

CHAPTER 175: GENERAL OFFENSES

Section

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§ 175.01 ANIMAL CONTROL.

(A) *Definition.* The word animal, wherever used in this section, shall include dogs, cats and any other mammal species, both male and female, other than human persons.

(B) *Animal Control Officer.* The Village may employ a person or persons to be designated the Animal Control Officer for purposes of this section with the following responsibilities and powers:

(1) The Animal Control Officer shall impound, or cause to be impounded, and shall dispose of, according to the provisions in this Code, all animals running at large within the Village. The Officer shall maintain a record of every animal impounded, describing the breed, color and sex, together with the time and place the animal was captured, the final disposition made of each animal and any other information obtained.

(2) The Animal Control Officer shall be responsible for the general administration and enforcement of the provisions contained in this section and may make complaints and issue citations for violations of these provisions.

(3) The Animal Control Officer is clothed with police powers and, before entering upon his or her duties, shall take the oath of office prescribed for all other police officers of the Village. The Officer shall wear the uniform the Board prescribes and shall be furnished with equipment as provided by the Board.

(4) It shall be unlawful for any person to interfere with the Animal Control Officer, or any of his or her assistants, in the performance of their duties, or to prevent or attempt to prevent any of them from capturing or impounding any animal within the Village.

(C) *Dog license requirements.* No dog shall be permitted to be in or remain in the Village without being licensed. All dogs kept in the Village shall, in addition to any County registration requirement, be registered with the Village Clerk as to sex, breed, name and address of the owner and name of dog. At the time of registration, the owner shall obtain a license for the dog, at no cost. It shall be the duty of the owner to cause the Village and County license tag to be securely attached

around the dog's neck and kept there at all times during the license period. The license shall run for the fiscal year during which it was obtained. Any dog found in the Village either without a license or running at large under conditions set forth above is declared to be a nuisance and shall be impounded.

(D) *Rabies inoculation.* It shall be the duty of the owner or person in custody of any dog kept in the Village to have the dog inoculated against rabies. No license for a dog shall be issued unless the applicant exhibits a current certificate by a veterinarian showing compliance with this section.

(E) *Animals running at large.* The owner, possessor or keeper of any animal shall keep the animal under restraint at all times and shall not permit the animal to be at large off the premises or property of the owner, possessor or keeper. Any animal shall be deemed to be at large when he is off the property of its owner, possessor or keeper and not under control of a competent person either by leash, cord, chain or otherwise. An animal is under restraint within the meaning of this section if he is controlled by a leash, "at heel" beside a competent person and is obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owner, possessor or keeper.

(F) *Impoundment procedures.*

(1) Every animal running at large within the Village shall be impounded by the Animal Control Officer. Impoundment may be made in any public animal pound.

(2) It shall be the duty of the Animal Control Officer to notify by mail the owner of every animal impounded, if known, that the animal has been impounded and the place of impoundment, giving the date the animal was impounded. It shall be the duty of the owner of the impounded animal to immediately redeem the animal, unless the animal has been impounded for biting some person within the Village or is afflicted or suspected of being afflicted with rabies and is being held for observation. Upon the neglect or failure of any person owning any impounded animal to redeem the animal within three days from the date of mailing the notice of impoundment, the animal may be redeemed by any other person by paying to the Animal Control Officer or to the Village Treasurer all charges accrued for impounding the animal. Every dog redeemed must have attached to its collar a licensed dog tag for the calendar year before being released by the Animal Control Officer. If the owner fails to redeem the impounded animal within 24 hours after receipt of the notice, a charge shall be made of \$4 per day, commencing from the expiration of the 24-hour period until the animal has been redeemed. This charge shall be in addition to the redemption fee provided for in paragraph (3) below.

(3) *Redemption fee.* For the first violation, the prevailing rates charged by the animal shelter and by the Village shall be charged for every animal impounded at that shelter. For the second violation, the fee shall be twice that for the first violation. For the third violation, the fee shall be three times that for the first violation.

(4) *Redemption of animal which has bitten any persons.* No impounded animal which has bitten a person shall be redeemed before the expiration of 10 days, as provided in paragraph (5) below.

(5) *Disposition of animals which have bitten persons.* Every animal not afflicted with rabies, which has been impounded for biting any person within the Village, may be redeemed at the end of 10 days, upon payment to the Village of all charges and expenses incurred for impounding and keeping the animal. Unless all expenses and charges incurred by the Village for impounding or confining any animal which has bitten any person in the Village shall be paid within four days after the period for impounding the animal has expired, the animal shall be destroyed by the Animal Control Officer.

(6) *Disposition of unredeemed animals.* Any animal not redeemed after notice in accordance with the provisions of this section may be destroyed in a modern lethal chamber to be used for the purpose of destroying animals or may be destroyed by a licensed veterinarian in any humane manner, upon written order of the Animal Control Officer.

(G) *Offenses and nuisances.*

(1) *Barking dogs.* No person owning, possessing or harboring any animal within the Village shall permit the barking of the animal to disturb the peace and quiet of any neighborhood where the animal is kept, harbored or resides. Any person residing in a neighborhood, whose peace and quiet has been disturbed by any animal harbored in the neighborhood may make a sworn complaint before the proper police officials against the owner, possessor, keeper or harborer of the animal. Any owner, possessor, keeper or harborer of any animal which disturbs the peace and quiet of any neighborhood in violation of this section shall, upon conviction, be punished as provided for in this section.

(2) *Cruelty to animals.* It shall be unlawful for any person to cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of violating this section. It shall be unlawful for any person to, by any means, either willfully or for want of reasonable care, frighten any horse, mule or other animal, being at the time attached to any vehicle or in charge of any person.

(3) *Exhibiting animals.* Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Board of Trustees.

(4) *Diseased animals.* No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place where the health of man or beast may be affected, nor shall any diseased animal be shipped or removed from the premises of the owner, except under the supervision of the County Veterinarian.

(5) *Encouraging to fight.* It shall be unlawful for any person to set any dogs or other animals or fowls to fighting, or to in any manner encourage them after they have commenced to fight.

(6) *Animals in heat.* Any owner or keeper of any female animal residing within the limits of the Village shall keep the animal, while in heat, in a tight enclosure for a period of 20 days from the beginning of heat.

(H) *Miscellaneous provisions.*

(1) It shall be unlawful for any person to liberate, or attempt to liberate, any impounded animal or any animal captured or confined within a vehicle under the control of the Animal Control Officer or any police officer for conveyance to the animal pound.

(2) Any animal suspected of being afflicted with rabies, running at large within the Village, may be slain by the Animal Control Officer, or by any police officer, sheriff, deputy sheriff or other law enforcement officer, if the officer deems it essential to the safety of any person within the Village.

(3) Any fierce or dangerous animal running at large within the Village, whose capture endangers or threatens the safety of the Animal Control Officer, or his or her assistants, may be slain by the officer or assistants.

(4) In addition to the powers given to the Animal Control Officer, any police officer may issue a notice to appear to any person suspected of violating any provision of this section and may impound or cause to be impounded any animal running at large.

(I) *Housing.* No person shall cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome, and it shall be unlawful to keep any live swine, pigs, sheep or horses in the Village. It shall be unlawful to keep or have any goats anywhere in the Village, or any cattle, sheep, horses or chickens within 150 feet of any residence, other than the residence of the person keeping the animals.

(J) *Driving, riding animals.*

(1) It shall be unlawful for any person to ride or drive any horse or other animal in the Village at a greater speed than eight miles an hour or to race any horse or other animal on any public street, avenue or alley.

(2) It shall be unlawful for any person to immoderately ride or drive any horse, mule or other animal on any avenue, street or alley of the Village, or to willfully or heedlessly drive any animal so that the animal or any vehicle attached to it shall collide with any other vehicle or shall strike any person.

(3) It shall be unlawful for any person to permit to run loose in the Village or to lead, ride or drive any animal upon any sidewalk.

(4) It shall be unlawful for any person to ride or drive any horse, mare, mule or gelding or other beast of burden violently or carelessly through or along any street, lane, alley or other public thoroughfare in the Village so as to endanger the safety of any person or property.

(5) It shall be unlawful for any driver of any horse, team or other vehicle to stop in any public street or other public thoroughfare in the Village so as to obstruct the street or other public thoroughfare in a manner which will prevent any horse, team or other vehicle from passing, except in the case of absolute necessity, or to hinder or stop any pedestrian from pursuing his or her journey on the sidewalks and street crossings. In all cases, persons meeting each other riding on horseback or driving any wagon or other vehicle on any street or other public highway in the Village shall each I turn off to the right to enable persons and vehicles to pass each other without delay or accident.

(K) *Penalties.* The violation of any provision contained in this section shall be punished by a fine not exceeding \$250. Each day any violation of this section shall continue shall constitute a separate offense.

Peoria County Ordinance, Chapter 5, Animals and Fowl, is adopted herein by reference thereto.

§ 175.02 INOPERABLE MOTOR VEHICLES.

(A) *Inoperable motor vehicle.* Any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

(B) *Public nuisance.* It shall be declared a menace to the public safety and welfare and a public nuisance for any person to cause, permit or allow to remain in the open the existence or storage upon any publicly- or privately-owned premises or land an inoperable motor vehicle within the Village. It is permissible to keep inoperable vehicles stored in any fully enclosed building, to keep inoperable historic motor vehicles over 25 years-of -age which are licensed by the State of Illinois or to keep inoperable motor vehicles on the premises of a duly authorized place of business engaged in wrecking or junking motor vehicles.

(C) *Notice to abate nuisance.* The Zoning and Planning Department and the Peoria County Sheriffs Department shall enforce the provisions of this section and shall notify the owner or person in control of any private property of any violation of this provision. Owners or persons in control of private property shall store all inoperable vehicles in violation of this section in a completely enclosed building or location on the property or otherwise remove them from the property. Notice for violations of this section shall be given by an inspector of the Zoning and Planning Department or by a deputy of the Sheriff s Department. Service of the notice shall be made by means of personal service of a copy of the notice or by certified or registered mail of a copy of the notice which is addressed to the residence or usual place of business of the owner or person in control of the private property. The notice shall fairly apprise the owner or person in control of the nature of the nuisance, the duty to abate or remove the nuisance, the duty to comply with this section within seven days of service of the notice and the penalty for failure to abate or remove the nuisance.

(D) *Motor vehicle removal notice.* Upon the failure of the owner or person in control of any property to comply with the notice to remove and dispose of the inoperable motor vehicle within seven days of service of the notice provided above, the Sheriff or his deputies are authorized by the Board to remove and dispense with the inoperable motor vehicle or parts of it. If the notice provided above is returned by the United States Post Office to the Village because of an inability to deliver it, the Village is authorized to remove and dispense with the inoperable motor vehicle.

(E) *Motor vehicle liens and personal judgment.*

(1) All costs and expenses of removing and dispensing of the inoperable motor vehicle from the private property shall be recoverable from the owner or person in control of the private

property. These costs and expenses shall constitute a lien on the private property and shall be a superior lien to all prior existing liens and encumbrances, except taxes, provided that within 90 days after completion of the removal and disposal of the inoperable motor vehicle, the Village files a notice of lien with the Peoria County Recorder of Deeds. Upon payment in full of the costs and expenses, the lien shall be released by the Village.

(2) The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's liens. Suits to foreclose this lien shall be commenced by the Village within three years after the date of filing the notice of lien.

(3) If payment to the Village for these costs and expenses is not made within 15 days of the filing of the notice of lien, the Village may commence proceedings in the Circuit Court seeking a personal judgment from the owner or person in control of the private property from which the inoperable motor vehicle was removed and disposed of at the time the proceedings were commenced. The action authorized by this section shall be in addition to, and without waiver of, any other remedies contained in this section.

(F) *Penalty.* Anyone convicted of violating this section shall be subject to a fine of not less than \$10 nor more than \$100 for each day the violation shall continue.

§ 175.03 CURFEW.

It shall be unlawful for any person under 18 years-of-age to be loitering or playing in or upon any street, alley or other public place in the Village at night between the following hours, unless the person is accompanied by a parent, guardian or other person having legal custody of the person, or unless engaged in an occupation or business which the person may lawfully engage in under the statutes of this State. Any person violating the provisions of this section shall be subject to arrest and, upon conviction, shall be subject to a fine as provided in this Code. It shall also be unlawful for any parent, guardian or other person having legal custody of a person under 18 years-of-age to normally permit that person to violate the provisions of this section.

September 1 to May 31:

Sunday through Thursday 9:00 p.m. to 6:00 a.m.
Friday and Saturday 11:00 p.m. to 6:00 a.m.

June 1 to August 31:

Sunday through Thursday 10:00 p.m. to 6:00 a.m.
Friday and Saturday 11 :59 p.m. to 6:00 a.m.

§ 175.04 WEEDS.

(A) *Weeds prohibited.* It shall be unlawful for any person to permit the lot or premises owned or possessed by him or her, or the street in front of or adjoining the lot of premises, to

become overgrown with weeds. The weeds shall be cleared, all trash or dirt shall be removed and the premises kept in neat and clean condition.

(B) *Height*. It shall be unlawful to permit any weeds, grass or plants other than trees, bushes, flowers, vegetables or other ornamental plants to grow to a height exceeding eight inches anywhere in the Village; any plants or weeds exceeding eight inches are declared to be a nuisance.

(C) *Barberry bushes*. It shall be a nuisance and unlawful to plant or permit the growth of the bush of the tall, common or European Barberry, further known as *Berberis Vulgaris*, or its horticultural varieties, within the Village.

(D) *Removal; notice*. It shall be the duty of the police to serve or cause to be served notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this section and to demand the abatement of the nuisance within 10 days.

(E) *Abatement*. If the person served with notice of a nuisance does not abate the nuisance within 10 days, any police officer may proceed to cause the abatement of the nuisance, keeping an account of the expense of the abatement. The expense shall be charged to, and paid by, the owner or occupant of the premises.