

ORDINANCE NO. 378

## AN ORDINANCE PROHIBITING VICIOUS DOGS IN THE VILLAGE OF WAYNE CITY, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Wayne City, Wayne County, Illinois, as follows:

SECTION I: The President and the Board of Trustees of the Village of Wayne City finds that vicious dogs are so dangerous that they constitute a threat to children and others in the Village. Vicious dogs occasionally escape from the yard or building in which they are kept by slipping under a fence, jumping over a fence, stepping out through a door or gate temporarily opened or unlatched, breaking the leash or chain or pulling out the anchor for the chain or leash. Children too young to read may wander to close to a dog, even the presence of a "Beware of Dog" sign. It is the policy of this Village that children and others should not have to assume the risk of a vicious dog, having an opportunity to attack or to kill. The President and Board of Trustees finds that the benefits to a dog owner of owning a dangerous or vicious dog are outweighed by dangers to children and to the general public.

SECTION II: As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates a different meaning is intended:

VILLAGE: The Village of Wayne City, Illinois

VICIOUS DOG: Any dog that has bitten or attacked a person and any dog that has attempted to bite or attack any person. A dog shall be deemed to be attempting to attack if it is restrained by a leash, fence or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the dog from making an immediate attack.

SECTION III: No person shall keep any vicious dog anywhere in the Village.

SECTION IV: No landlord or landlord's agent shall knowingly permit any tenant to move a vicious dog into any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall permit any person to keep any vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent learning of any vicious dog in any building or premises owned or controlled by such landlord or agent shall notify the person having such dog to remove the dog from the Village immediately.

SECTION V: It is not the intent of this Ordinance to prohibit a police department from using any trained dog that may attack upon command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

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SECTION VI: This Ordinance shall not prohibit the temporary impoundment in a public pound of any dog. This Ordinance shall not prohibit the holding of any vicious dog suspected of rabies or any vicious dog that has bitten a person provided that such vicious dog may be held only in a public pound or in a secure place operated or immediately supervised by a licensed veterinarian.

SECTION VII: Any violation of the Ordinance is hereby declared to be a nuisance. In addition to other relief provided by this Ordinance, the Village Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Ordinance. Such application for relief may include the seeking of a Temporary Restraining Order, Temporary Injunction or Permanent Injunction.

SECTION VIII: Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense and a separate offense shall be deemed committed for each day during or in which a violation occurs or continues.

SECTION IX: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION X: This Ordinance shall become effective ten days after its passage, approval and publication as provided by law.

PASSED this 6<sup>th</sup> day of June, 1988.

Debra Wood  
Village Clerk

APPROVED this 6 day of June, 1988.

Charles E. Chapman, Jr.  
Village President

ATTEST:

Debra Wood  
Village Clerk

PUBLISHED 6-13, 1988.