

ORDINANCE NO. 2016 - 1463

**AN ORDINANCE ADOPTING BY REFERENCE THE
PEORIA COUNTY ANIMAL CONTROL REGULATIONS
AND IMPOSING RELATED SUPPLEMENTAL REGULATIONS**

WHEREAS, the County of Peoria has adopted comprehensive animal control regulations (the "County Animal Control Code"); and

WHEREAS, it is in the best interests of the Village of Peoria Heights and its citizens for the Village to adopt the County Animal Control Code by reference and to also adopt related supplemental regulations; and

WHEREAS, Article 1, Division 3, Section 2 of the Illinois Municipal Code found at 65 ILCS 5/1-3-2 (the "Act") authorizes municipalities to adopt by reference regulations promulgated by the county in which such municipalities are situated; and

WHEREAS, as required by the Act, at least three copies of the County Animal Control Code have remained on file in the office of the Clerk of the Village of Peoria Heights and available for public use, inspection and examination for at least 30 days prior to adoption of this ordinance as prescribed by the Act; and

WHEREAS, the Village through the exercise of its home rule powers has the authority to adopt the County Animal Control Regulations by reference in the manner hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, THAT:

Section 1 - Citation to County Animal Control Code. For purposes of this ordinance, the "County Animal Control Code" means Chapter 5 – Animals and Fowl of the Code of Peoria County.

Section 2 - Adoption of County Animal Control Code. The Village of Peoria Heights hereby adopts by reference the County Animal Control Code as it now exists or may from time to time hereafter be amended.

Section 3 - Enforcement by Peoria County. Officers or other representatives of Peoria County may enforce the County Animal Control Code within the corporate limits of the Village as an authorized delegate of the Village under the terms of intergovernmental agreements authorizing such enforcement entered into from time to time by the Village of Peoria Heights with Peoria County (an "Intergovernmental Agreement").

Section 4 - Enforcement by Village. Police officers of the Village and other officers of the Village may enforce the County Animal Control Code within the corporate limits of the Village.

Section 5 - Farm Animals Prohibited. Except as provided in Section 7.2(6) of the Peoria Heights Zoning Ordinance, the keeping, housing, raising or pasturing of members of the swine, ovine, bovine, caprine or equine families and poultry consisting of domesticated birds raised for show, eggs or meat is prohibited within the corporate limits of the Village.

Section 6 - Waste Removal. That the owner of any animal shall cause the prompt and proper removal of any such animal's waste wherever it may exist within the Village.

Section 7 - Kennels. No person shall own three (3) or more dogs or cats (under three months of age excepted) either for profit or for personal pleasure or otherwise, without being considered the operator of a kennel. The operator of a kennel shall comply with the following regulations:

1. If a kennel is operated for profit, the kennel operator shall pay to the Village Clerk or authorized delegate a fee of \$100.00 annually and said kennel shall be located in an area zoned for business purposes as defined in the current Peoria Heights Zoning Ordinance.
2. If operated for any purpose other than profit, the kennel operator shall pay an initial application fee of \$25.00 and \$10.00 annually thereafter and furnish a sworn statement to the effect that the kennel is operated as a nonprofit undertaking.
3. All new licenses, regardless of when during the calendar year they were first issued, shall expire on December 31 of that calendar year. Renewed licenses become effective on January 1 of the applicable calendar year and expire on December 31 of that calendar year.
4. During the term of any Intergovernmental Agreement, applications for kennel licenses shall be submitted to and approved by Peoria County Animal Protection Services or any successor entity. If no Intergovernmental Agreement is in effect, such applications shall be submitted to and approved by the Village Administrator of the Village of Peoria Heights.

Whether operated for profit or otherwise, no kennel shall be permitted within a radius of three hundred feet (300') of any dwelling house unless both the owner and occupant of the dwelling house consent to the same; the applicant to furnish such consent in writing.

All dog kennels shall be kept at all times in a clean and sanitary condition and dogs kept therein shall be reasonably restrained from annoying the neighborhood or the general public by barking, yelping, howling or screeching.

By accepting a license, all kennel licensees shall be deemed to have consented to periodic inspection of the kennel premises. Said inspection shall be performed by the Peoria Heights Police Department or an authorized delegate before license issuance or upon receipt of a complaint. Annual inspections may be required. All kennel licensees shall conform to the following additional requirements:

1. All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from weather and sufficient veterinary care to prevent suffering.
2. If dogs and/or cats are kept or maintained within a structure or building, that structure or building shall meet all applicable Peoria County Health Department standards and not constitute a nuisance or danger to health and welfare of its inhabitants nor surrounding residents.
3. If dogs and/or cats are maintained outside a building during a substantial portion of the day and/or night, a shelter of sufficient height and width to permit such animal to stand up and turn around inside when fully grown shall be provided and shelter shall provide shade from the sun.
4. The location of all kennels shall be in accordance with the setback provisions for principal structures as for the applicable zoning district as set forth in the current Peoria Heights Zoning Ordinance.

Section 8 - Kennel License Revocation. The violation of any provision of this Ordinance pertaining to the licensing of kennels shall upon conviction, result in the revocation of license privileges by the issuing entity for a period of not less than three months nor more than two years, the length of such revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, said kennel license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to any and all applicable ordinance provisions. Upon a satisfactory showing of conformance, a new kennel license may be issued.

Section 9 - Impoundment of Kennel Pets. The Peoria Heights Police Department or authorized delegate may impound the animals of any owner not in possession of a kennel license as required by this Ordinance and if so impounded may be redeemed by the owner or the owner's delegate only upon payment of all lawful fees due pursuant to the provisions of this Ordinance and after application for and approval of a kennel license.

Section 10 – Penalties. Any person violating sections 5 through 7 of this Ordinance shall be subject to penalties imposed under the terms of the County Animal Control Code.

Section 11 - Repeal of Ordinance 1083. Ordinance 1083 of the Village of Peoria Heights adopted on August 2, 1994 entitled "An Ordinance Relating to the Regulation of

Dogs, Cats and Other Animals” as such ordinance has from time to time been amended is hereby repealed in its entirety.

Section 12 - Publication. This Ordinance is hereby ordered to be published in pamphlet form by the Peoria Heights Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 13 - Other Ordinances. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 14 - Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.


PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 15th DAY OF MARCH, 2016.

APPROVED:



President

ATTEST:



Village Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Peoria Heights and that the foregoing Ordinance was published by me in pamphlet form this 15th day of March, 2016, by making three (3) copies thereof available on that date for public inspection.



Village Clerk

