

CHAPTER 92: ANIMALS

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§ 92.01 DEFINITIONS.

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

ANIMAL: Any live creature, both domestic and wild, except humans. **ANIMAL** includes fowl, fish, and reptiles.

ANIMAL NUISANCE: Any nuisance arising out of the keeping, maintaining, or owning of, or failure to exercise sufficient control of, an animal.

AT HEEL: A dog is directly behind or next to a person and obedient to that person's command.

AT LARGE: An animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

BACKYARD POULTRY: Chicken hens and duck hens, but only as permitted by Section 92.14 of this Chapter. Backyard poultry shall not include any roosters or drakes (i.e., male birds) or any other species of fowl.

CONTAGIOUS. Any disease communicable by contact.

CRUELTY.

- (1) Any act or omission whereby unjustifiable physical pain, suffering, or death of an animal is caused or permitted, including failure to provide proper:
 - (a) Drink;
 - (b) Air;

- (c) Space;
- (d) Shelter or protection from the elements;
- (e) A sanitary and safe living environment;
- (f) Veterinary care; or
- (g) Nutritious food in siphoned quantity.

- (2) In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, **CRUELTY** shall mean a failure to employ the most humane method reasonably available.

DOMESTIC ANIMALS. Dogs, cats, domesticated sheep, horses, cattle, goats, swine, confined domestic hares and rabbits, and animals raised and/or maintained in confinement, and such backyard poultry as permitted by Section 92.14 of this Chapter.

EXOTIC ANIMAL. Any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*), or any other animal that would require a standard of care and control greater than that required for domestic farm animals or customary household pets sold by commercial pet shops.

GUARD OR ATTACK DOG. A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

IMPOUNDMENT. The taking into custody of an animal by an Animal Control Officer or authorized representative.

INFECTIOUS. Any disease communicable by infection.

MUZZLE. A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OWNER.

- (1) Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Chapter.
- (2) An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days.

PUBLIC NUISANCE ANIMAL. Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term **PUBLIC NUISANCE ANIMAL** shall include, but be limited to:

- (1) Any animal that is repeatedly found running at large;
- (2) Any dog or cat in any section of park or public recreation area, unless the dog or cat is controlled by a leash or similar physical restraint;
- (3) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner, except as remedied pursuant to this Chapter;

- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, crowing, quacking, gobbling, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (7) Any animal, whether or not on the property of its owner, that without provocation molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (8) Any animal that chases motor vehicles in a public right-of-way;
- (9) Any animal that attacks domestic animals;
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (11) Any animal that is offensive or dangerous to the public health, safety, or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities; and
- (12) Livestock or farm animals shall not be permitted in the Village, except as authorized by the Village's Zoning Code.

SANITARY. A condition of good order or cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT. An animal secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to the person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS OR DANGEROUS ANIMAL.

- (1) Any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock.
- (2) Any wild animal or any animal that, without provocation, has bitten or attacked a human being or other animal shall be prima facie presumed ***VICIOUS*** or ***DANGEROUS***.

WILD ANIMAL.

- (1) Any live monkey, non-human primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal that can normally be found in the wild state.
- (2) The term ***WILD ANIMAL*** does not include domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals or livestock, rodents, any hybrid animal that is part wild, and captive bred species of common cage birds, or backyard poultry as permitted by Section 92.14 of this Chapter.

(Ord. 5-4-A, passed 9/19/2007; Amd. Ord. 2018-03-01, passed 3/21/2018)

§ 92.02 CRUELTY TO ANIMALS.

- (A) (1) It shall be unlawful for any person to willfully or maliciously:
 - (a) Strike, beat, abuse, or intentionally run down with a vehicle any animal; or
 - (b) Otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering, or death to the animal.
- (2) Reasonable force may be used to drive away vicious or trespassing animals.
- (B) (1) No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substances of any kind or ground glass in any place with the intent to injure any animal.
- (2) The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.03 RESTRAINT AND CONFINEMENT; GENERALLY.

- (A) (1) It shall be unlawful for the owner of any dog to fail to keep the animal under restraint or to permit the animal to run at large upon the streets and public ways of the Village.
- (2) Any dog found to be running at large is hereby declared a nuisance and it shall be presumed that the animal is running at large with the permission of the owner, keeper, or person in control of the animal.
- (B) Any dog, while on a street, sidewalk, public way, or in any park, or other public space, or upon any private property shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog or shall be at heel.
- (C) No owner or custodian of any animal shall fail to exercise proper care and control of the animal to prevent the same from becoming a public nuisance.
- (D) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that the female dog or cat cannot come into contact with another animal, except for planned breeding.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.04 RESTRAINT OF GUARD DOGS.

- (A) Every owner of a guard or attack dog shall keep the dog confined in a building, compartment, or other enclosure of adequate stature to hold the dog or on sufficient chain to restrain the dog.
- (B) The areas of confinement shall all have:

- (1) Gates and entrances thereto securely closed and locked; and
 - (2) All fences properly maintained and escape proof.
- (C) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.05 RESTRAINT OF VICIOUS OR DANGEROUS ANIMALS.

- (A) Every vicious or dangerous animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length, or caged.
- (B) Every person harboring a vicious or dangerous animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to the animal.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.06 NUISANCES.

- (A) It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the Village when the keeping of the animal constitutes a public nuisance or menace to public health or safety. No person shall be charged with an offense under this section unless the animal on previous occasion has perpetrated such a nuisance, as aforesaid, and written notice thereof was given to the owner or keeper. The written notice shall have:
- (1) Named the owner or keeper of the animal;
 - (2) Stated the address where the animal is kept;
 - (3) Stated the date and approximate time when the animal perpetrated the nuisance of disturbance or menace;
 - (4) Stated the name and address of the person or persons adversely affected;
 - (5) Was served by personal service on the owner or keeper of the animal or by registered or certified mail; and
 - (6) Was served not less than five days nor more than six months before a person may be charged with an offense under this section.
- (B) This section shall not operate to provide for an offense herein under circumstances when the animal could be normally expected to make a noise, such as a dog barking at the approach of strangers, or when an animal is alarmed or disturbed by unusual circumstances.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.07 KEEPING OF EXOTIC ANIMALS OR WILD ANIMALS.

- (A) (1) It shall be unlawful for anyone to own, harbor, or permit at large any exotic animal or wild animal without obtaining a written permit granted by the Village Board.

- (2) The permit shall be granted only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

(B) Nothing in this section shall be construed as to preclude the following:

- (1) The exhibition of domesticated animals or farm animals at a fair or other event held for the purpose of displaying the animals for judging or exhibition of animal husbandry;
- (2) The exhibition or display of any animals under the direct auspices of any public or any private school located within the Village, provided the exhibition or display is for educational purposes only and no admission is charged;
- (3) The exhibition or display in the ordinary course of business of a pet shop within the premises identified in the applicable business license, which premises shall not include any space on the exterior of the store premises or any space within the common areas of a mall or shopping center or strip shopping center;
- (4) Veterinarians, in the ordinary course of their business;
- (5) Mobile appearances by the Humane Society; and
- (6) The use, display, or exhibition of any animal pursuant to a special use permit, issued by the Village Board. Requests for the permits shall be made to the Village President, who shall cause the request to be placed on the next available Village Board agenda.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.08 KEEPING OF NUMEROUS ANIMALS.

- (A) It shall be unlawful for any person to keep dogs, cats, or other animals within the Village, except a litter of pups, kittens, or other young animals not exceeding five months from birth, in the large numbers as may be reasonably construed to be a threat to the health and well being of the animals or a threat to public health and safety.
- (B) A maximum of three dogs per residence is permissible within the Village.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.09 CARING FOR ANIMALS.

It shall be unlawful for the owner or custodian of any animal to:

- (A) Refuse or fail to provide the animal with:
 - (1) Sufficient wholesome and nutritious food;
 - (2) Potable water;
 - (3) Veterinary care, when needed to prevent suffering; and/or
 - (4) Humane care and treatment.

(B) Unnecessarily expose the animal in hot, stormy, cold, or inclement weather.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.10 SANITATION.

- (A) No owner or custodian of any animal shall cause or allow the animal to soil, defile, or defecate on any public property or any street, sidewalk, public way, play area, or common grounds owned jointly by the members of a homeowner's or condominium association, or upon private property other than that of the owner, unless the owner or custodian immediately removes and disposes of all feces deposited by the animal by the following methods:
- (1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 - (2) Removal of the bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.
- (B) No person owning, harboring, or keeping an animal within the Village shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition on the owner's or custodian's property, or to abutting property of others.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.11 DISEASED ANIMALS.

- (A) No person who knows or reasonably should know shall permit an animal afflicted with a contagious or infectious disease to enter any public place or area whereby the public health may be affected.
- (B) No diseased animal shall be shipped or removed from the premises of the owner except under the supervision of a County Animal Control Officer or the State Veterinarian.
- (C) No person who knows or reasonably should know that an animal has a contagious or infectious disease shall allow that animal to be brought into or remain in the Village, except for the purpose of obtaining veterinary care for the animal.
- (D) The County Animal Control Officer shall secure the disposition of any diseased animal and effect the treatment of affected premises so as to prevent the communication and spread of any contagion or infection transmitted by animals, except in cases where the State Veterinarian is empowered to act.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.12 DOG LICENSES.

- (A) No person shall permit a dog to be or remain in the Village without being registered and licensed by the McHenry County or Lake County Health Departments.

- (B) (1) The registrations and licensing rules of McHenry and Lake Counties shall prevail.
- (2) In no case shall a dog that has not been inoculated after the age of 16 weeks against rabies be allowed to be or remain in the Village.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.13 ANIMAL BITES.

- (A) Whenever a dog or other animal bites a person, the owner of the animal shall immediately notify the McHenry County or Lake County Animal Control Officer, who shall deliver written notice to the owner ordering that the animal be held on the owner's premises or that the animal will be impounded for a period of two weeks.
- (B) Additionally, the animal shall be examined immediately by a licensed veterinarian to determine whether or not the animal is a carrier of any contagious or infectious disease.

(Ord. 5-4-A, passed 9-19-2007) Penalty, see § 92.99

§ 92.14 BACKYARD POULTRY REGULATIONS.

- (A) General Regulations: The allowing, permitting, keeping and/or maintaining of backyard poultry on any residential property located within the Village may only be permitted after the Village has received, reviewed, and approved the mandatory Application and Registration Form and any related documentation required and/or requested by the Village from the owner(s) and occupant(s) of the respective residential property, which registration form shall be submitted to the Village for its review and approval on an annual basis on or before May 1st of each year. The allowing, permitting, keeping and/or maintaining of backyard poultry on any such residential property shall also be subject to the following regulations:
 - (1) Limited to Single-Family Residential Properties: The allowing, permitting, keeping and/or maintaining of backyard poultry shall be permitted only on a residential property containing an occupied single-family detached residential dwelling unit. The allowing, permitting, keeping and/or maintaining of backyard poultry is prohibited on all other properties within the Village, including but not limited to parcels improved with duplexes, townhomes, condominiums, apartments, and/or any other multi-family residential dwelling unit, or improved with any non-residential structure.
 - (2) Vacant Parcels: The allowing, permitting, keeping and/or maintaining of backyard poultry shall be prohibited on any vacant parcels or on any single-family residential property which is not occupied.
 - (3) Parcel Size: The allowing, permitting, keeping and/or maintaining of backyard poultry may be allowed on parcels improved with an occupied single-family residential property having a minimum of 7,500 square feet or more, and in addition, shall be subject to any regulations, restrictions, and/or covenants enforced by the applicable homeowner's association. In the case of any conflict between the applicable ordinances of the Village and the regulations, restrictions, and covenants of the applicable homeowner's association, the more restrictive regulations shall be applicable.

- (4) **Maximum Number:** The maximum number of backyard poultry may not exceed six (6) birds of any age per occupied single-family residential property.
- (5) **Roosters and Drakes Prohibited:** Roosters and drakes (male birds) are prohibited to be kept and/or maintained anywhere within the Village.
- (6) **Slaughtering of Animals Prohibited:** The out-of-doors on-site slaughtering of any poultry, fowl, or any other animal is prohibited within the Village.
- (7) **Registration Required:**
 - (a) On or before May 1 of each year, any person(s) desiring to allow, permit, keep and/or maintain backyard poultry on any residential property within the Village (sometimes referred to herein as the “operation”), and any and all persons presently allowing, permitting, keeping and/or maintaining backyard poultry on any property within the Village limits, including both the owner(s) and occupant(s) of such residential property, are required to and shall register said operation with the Village of Port Barrington by submitting an “Application and Registration Form for the Keeping of Backyard Poultry” (the “Application and Registration Form”) supplied by the Village and approved by the Village Board of Trustees, to the Village of Port Barrington Village Hall, 69 S. Circle Avenue, Port Barrington, IL 60010 for the review and approval by the Village Administrator, or her designee. If the applicant(s) for said operation are not the owner(s) of the property in question, but rather, are tenant(s) occupying the subject residential property, it is required that said Application and Registration Form also be executed and consented to by the respective owner(s) of said residential property to indicate their approval of and consent to such operation.
 - (b) All owner(s) and occupant(s) of any property within the Village presently keeping or maintaining any backyard poultry are required to and shall secure the Village’s approval of their respective Application and Registration Form and the existing operation within sixty (60) days after the effective date of this Section. Any existing operation is required to and shall be brought into compliance with this Section and all other applicable Village ordinances within said 60-day time frame, and the Village reserves the right to inspect any existing operation at the sole cost and expense of the owner(s), occupant(s), and applicant(s).
 - (c) The owner(s), occupant(s), and applicant(s) are required to keep such Application and Registration Form current and up-to-date in terms of the information set forth on such form on file with the Village. If any information on said Application and Registration Form changes and/or becomes inaccurate, within thirty (30) days of such change, the owner(s), occupant(s) and applicant(s) shall be required to provide the Village with a properly completed and executed updated Application and Registration Form containing the current information.
 - (d) The Village’s approval of the allowing, permitting, keeping and/or maintaining of backyard poultry shall be specific to the applicant(s) and shall not be transferable to any other person(s) upon the conveyance and/or rental of the property in question to any other person(s).

- (8) Sale of Eggs: The sale of eggs, whether produced by backyard poultry or otherwise, is prohibited on any residential property within the Village.
- (9) Storage of Food: Feed for backyard poultry shall be kept on the subject property in rodent-proof containers inside a shed, garage, or other secure accessory building.
- (10) Odors: Backyard poultry owners shall regularly remove poultry waste (feces) from their coop and poultry run. At no time shall the owner of backyard poultry allow odors from backyard poultry or backyard poultry waste to emanate to or adversely affect adjoining properties.
- (11) Homeowners' Associations Rules and Restrictions Are Not Affected: These regulations relative to the keeping and/or maintaining of backyard poultry shall not impair or abrogate the restrictions, covenants, rules, regulations, or by-laws of any homeowners' association related to chickens, ducks, poultry, or other fowl.

(B) Regulations Relative to Coops and Runs for Backyard Poultry:

- (1) Containment: Hens shall be contained in a coop with a fenced hen run.
- (2) Enclosed: All coops shall be enclosed.
- (3) Size: Coops shall provide a minimum of four (4) square feet per hen. Poultry runs shall meet or exceed the coop area. Coops shall not exceed six (6) feet in height measured from the ground level. In order to use a shed as a coop, a separate building permit must be obtained from the Village.
- (4) Fencing: Permanently installed fencing (i.e., affixed to or anchored in concrete posts) for backyard poultry runs shall require a fence permit and comply with all applicable fence regulations as set forth in this Code of Ordinances. The maximum fenced area for poultry runs shall not exceed 300 square feet. Temporary fenced poultry runs, or cages used for poultry runs, shall not require a fence permit if used for less than one hundred eighty (180) days in the aggregate. Temporary runs shall be framed and sturdily supported in a straight and true manner.
- (5) Coops: Coops with a floor area of twenty-five (25) square feet or less shall not require a building permit unless the coop is secured by a foundation or by posts anchored in concrete. Coops with an area of greater than twenty-five (25) square feet shall require a building permit. Only one (1) coop shall be permitted for each occupied single-family residential property, regardless of the size of the parcel. Coops for backyard poultry shall constitute an accessory building and shall be subject to all applicable Village regulations and restrictions relative to accessory buildings as set forth in this Code of Ordinances.
- (6) Electrical: The installation of AC (i.e., alternating current) electrical wiring, electrical lighting and/or electrical heating elements in any coop shall require a Village permit. A pre-fabricated coop with factory-installed electrical wiring, lighting, or heating equipment operating with a standard pronged electrical cord shall not require a permit unless after-market modifications have been made to any of the electrical component(s) of such a coop. The use of any extension cords in coops shall be prohibited effective 180 days after passage and approval of this Ordinance by the Corporate Authorities of the Village. A Village permit

is not required for any electrical, lighting, or heating elements of a coop which are battery-powered.

- (7) Construction Materials: Coops shall be constructed of uniform, weather-resistant material, consistent with the applicable requirements for accessory buildings as set forth in this Code of Ordinances.
- (8) Placement: The respective location(s) of any coop or run shall be compliant with all front and side yard setbacks as required by the Zoning Code of the Village and, in any event, shall be set back a minimum of seven (7) feet from any property line.
- (9) Inspection(s): All coops or runs shall be subject to inspection by any Village official or authorized Village employee at any time to ensure compliance with the regulations in this Section 92.14.

(Ord. 2018-03-01, passed 03/21/2018)

§ 92.99 PENALTY.

Any person, firm, corporation, or other legal entity violating or failing to comply with any provision of this Chapter shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, and each day that a violation exists or continues shall constitute a separate offense.

(Ord. 5-4-A, passed 9/19/2007; Amd. Ord. 2018-03-01, passed 03/21/2018)