

Effective Date: February 8, 2012

11/8/11
10/14/2011
9/28/2011

81-O-11

AN ORDINANCE

**Amending Title 9, Chapter 4 of the Evanston Municipal Code entitled
“Dogs, Cats, Animals and Fowl” to promote Responsible Pet
Ownership**

WHEREAS, the City of Evanston has the authority to adopt ordinances which pertain to issues of health, safety, and welfare of its citizens; and

WHEREAS, the City seeks to encourage pet owners within the City to be mindful and adhere to the restrictions relating to pets set forth within the City of Evanston Code of 1979, as amended, (the “City Code”); and

WHEREAS, the City determines that it is in the best interests of its citizens to address pet owners that repeatedly do not follow and abide by the City Code;

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

SECTION 1: The foregoing recitals are incorporated herein as findings of the corporate authorities of the City of Evanston.

SECTION 2: Title 9, Chapter 4 of the Evanston City Code of 1979, as amended, is hereby further amended to add the following section:

9-4-21: Responsible Pet Ownership:

(A) Problem pet ownership. For purposes of this Chapter, a problem pet owner is a person who has been determined by an Administrative Adjudication hearing officer or the circuit court to have committed: (1) three or more separate and unrelated violations of Sections 9-4-14 (Cruelty to Animals), 9-4-16 (Wild, Vicious Animals) or 9-4-17 (Dangerous Dogs) of this Chapter, in one 36 month period; or (2) two or more separate and unrelated violations of Sections 9-4-14 (Cruelty to Animals), 9-4-16 (Wild, Vicious

Animals) or 9-4-17 (Dangerous Dogs) of this Chapter at any time after having a dog owned by him or her designated as a Dangerous or Vicious Dog.

(B) Designation of problem pet owner: A person shall be designated as a problem pet owner when an Administrative Adjudication hearing officer or the circuit court, at the request of the Police Department, has conducted an evidentiary hearing, heard and considered evidence pertaining to past violations of this Chapter by the person, and entered an order determining that the person has committed the violations described in 9-4-21(A) and designating the person as a Problem Pet Owner.

(C) Notice of Hearing: A person whom the Police Department requests be designated as a Problem Pet Owner shall be provided with written notice of a hearing before the Administrative Adjudication Hearing Division or the circuit court, in conformance with the procedures and the citation guidelines established in Section 11-1-12, "Procedure", of this Code. In addition to the notice requirements set forth in Section 11-1-12, the notice shall also set forth both (1) the names, descriptions, and license numbers of any animals owned by or licensed to the person; and (2) a summary of the impact of designation as a problem pet owner, as set forth in this Section.

(D) Pre-Hearing confinement of animals: Upon service of notice pursuant to this Section, all of the animals owned by the person whom the Police Department seeks to be declared to be a problem pet owner may be impounded if the Chief of Police or his or her designee determines that impoundment is in the interests of public safety or the health and welfare of the animal(s). Upon such a determination, the Chief of Police or his or her designee may require that all of the animals be held in an animal shelter or a secure veterinary hospital until a hearing is held. If all of the animals are not impounded prior to the hearing, the Owner shall comply with any and all requirements imposed by the Chief of Police or his or her designee for the confinement and care of the animals pending the hearing. Any failure to comply with any such requirement is a violation of this Section, and each day of non-compliance will constitute a separate violation.

(E) Bar on licensing or owning animals: If, after conducting a hearing, the Administrative Adjudication hearing officer or the court determines that a person should be declared a problem pet owner, all animal licenses held by that person will be immediately revoked, and it shall be unlawful for that person to license or own any animal in the City for a period of 24 months from the date of the entry of that determination. Further, upon the determination by the hearing officer or the court that a person is a problem pet owner, the problem pet owner must immediately surrender all animals in his or her possession to the Chief of Police or his or her designee.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this Ordinance 81-O-11 shall be in full force and effect

from and after its passage, approval, and publication in the manner provided by law.

SECTION 5: That the findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: January 9, 2012

Approved:

Adopted: January 23, 2012

January 25, 2012

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

