate occasions.

6.08 – Administration and Enforcement

Sections

- 6.08.010 – Authority Designated
- 6.08.020 – Repository for animals
- 6.08.030 – Holding Periods - Designated
- 6.08.040 – Holding periods - Exception
- 6.08.050 – Impoundment - Notification to owners
- 6.08.060 – Schedule of charges and redemption of impounded animals
- 6.08.070 – State or federal approval required for redemption when
- 6.08.080 – Redemption fee
- 6.08.090 – Disposal of unredeemed animals
- 6.08.100 – Violation - Penalty

6.08.010 – Authority Designated

The ~~animal control officer under the city's superintendent of public works~~ Chief of Police or his/her designee is responsible for the administration and enforcement of this title, in cooperation with ~~the city police department~~ Kane County Animal Control and such agencies of county, state and federal government as may be involved in the care and control of animals.

(1977-M-11 : (part); Prior code : § 20.21)

6.08.020 – Repository for animals

~~The Humane Society of North Central Illinois, Inc.,~~ Kane County Animal Control is designated as an animal control center for the purposes of serving as a repository for animals apprehended or otherwise coming within the impounding authority of the city and for collecting such fees and penalties and rendering such other services within the confines of its headquarters ~~on Route 31, South Elgin in Geneva,~~ Kane County, Illinois, as are or shall be assigned to it by mutual consent between the city and the ~~society~~ center.

(1977-M-11 : (part); Prior code : § 20.22)

6.08.30 – Holding Periods - Designated

Upon arrival at ~~the animal control center~~ Kane County Animal Control, impounded animals, other than biter animals placed under rabies observation as provided for in Chapter 6.24, shall be held at said center for ~~the following period of time; periods of time determined by Kane County Animal Control Services. Reference the following link for the current information: <http://www.kanecountypets.com/documents/KCACordinance.pdf>.~~

A. ~~Dogs~~

- ~~1. Seven days if wearing current licenses or if wearing other readily traceable means of identification, unless sooner redeemed;~~
- ~~2. Five days if not wearing any current, readily traceable means of identification, unless sooner redeemed.~~

B. ~~Cats~~

- ~~1. Seven days if wearing current license tags, unless sooner redeemed;~~
- ~~2. Five days if wearing any other readily traceable means of identification, unless sooner redeemed;~~
- ~~3. One day if apprehended under the classification "feral and unprotected" as subsequently set forth in this title.~~

C. ~~Other Animals~~

~~Animals other than dogs and cats shall be held for a minimum of twenty-four hours from the time of apprehension and delivery to the animal control center, except that if the animal control officer shall be furnished with information that will permit prompt tracing of rightful ownership and redemption of such impounded animals, the animal control officer may authorize a reasonable extension of the holding period for same.~~

6.08 Administration and Enforcement

(1977-M-11 : (part); Prior code : § 20.26)

6.08.040 – Holding periods - Exception

Holding periods shall not apply as to the prescribed length of time in the case of animals received for impounding in obviously critical physical condition or to animals for which immediate euthanasia shall be prescribed for humane reasons or for other valid reasons by a licensed veterinarian.

(1977-M-11 : (part); Prior code : § 20.27)

6.08.050 – Impoundment - Notification to owners

If directly traceable, owners of impounded dogs and cats, and owners of such other species of impounded animals as shall be promptly and directly traceable as to ownership shall be given notice of the impoundment of such animals within forty-eight hours of said impoundment. Such notice may be mailed or shall be otherwise delivered by the animal control officer to the last known address of the owner of record and shall state the place of impoundment and the date after which the animal may be disposed of according to ordinance.

(1977-M-11 : (part); Prior code : § 20.28)

6.08.60 – Schedule of charges and redemption of impounded animals

Each person applying for redemption of an impounded animal and furnishing the animal control center with acceptable evidence of his right to reclaim said animal shall be required to pay, in cash at said center, the following charges before the animal shall be released to him: fees established in the contract between the City of St. Charles and Kane County Animal Control. Reference the following link for the current information: <http://www.kanecountypets.com/documents/KCACordinance.pdf>.

A. ~~Dog~~

~~A penalty of ten dollars for each animal's first-time impoundment, twenty-five dollars for each animal's second or any subsequent impoundment, plus a deposit of seven dollars, more or less, to cover the prevailing fee for rabies vaccination at any Kane County veterinary hospital of the owner's choice unless proof of prior such vaccination is furnished the animal control center at time of release or unless the claimant is not a resident of Kane County, plus deposit to cover the applicable city license fee, as elsewhere prescribed in this title, unless evidence of such license is furnished at time of release or unless the claimant is not a resident of the city, plus board of the dog during the period of impoundment on the basis of the following charges: first day or any part of first day of impoundment, five dollars; each subsequent day or part of day, three dollars. The animal control center shall furnish the redeemer with an itemized receipt of a type approved by the city treasurer and shall retain a duplicate of said receipt for such audit as the city may conduct.~~

B. ~~Cat~~

~~A penalty of ten dollars for each animal's first-time impoundment, twenty-five dollars for each animal's second or any subsequent impoundment, plus deposit of seven dollars, more or less, to cover the prevailing fee for rabies vaccination at any Kane County veterinary hospital of the owner's choice unless proof of prior such vaccination is furnished the animal control center at time of release or unless the claimant is not a resident of Kane County, plus deposit to cover the applicable city license fee, as elsewhere provided in this title, unless evidence of such license is furnished at time of release or unless the claimant is not a resident of the city, plus board of the cat during the period of impoundment on the basis of the following charges: first day or any part of first day of impoundment, five dollars; each subsequent day or part of day, two dollars and twenty-five cents.~~

C. ~~Other Animal~~

~~No native wild animal whose owner is subject to statutes and regulations enforced by the Illinois Department of Conservation shall be redeemable without the owner's first providing the animal control center with a state-issued permit or other proof of compliance with Illinois requirements.~~

(1977-M-11 : (part); Prior code : § 20.29)

6.08.070 – State or federal approval required for redemption when

No animal the ownership of which is limited or prohibited by Illinois statute or federal law shall be released from

Formatted: Indent: Left: 0"

6.08 Administration and Enforcement

impoundment without appropriate state or federal approval.

(1977-M-11 : (part); Prior code : § 20.30)

6.08.080 – Redemption fee

If no legal barriers to redemption are posed by the state or federal government, or if all legal requirements have been fulfilled, the claimant shall be granted the right to redeem the animal upon payment ~~of a penalty of ten dollars plus board at the rate of three dollars, more or less, per day of impoundment to the appropriate holding authority pursuant to the fees established in the current animal control contract.~~

(1977-M-11 : (part); Prior code : § 20.31)

6.08.090 – Disposal of unredeemed animals

Each animal remaining unredeemed after the prescribed holding period shall at once become the property of the animal control center, which is empowered and authorized to offer it for adoption into a new home if such be deemed advisable by the animal control center or otherwise to dispose of it in a humane manner. Such shall apply irrespective of whether the animal control center is operated directly by the city or whether it is operated under an agreement with the Humane Society of North Central Illinois, Inc., or any other agency independent of city government.

(1977-M-11 : (part); Prior code : § 20.32)

6.08.100 – Violation - Penalty

Any person violating any provision of this title shall be fined not less than ~~fifty five (\$50.00)~~ dollars nor more than ~~five seven~~ hundred ~~fifty~~ dollars ~~(\$750.00)~~ for each offense.

Tiered Fine Schedule:

A. ~~First~~ Offense: \$50.00 fine (Citation only/no court date)

B. ~~Second~~ Offense: \$100 fine – (Citation only/no court date)

C. ~~Third~~ Offense & Any Subsequent Offenses: Minimum fine \$250/Maximum fine \$750 – Must Appear Violation/Administrative Adjudication.

(1977-M-11 : (part); Prior code : § 20.52)

Formatted: Indent: Left: 0"

Formatted: Font: 9.5 pt

Formatted: Font: 9.5 pt

Formatted: Font: 9.5 pt

Formatted: List Paragraph, Indent: Left: 0.25", Space Before: 10 pt

6.12 – Regulations

Sections

- 6.12.010 – Restraint of animals required
- 6.12.015 – Canine unit exemption from restraint requirement
- 6.12.020 – Impoundment of unrestrained animals authorized
- 6.12.030 – Staking out unattended animals
- 6.12.040 – Use of poisonous substances for disposal of animals
- 6.12.050 – Removal of excreta - Owner's responsibility
- 6.12.060 – Nuisances
- 6.12.070 – Dead animals deemed nuisances when
- 6.12.080 – Animals prohibited in the city
- 6.12.085 – Beekeeping
- 6.12.090 – Selling rabbits or fowl as novelties prohibited
- 6.12.095 – Residential chickens
- 6.12.100 – Using animals for prizes or attracting trade prohibited
- 6.12.110 – Cruelty
- 6.12.120 – Animals prohibited on school premises and city playgrounds
- 6.12.130 – Dangerous and vicious animals - Restraint required
- 6.12.140 – Dangerous and vicious animal - Impoundment and disposal
- 6.12.150 – Animals prohibited in public buildings and stores
- 6.12.160 – Limit of number of dogs and cats per household

6.12.010 – Restraint of animals required

Each owner of any animal shall keep such animal exclusively on such owner's premises, except that any such animal may be off the premises if restrained by a substantial leash or chain or other appropriate instrument or physical device and under the direct supervision and immediate control of a competent person. Any person violating this section shall be fined fifty dollars (\$50.00) for the first offense and in accordance with section 6.08.100 for each subsequent offense.

(2008-M-45 : § 1; 1977-M-11 : (part); Prior code : § 20.23)

6.12.015 – Canine unit exemption from restraint requirement

Trained police dogs utilized by an official law enforcement agency and assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of Section 6.12.010, "Restraint of animals required".

(1994-M-49 : § 1)

6.12.020 – Impoundment of unrestrained animals authorized

It shall be the duty of the animal control officer to take up, if possible and impound any animal not under restraint as prescribed in Section 6.12.010. Any animal so taken up and impounded shall be considered as a stray on records of the city.

(1977-M-11 : (part); Prior code : § 20.24)

6.12.030 – Staking out unattended animals

No owner shall stake out unattended, or leave unrestrained outside and unattended, any ~~bitch~~ dog in season, i.e., while she is in heat, or to stake out any animal, male or female, in such manner that said animal may be or go beyond the owner's lot or land.

(1977-M-11 : (part); Prior code : § 20.25)

6.12.040 – Use of poisonous substances for disposal of animals

No person shall place, leave or expose in any place accessible to domestic or wild animals, with the intent to kill or harm such animals, any poisonous substance or ingredient or any edible or other ingredient which has been treated with any poisonous substance or ingredient unless same has been approved by the city sanitarian as proper for pest control and safe for all animals other than the pest(s) to be controlled, or unless the same shall be utilized for the humane disposal of animals by owners or their agents.

(1978-M-33 : § 1; 1977-M-11 : (part); Prior code : § 20.36)

6.12.050 – Removal of excreta - Owner's responsibility

No owner shall fail to remove excrement deposited by his pet upon the public ways or within the public places of the city or upon the premises of any person other than the owner's without that person's consent. This section shall not apply to a blind person while walking his or her guide dog.

(1977-M-11 : (part); Prior code : § 20.37)

6.12.60 – Nuisances

An animal shall be classed as a nuisance, and its owner held in violation of this title, when such animal shall commit and repeat any of the following acts:

- A. Molesting persons or moving vehicles by chasing or barking or otherwise encumbering them;
- B. Attacking other animals that are being maintained in a lawful and otherwise proper way on the premises of their owner(s) or that are in the ordinance-prescribed control of their owners away from their home premises;
- C. Damaging property other than that of the owner;
- D. Barking, whining, howling or otherwise emitting loud noises excessively for an extended and uninterrupted period while on the property of the owner or within the confines of the owner's residence or other enclosed building on the owner's property;
- E. Creating noxious or offensive odors.

(1979-M-48 : § 1; 1977-M-11 : (part); Prior code : § 20.38)

6.12.070 – Dead animals deemed nuisances when

It also shall be classed as a nuisance for any person to leave in or throw into any public way, public place or public water or to bury within the city the body or any part thereof of any dead or fatally sick or injured animal, or to display the unpreserved body or any unpreserved part of the dead animal in a place where it may be dangerous to the life or detrimental to the health of any animal or person.

(1977-M-11 : (part); Prior code : § 20.39)

6.12.080 – Animals prohibited in the city

It is unlawful to keep any pigs, swine, sheep, cattle, goats, or similar animals, or any naturally wild animals other than birds and fish within the city unless allowed by the zoning ordinance of the city, unless same shall be properly and safely confined in zoological parks, performing animal exhibitions, educational institutions, veterinary hospitals, or animal shelters licensed under the Animal Welfare Act of the State.

(1977-M-11 : (part); Prior code : § 20.40)

6.12 Regulations

6.12.085 – Beekeeping

"Apiary" shall mean a place where bee colonies are kept.

"Bee" shall mean any stage of the common domestic honey bee.

"Colony" shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

"Hive" shall mean a structure intended for the housing of a bee colony.

Registration of Hives:

All Bee colonies must be registered with the state of Illinois Department of Agriculture.

All bee colonies must be kept in inspectable type hives with removable combs, which must be kept in sound and usable condition.

Signage:

Beekeepers shall conspicuously post a weatherproof sign at least ten (10) inches by one (1) foot on all lot lines facing abutting properties and on the Beehive or Apiary fence outside of the latched gate with the statement, "State Registered Beehive(s) on Property" or similar language that makes clear that bees are on the premises. The sign must be visible and easily read from outside the property.

Water:

Each beekeeper shall ensure that a convenient source of water within ten (10) feet of the Beehive is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

Maintenance:

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Prohibited:

The keeping by any person of bee colonies in the City not in compliance with this Section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned, neglected, or mismanaged by the beekeeper, is unlawful.

Size and Number of Hives:

Apiaries may consist of not more than two (2) hives on a property consisting of no more than six (6) boxes per hive.

Beehive Location:

Apiaries may only be located and maintained in residential districts with single family owner occupied residences occupied by the Beekeeper.

- (a) Apiaries shall be located only in a rear yard.
- (b) Apiaries shall be located at least twenty (20) feet from all side and rear property lines.
- (c) Apiaries and Beehives shall not be permitted on rooftops or balconies.

(2017-M-12 : § 2)

6.12 Regulations

6.12.090 – Selling rabbits or fowl as novelties prohibited

No person shall sell, offer for sale or give away as a pet any rabbit or fowl that has been dyed, colored or otherwise treated to impart an artificial color thereto. Baby chicks, ducklings, goslings and turtles shall not be sold, offered for sale, bartered or given away as pets or novelties.

(1977-M-11 : (part); Prior code : § 20.41)

6.12.95 – Residential chickens

- A. Up to six (6) domestic chickens may be kept on properties zoned and occupied for single-family residential use only.
- B. Roosters are prohibited within the corporate boundaries of the City of St. Charles.
- C. Chickens shall be in an enclosure and/or fenced area at all times.
- D. All chickens and enclosures shall be kept in the rear yard.
- E. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste, such as to cause odors that are detectable on adjacent properties.
- F. No person and/or property owner shall be allowed to violate Section 6.12.060 "Nuisance" of the St. Charles Municipal Code.
- G. The enclosure and adjacent fenced area shall be set back:
 - a. No closer than five (5) feet to any property line; and
 - b. Screened with year round landscaping, walls and/or fencing so as not to be visible from any public street or adjoining lot when viewed from an observation height of five (5) feet above grade.

(2014-M-19 : § 1)

6.12.100 – Using animals for prizes or attracting trade prohibited

No person shall give away any animal, as defined in Section 6.04.020, as a prize or as an inducement to enter any competition or contest or place of amusement, or offer such as an incentive to any business agreement for the purpose of attracting trade.

(1977-M-11 : (part); Prior code : § 20.42)

6.12.110 – Cruelty

No person shall do any of the following:

- A. Beat, torture, torment, bait or incite toward fighting, mutilate or cruelly kill any animal, or cause or knowingly allow the same to be done;
- B. Unnecessarily fail to provide any animal in his charge or custody with proper food, water, air and sanitary shelter, such shelter to be sufficient to provide natural light or artificial illumination during reasonable hours, protection from drafts, reasonable safeguards against chilling and overheating caused by temperatures extremes, and space within that is sufficient for the animal to stand in an upright position and lie down stretched out so that no part of its body need touch the top or sides of the shelter structure;
- C. Cruelly force any animal into undue physical exertion;
- D. Carry, keep, drive, or cause to be carried, driven or kept, any animal in a cruel manner;
- E. Leave for any length of time any animal unattended in a motor vehicle and/or trailer when the outside temperature is such that the animal may suffer from excessive heat, cold, or physical stress;
- F. Have, keep or harbor any animal that is infected with any disease transmissible to other animals or human beings, or that is afflicted with any painful disease or injury, including severe parasitism, unless such animal shall be under the care of a licensed veterinarian;
- G. Abandon any animal on any public way or in any place where it may suffer or become a public charge.
- H. Use an electric prod or similar device on any animal at a rodeo once the animal is in the holding chute, unless necessary to protect the participants and spectators of the rodeo.
- I. Conduct a rodeo without a licensed veterinarian being on call during the entirety of the rodeo.

(2001-M-29 : § 1; 1977-M-11 : (part); Prior code : §20.43)

6.12.120 – Animals prohibited on school premises and city playgrounds

It is unlawful for any animal, even though on leash, to go or be upon any school premises or city maintained, park district maintained, or school maintained premises, or upon a path or sidewalk extending through or within any school premises or city maintained playground; except, that this provision shall not apply to ~~dogs leading blind persons service or comfort animals~~, to animal exhibits or demonstrations or to animal training classes staged as part of an officially sanctioned program of any school or playground, or to animals utilized by law enforcement agencies.

(1977-M-11 : (part); Prior code : § 20.45)

6.12.130 – Dangerous and vicious animals - Restraint required

- A. No owner shall permit any dangerous or vicious animal to be in any public way or other public place within the city or upon the private premises of any person other than the owner of such animal, unless said animal is securely muzzled and closely restrained or caged.
- B. Vicious animals on the premises of the owner shall be restrained so that they cannot attack persons lawfully on the premises, and the premises shall be so maintained that children cannot gain access thereto.

(1977-M-11 : (part); Prior code : § 20.46)

6.12.140 – Dangerous and vicious animal - Impoundment and disposal

The provisions of Kane County Code of Ordinances, Chapter 5 Sections 5-15 and 5-16, as amended, be and are hereby incorporated by reference

- ~~A. Any animal found in violation of any of the provisions of Section 6.12.130 shall be impounded in the animal control center at its owner's expense and not released before its future maintenance is ruled upon by a court of law.~~
- ~~B. If any dangerous or vicious animal cannot be taken safely and impounded when necessary for the protection of any person or property, such animal may be slain, by the most humane method available at the site of trouble, by a police officer or other person authorized by the city; provided, however, that in all cases where an animal to be slain is known or suspected to have bitten any person, no injury shall be done to its head, and it shall be the duty of the person euthanizing it to deliver or cause to have delivered the carcass immediately to any place designated by the animal control section for the purpose of rabies examination as prescribed by law.~~
- ~~C. If any warmblooded animal bites a person and subsequently expires, the bite shall be reported and the carcass delivered immediately to the animal control section or to any place designated by the animal control section for the purpose of rabies examination as prescribed by law.~~

Visit the Kane County Animal Control's ordinance under Article 5 – Vicious and Dangerous Animals for current information:
<http://www.kanecountypets.com/documents/KCACordinance.pdf>.

(1977-M-11 : (part); Prior code : § 20.47)

6.12.150 – Animals prohibited in public buildings and stores

It is unlawful for any animal, even though on a leash, to be in or enter any public building, food establishment, or any store except a store for the sale of animals, anywhere within the city during the time that any of said places are open for use by the public, unless said animal is a service or comfort animal.

(1977-M-11 : (part); Prior code : § 20.51)

6.12.160 – Limit of number of dogs and cats per household

No person shall possess more than a total of three dogs and/or cats in any household, apartment or other dwelling unit within the city. Any dwelling unit containing more than a total of three dogs and/or cats is hereby deemed a nuisance, and any person who violates this ordinance shall be subject to the enforcement provisions under this title.

(1989-M-75 : § 1)

6.20 – Cats

Sections

- 6.20.020 – Classes Designated
- 6.20.030 – Complaint procedure
- 6.20.040 – Stray cats - Complaint and removal procedure
- 6.20.050 – Feral and unprotected cats - Disposal
- 6.20.060 – Apprehension of cats creating danger to public safety

6.20.20 – Classes Designated

For purpose of application of this title, cats which are: (A) kept within or on the property or other premises of their owners; (B) maintained by being provided with food or by being given other privileged use of privately owned property; (C) brought into the city; or (D) otherwise present within the city; shall be divided into the following two classes:

- A. Cats whose ownership is established by a readable and current license tag as elsewhere provided for herein, or whose ownership is promptly traceable by means of any other readable identification affixed to a collar or harness, or whose ownership is certified to by a reliable witness and immediately verifiable by the animal control officer or his representative, all such cats hereinafter to be classed as "non-feral and protected," and
- B. Cats whose ownership, if any, cannot readily be established by any of the means stated in subdivision A of this section, all such animals hereinafter to be classed as "feral and unprotected."

(1977-M-11 : (part); Prior code : § 20.48)

6.20.030 – Complaint Procedure

Upon receiving a complaint testifying to extreme nuisance, including undue and repeated disturbance, imminent danger to any property, inhabitant's safety and/or assessable damage to person or property, caused by the presence of a cat on the property or premises of the complainant, and upon said complainant's certification that he has no knowledge whatsoever of the identity of the owner, said complainant shall be given the right to appear before the animal control officer ~~or other representative of the animal control section~~ at a designated time and place to sign a complaint in verification of the facts, the animal control officer or his representative shall accept from the complainant any cat(s) cited, the animal control officer or his representative shall visit the complainant's premises and make reasonable effort to apprehend said cat(s).

(1977-M-11 : (part); Prior code : § 20.49 (part))

6.20.040 – Stray cats - Complaint and removal procedure

If a cat wearing a city license tag or other traceable identification or whose owner otherwise can be identified is found on or strays onto the property of another, it shall be the responsibility of the owner of said property, independent of and completely apart from the section on animal control, to notify the cat owner if removal is desired. The section on animal control shall have no obligation to intervene in or be party to such proceeding, except to assist the complainant in obtaining information as to name and address of the owner from city records if the cat is wearing a current license tag as provided in Section 6.20.010.

(1977-M-11 : (part); Prior code : § 20.49 (part))

Commented [CS1]: Change made to mirror the revised definition of "Animal control officer" in 06.04.040.

6.20 Cats

6.20.050 – Feral and unprotected cats - Disposal

Cats accepted or apprehended as feral and unprotected, as classified in subdivision 2 of Section 6.20.020, immediately shall be designated as surplus to the capabilities of the city to accommodate or otherwise provide for, and they shall be delivered forthwith to the animal control center for whatever disposal the said center elects to make of them after the elsewhere stipulated holding period of three days. Further, neither the city nor said center shall be placed under obligation to disclose such disposal or to answer in any manner for its action to any party who later may seek to claim ownership.

(1977-M-11 : (part); Prior code : § 20.49 (part))

6.20.060 – Apprehension of cats creating danger to public safety

Nothing in these provisions shall be construed to bar the animal control officer ~~or his representative from~~ apprehending or from accepting, on the scene of a purported emergency on any public way or public building, any cat found to be causing a traffic hazard or otherwise creating danger to public safety.

(1977-M-11 : (part); Prior code : § 20.49 (part))

Commented [CS2]: Change made to mirror the revised definition of "Animal control officer" in 06.04.040.