

Effective date: June 16, 2008

5/1/2008
4/1/2008

50-O-08

AN ORDINANCE

**Amending Various Sections of
Title 9, Chapter 4, of the Evanston City Code,
"Dogs, Cats, Animals and Fowl"**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Subsection 9-4-7 (C) of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

- (C) It shall be unlawful for any dog or cat, even though on leash, to go or be upon any school premises or public bathing beach within the City or upon a path or sidewalk extending through or within any school premises or public bathing beach within the City. The foregoing shall not apply to any City-designated dog beach, as per Section 7-11-8 of this Code, as amended.

SECTION 2: That Subsection 9-4-9 (A) of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

- (A) Procedure When Animal Is Suspected Of Having Rabies; Release Of Animal: All animals which have attacked, bitten, scratched or otherwise injured any person so as to cause an abrasion or breaking of the skin of such person shall be impounded for a period of not less than ten (10) days. If, however, a licensed veterinarian or rabies inspector receives information and evidence that the animal has been previously vaccinated in accordance with the requirements of the state of Illinois, then said animal shall be confined either in a kennel under veterinary supervision or said animal shall be confined in the house of the said owner and shall not be permitted upon the public streets. If the animal's rabies vaccinations are up-to-date, it shall be presented for examination and observation by a licensed veterinarian on the first and last days of a ten (10)-day period that shall commence no later than twenty-four (24) hours after the attack, bite, scratch, or other injury causing abrasion or breaking of the victim's skin. If

the animal's rabies vaccinations are not up-to-date, the animal shall be impounded and kept in the care of a licensed veterinarian, at the owner's expense, for at least ten (10) consecutive days. All reports of bites received by a veterinarian shall be reported in writing to the rabies inspector within twenty-four (24) hours after the dog or other animal is confined and such report shall contain the owner's name, address, the date of confinement, the breed, description, age and sex of the dog or other animal. Upon the completion of confinement of the dog or other animal for the ten (10) day period, the veterinarian shall notify the rabies inspector and the local health department in writing of the final disposition of the dog or other animal. Failure to comply with the provisions hereof shall subject the owner of such dog or animal to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each and every day that said violation continues.

SECTION 3: That Subsection 9-4-17 (B) of the Evanston City

Code of 1979, as amended, is hereby further amended to read as follows:

- (B) 1. No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined" as the term is used in this Section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or a dog run area upon the premises of said person. Such pen or dog run area must also have sides at least six feet (6') high and a secure top. The pen or structure must have a concrete bottom and sides secured to said bottom. All structures erected to house dangerous dogs must comply with all zoning and building regulations of the City. All such structures must be of adequate size to permit the dog to move about freely, must be adequately lighted, ventilated, and kept in a clean and sanitary condition.

SECTION 4: That Subsection 9-4-17 (F) of the Evanston City

Code of 1979, as amended, is hereby further amended to read as follows:

- (F) Any person owning or harboring or having the care of any dangerous dog shall maintain a policy of insurance 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 of the dangerous dog. Said insurance policy shall be separate and distinct from any homeowner's insurance policy. Such person shall produce evidence of such insurance upon the request of a

Police officer or Animal Warden and shall present evidence of such insurance as a condition to obtaining a dog license.

SECTION 5: That Section 9-4-17 of the Evanston City Code of 1979, as amended, is hereby further amended to include a new Subsection (H), with all subsequent subsections renumbered accordingly. The new Subsection (H) shall read as follows:

(H) Every owner of a dangerous dog must:

1. spay/neuter the dangerous dog at the owner's expense; and
2. have an identifying microchip implanted in the dangerous dog at the owner's expense. The microchip must be implanted by a veterinarian authorized by the animal warden. The owner or keeper shall provide the microchip number to the animal control department for inclusion in the records.

SECTION 6: That the newly-renumbered Subsection 9-4-17 (J) of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

(J) Appeal: The owner of a dog deemed or designated by the Animal Warden, his deputies, or by a Police officer to be a dangerous dog because said dog meets at least one of the criteria in Section 9-14-7 may file a written request with the Chief of Police, within ten (10) days of said categorization, for review thereof. Said request shall include proof that the dog has a current City license and facts to support the owner's belief that the dog is not dangerous. The Chief of Police or his designee shall render a written decision within ten (10) working days of receipt of the request for review. The Chief or his designee may extend the review period for an additional ten (10) working days upon good cause shown upon written notification to the owner. The review process shall be conducted in writing only. No information may be presented orally.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That if any provision of this Ordinance 50-O-08 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 9: That this Ordinance 50-O-08 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: May 12, 2008

Approved:

Adopted: May 27, 2008

June 2, 2008

Edmund B. Moran, Jr.
Edmund B. Moran, Jr., Mayor Pro Tem

Attest:

Mayre Press
Mayre Press, Deputy City Clerk

Approved as to form:

Elke Tober-Purze
Elke Tober-Purze, Interim
First Assistant Corporation Counsel