

ORDINANCE NO. 10-

AN ORDINANCE RE: DANGEROUS OR VICIOUS DOGS OR CATS

WHEREAS, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

WHEREAS, the President and Board of Trustees desire to enact provisions to deal with dangerous or vicious dogs or cats.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Title 6, of the Morton Municipal Code is hereby amended by adding Chapter 11, as follows:

CHAPTER 11 - ANIMALS

SECTION:

- 6-11-1: Definitions
- 6-11-2: Dangerous Dog or Cat
- 6-11-3: Vicious Dog or Cat
- 6-11-4: Previous Finding of Dangerous or Vicious by another unit of local government
- 6-11-5: Exclusivity
- 6-11-6: Impoundment Procedures
- 6-11-7: Penalty

6-11-1: DEFINITIONS:

Animal means every living creature, other than man, which may be affected by rabies.

Cat means all members of the family Felidae.

Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

Dangerous Dog or Cat deemed as such by a Hearing Officer, means any individual dog/cat when 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 physical injury or death to a person or a companion animal in a public place or on private property other than that of the owner or custodian.

Dog means all members of the family Canidae.

Enclosure, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a fence that is buried at least twelve inches (12") to eighteen inches (18") below ground level or other structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall feature a concrete pad, 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 in any manner. If the enclosure is a room within a residence, the door must be locked. A vicious dog/cat may be allowed to move about freely within the entire residence if it is muzzled at all times.

Hearing Officer means the Mayor or his designee.

Leash means a cord, chain, rope, strap or other such physical restraint, not to exceed four (4) feet in length when used for a dangerous or vicious dog/cat, and not exceeding ten (10) feet when used for any other animal, and having a minimum tensile strength of not less than three hundred (300) pounds.

Muzzle means a device constructed of strong, soft material or a metal muzzle designed to prevent a dog or cat from biting any person or animal. The muzzle must be made in a manner which will not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Owner means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.

Run Line, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a system of tying a dog in place with either a rope or chain having a minimum tensile strength of not less than three hundred (300) pounds and not exceeding ten (10) feet in length. The rope or chain must be securely fastened to a permanent, non-movable object and prevent the vicious dog/cat from climbing, digging, jumping or otherwise escaping under its own volition.

Vicious Dog or Cat deemed such by a Hearing Officer, means any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other animal either on public or private property; any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; any individual dog/cat that has a trait or characteristic and has a generally know reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; any individual dog/cat which attacks a human being or domestic animal; and any individual dog/cat which has been found to be a dangerous dog/cat upon two (2) separate occasions.

6-11-2: DANGEROUS DOG OR CAT:

(a) A Hearing Officer, or any adult person may request, under oath, that a dog/cat be classified as a dangerous dog/cat by submitting a sworn, written complaint on a form approved by the

Hearing Officer. Within three (3) days of receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The owner of the dog/cat shall not dispose of the dog/cat in any manner during an active investigation.

(b) At the conclusion of the investigation, the Hearing Officer may:

(1) Determine that the dog/cat is not dangerous and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or

(2) Determine that the dog/cat is dangerous and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after notification that a dog/cat is dangerous, the officer may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(c) Within five (5) business days after declaring a dog/cat dangerous, the Hearing Officer shall notify the owner of the dog's/cat's designation as a dangerous dog/cat, and of the requirements and conditions for keeping the dog/cat, as set forth herein. The notice shall inform the dog/cat owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the dangerous dog/cat designation notice.

(d) The Hearing Officer or his designee shall hold a hearing within fifteen (15) days after receiving the dog/cat owner's written request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing to the dog/cat owner and to the complainant by regular mail. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog/cat should not be declared a dangerous dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other persons having knowledge of the facts and circumstances, may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:

- (1) Provocation;
- (2) Severity of attack or injury to a person or domestic animal;
- (3) Previous aggressive history of the dog/cat;
- (4) Observable behavior of the dog/cat;
- (5) Site and circumstances of the incident;
- (6) Statements from interested parties;
- (7) Any medical records; and,
- (8) Veterinary medical records or behavioral records.

(e) A determination at a hearing that the dog/cat is in fact a dangerous dog/cat as defined herein shall subject the dog/cat and its owner to the provisions of this section.

(f) Failure of the dog/cat owner to request a hearing shall result in the dog/cat being finally declared a dangerous dog/cat and shall subject the dog/cat and its owner to the provisions of this section.

(g) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-11-2(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(h) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:

(1) Registration of dangerous dog/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be five hundred dollars (\$500.00).

(2) Insurance. A Certificate of Insurance evidencing coverage in an amount not less than fifty thousand dollars (\$50,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each dangerous dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

(4) Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the Village Clerk with the name and address of the new owner.

(5) Spaying or Neutering: If deemed dangerous, the owner shall be ordered to have the dog/cat spayed or neutered within 14 days at the owner's expense.

(6) Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently

complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.

(7) Muzzle: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog/cat or interfere with its vision or respiration.

(8) Identification of Owner: Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.

(9) Identification of dog/cat: Two (2) photographs of the dangerous dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the dangerous dog/cat and shall clearly show the face and ears of the dangerous dog/cat. One (1) photograph shall show a side view of the dangerous dog/cat.

(i) No person shall permit any dangerous dog/cat to leave the premises of its owner when not under control by leash no longer that four (4) feet in length by an adult eighteen (18) years of age or older or within an enclosed vehicle.

(j) The owner of any dog/cat found to be dangerous shall maintain such animal in such a manner as to prevent its coming in contact with any person not residing with the owner, unless the dog/cat is getting veterinary care or being boarded at a facility that can ensure all requirements pertaining to a dangerous dog/cat can be continuously maintained during the boarding period.

(k) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standards for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exempted under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Hearing Officer of changes of address. In the case of a sentry or guard dog, the owners shall keep the Hearing Officer and the Village Clerk advised of the location where such dog will be stationed.

6-11-3: VICIOUS DOG OR CAT:

(a) A vicious dog/cat means any dog/cat found to be a dangerous dog/cat by the Hearing Officer or his designee on two (2) separate occasions, or a dog/cat whose attack is of such a savage nature as to cause serious physical injury, thereby rendering it vicious on its first attack, and shall be reported to the Hearing Officer as such.

(b) Any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other domestic animal either on public or private property.

(c) Any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(d) Any individual dog/cat that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(e) A Hearing Officer or any adult person may request under oath that a dog/cat be classified as vicious by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days upon receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(f) At the conclusion of an investigation, the Hearing Officer may:

(1) Determine that the dog/cat is not vicious and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or

(2) Determine that the dog/cat is vicious and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after a final determination that a dog/cat is vicious, the warden may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(g) Within five (5) business days after declaring a dog/cat vicious, the Hearing Officer shall give written notice by certified mail, to the dog's/cat's owner of the dog's/cat's designation as vicious. The notice shall inform the owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the vicious dog/cat designation notice.

(h) The Hearing Officer or his designee shall hold a hearing within fifteen (15) business days after receiving the dog/cat owner's request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing by regular mail to the dog/cat owner and the complainant.

(i) The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence why the dog/cat should not be declared a vicious dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other person having knowledge of the facts and circumstances may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

(1) Provocation;

- (2) Severity of attack or injury to a person or domestic animal;
- (3) Previous aggressive history of the dog/cat;
- (4) Observable behavior of the dog/cat;
- (5) Site and circumstances of the incident;
- (6) Statements from interested parties;
- (7) Any medical records; and,
- (8) Veterinary medical records or behavioral records.

(j) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(i), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared vicious.

(k) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:

(1) Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be seven hundred fifty dollars (\$750.00).

(2) Insurance. A Certificate of Insurance evidencing coverage in an amount not less than one hundred thousand dollars (\$100,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each vicious dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner. (4) Transfer of ownership. No owner or keeper of a vicious dog/cat shall sell or give away a vicious dog/cat.

(5) Enclosure. No person shall own, keep or maintain a vicious dog/cat in an exterior area unless such dog/cat is at all times kept in a enclosed structure constructed and maintained in accordance with this section, except that a vicious dog/cat may be confined outside of a enclosed structure in a manner set forth in subsection (k)(8) herein. A dog/cat found to be a vicious dog/cat shall not be released to the owner until the Hearing Officer or his designee and the Zoning Department approves the enclosure.

(6) Signs. All persons possessing a vicious dog/cat shall display, in a prominent place on the premises where a vicious dog is to be kept, a sign which is readable by the public from a distance of not less than fifty (50) feet using the words "Beware of Vicious Dog/Cat." A similar sign shall be posted on any confinement structure.

(7) No vicious dog/cat may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog/cat to exit the structure on its own volition. No vicious dog/cat shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog/cat from exiting the structure.

(8) No person shall permit a vicious dog/cat to go outside a enclosed structure, house or other structure unless the vicious dog/cat is securely restrained with a leash no longer than four (4) feet in length and a minimum tensile strength of three hundred (300) pounds and fitted with a muzzle or securely restrained on a run line no longer than ten (10) feet in length and fitted with a muzzle. No person shall permit a vicious dog/cat to be kept on a leash unless a person eighteen (18) years old or older is in actual physical control of the leash and is physically able to control the dog/cat.

(9) The only time that a vicious dog/cat may be allowed out of the enclosure or off the run line are:

(a) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog/cat, or boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.

(b) to comply with the order of a court of competent jurisdiction, and/or;

(c) to allow the owner or keeper to walk the vicious dog/cat, provided that said vicious dog/cat is securely muzzled and restrained with a leash having a minimum tensile strength of at least three hundred (300) pounds and not exceeding four (4) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog/cat. Such owner is to be eighteen (18) years of age or older and physically able to control the dog/cat.

(10) Spayed or Neutered: Once a dog/cat is found to be a vicious dog/cat, the dog/cat shall be spayed or neutered within ten (10) days of the finding at the expense of its owner.

(11) Verification of the identity of the owner and current address shall be provided by a photostatic copy of the owner's driver's license.

(12) In addition to Permanent Identification set forth under subsection (3) hereof, identity of the vicious dog/cat shall be provided by two (2) photographs of the vicious dog/cat to be licensed taken not more than one (1) month before the date of the

application. One (1) photograph shall provide a front view of the vicious dog/cat and shall clearly show the face and ears of the vicious dog/cat. One (1) photograph shall show a side view of the vicious dog/cat.

(l) The owner of any dog/cat found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner, except when necessary to obtain veterinary care for the vicious dog/cat or when the vicious dog/cat is being boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.

(m) No dog/cat shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.

(n) A finding by the Court of the failure to comply with this section will result in the impoundment of any dog/cat which has been found to be a vicious dog/cat and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the Hearing Officer and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(o) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the Village Clerk. It shall be the duty of the owner of each such dog to notify the Village Clerk of changes of address and the owner shall keep the Village Clerk advised of the location where such dog will be stationed. The Village Clerk shall provide Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

(p) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standard as guard dogs for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected.

(q) If a dog is not properly registered with the Village Clerk under this section there is a rebuttable presumption that the dog does not qualify as a professional guard or show dog.

(r) The escape from confinement of any vicious dog/cat shall be reported by the owner to the police upon discovery of the escape.

(s) The biting or nipping of any person or animal by a vicious dog/cat shall be reported by the owner to the police upon occurrence.

(t) The birth of any offspring of a vicious dog/cat shall be reported by the owner to the police within forty-eight (48) hours of the birth of the offspring.

6-11-4: Previous Finding of Dangerous or Vicious by another unit of local government.

If another unit of local government has found a dog or cat dangerous or vicious under its ordinances, rules or statutes with a definition substantially similar to the definition used by this ordinance, then the owner shall within five (5) days of keeping or harboring the dog or cat in the corporate limits of the Village, register the dog or cat in the Village in the same manner as would be required if the Hearing Officer found the dog or cat to be dangerous or vicious. The dog or cat shall immediately be subject to the provisions of this Ordinance for the classification previously determined by the other unit of local government.

6-11-5 EXCLUSIVITY

This Chapter shall apply to all dogs or cats deemed or proposed to be deemed dangerous or vicious and the provisions of Title 6, Chapter 3 do not apply. This Chapter does not dispense with the requirement of the owner of a dog or cat to obtain an annual license as provided in Chapter 6-3-1.

6-11-6 IMPOUNDMENT PROCEDURES:

A. Impounding - General:

Any Animal Control officer under contract with the Village may impound dangerous and vicious dogs and cats in accordance with the provisions of this Ordinance or State statute.

B. Impounding – Immediate

Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement officer, or any animal control officer, has probable cause to believe that an individual dog/cat is a vicious dog/cat and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement officer or any animal control officer may seize and impound the dog/cat pending disposition of the hearing. The owner of the dog/cat shall be responsible for payment for the costs and expenses of keeping the dog/cat unless the hearing officer finds the dog/cat is neither dangerous nor vicious, in which case no redemption fee is due.

C. Redemption of Impounded Dog or Cat:

1. Any person seeking to redeem any impounded animal shall pay a fee of Ten (\$10.00) Dollars if the animal is vaccinated and registered, or a fee of Fifteen (\$15.00) Dollars if the animal is not vaccinated and registered, plus a reasonable maintenance charge for boarding said animal to the animal control office, and in addition, a fee of Fifty (\$50.00) Dollars to the Village Clerk plus rabies fees if required. On the second offense, the fee to the Village Clerk shall be seventy-five (\$75) Dollars. On the third offense, a fee of one hundred (\$100) dollars shall apply. If the owner of the animal does not redeem said animal within five (5) days after notice by mail or otherwise to said owner of the impounding, such animal may be placed for adoption or humanely

dispatched pursuant to the Humane Euthanasia in Animal Shelters Act at the discretion of the Hearing Officer. If the animal is adopted by a person other than the owner, said person shall pay all fees and charges which the owner would have been required to pay; except, that in order to facilitate the adoption of impounded animals, the Hearing Officer or his designee may waive said fees. If such fees are waived, the Hearing Officer shall notify the Village Clerk of his/her decision.

2. No dog or cat shall be released for adoption from any animal pound or shelter without being spayed or neutered and tagged, or without a written agreement from the adopter, secured by cash deposit, guaranteeing that such animal will be spayed or neutered and tagged within a reasonable period of time.
3. Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

6-11-7 PENALTY

- (a) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.
- (b) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained after a finding by the court of such violation of this Chapter.
- (c) Upon a finding of guilt, the owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.
- (d) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall, upon finding thereof, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.

- (e) Upon a finding by the Court of that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of any sections of this chapter, such Court shall:
 - (1) Impose a fine of not less than two hundred dollars (\$200.00) for each offense; and/or,
 - (2) Order to have the animal in violation impounded; and/or,
 - (3) Order the animal in question to be humanely dispatched.
- (f) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.
- (g) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter.
- (h) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.
- (i) If any subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon its passage, approval, and publication as may be required by law.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton this _____ of _____,

2011; and upon roll call, the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2011.

President

ATTEST:

Village Clerk