



**COMMITTEE OF THE WHOLE MEETING**  
**Monday, August 19, 2019**  
(Immediately following the Village Board Meeting)

**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**AUDIENCE COMMENTS**

**TRUSTEE COMMENTS**

**DISCUSSION**

1. Animal Code Amendments

**EXECUTIVE SESSION**

**ADJOURN**

Initials

SB

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**VILLAGE OF NORTH AURORA  
BOARD REPORT**

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**TO:** OPERATIONS COMMITTEE MEMBERS  
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR  
**FROM:** MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR  
**SUBJECT:** ANIMAL CODE AMENDMENTS  
**DATE:** AUGUST 19, 2019 COMMITTEE OF THE WHOLE MEETING

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Title 6 of the Municipal Code regulates all animal conduct within the Village. Staff has revisited the entire chapter due to the following circumstances:

- Title 6 limits the number of domesticated animals to three (3) per species and four (4) in total. There has been past media attention regarding the number of domestic animals, specifically dogs, that can be kept in North Aurora.
- Title 6 prohibits the possession of farm animals. "Farm animal" means and includes but is not limited to: horses, mules, bison, cattle, goats, sheep, swine and fowl. "Fowl" means and includes the larger, domesticated birds used as food, including chickens, ducks, geese and turkeys. Code enforcement is currently working with a property owner who is keeping emotional support animals, more specifically fowl, on their property.

Upon revisiting Title 6, staff has taken the opportunity to align the animal provisions with current regulatory practices and current affairs involving the keeping of animals. Community development staff has coordinated with the Police Department on current practices and procedures.

Staff solicited feedback from the Operations Committee on the animal code text amendments at their May 6, 2019 meeting. While they were generally in favor of the proposed amendments, the Committee did spend a majority of the time discussing the service and emotional support animal elements in more detail. To summarize an in-depth discussion, the Committee believed it to be appropriate that the Village provide residents with the need for service and emotional support animals the ability to keep those animals without conflict with Village ordinance. Committee members discussed registration and/or licensing programs for service and emotional support animals, but spent a majority of time discussing how many service and emotional support animals *and* other domestic animals should allowed to be kept on a property. While a specific number of animals on a property was not specifically concluded, staff was able to gauge the Committee's discussion in order to come up with a direction.

The content provided to the Operations Committee in May remains relatively similar to the current language being proposed; however, staff has worked diligently with the Village Attorney on reformatting the proposed amendments and integrating the Committee's comments into the language. The following is a highlight of the more critical elements being proposed:

- A definition for both 'emotional support animal' and 'service animal' was added.
- The maximum number of domestic animals per household would be four (4) animals with no limit on the number of one specific species.

- The number of emotional support animals and service animals would be included in the number of total animals and not cause to exceed the total number animals allowed (four). Any premises that have greater than the number of animals allowed on the effective date of the adopted ordinance will be considered grandfathered.
- The owner or keeper of each and every service animal or emotional support animal that is not a domestic animal will be required to register the animal with the Village within thirty (30) days of acquiring the animal.
- Fish and other small aquatic animals, crustaceans, amphibians and reptiles confined to an aquarium or terrarium; birds that are kept in a cage; and small mammals that are under five pounds and are kept in a cage would be *exempt* from the limitation of four (4) animals.
- To tighten the language regarding animal nuisances, staff is assigning specific timelines to animal nuisance by prohibiting an owned animal from making excessive noise outside for more than ten (10) consecutive minutes between the hours of 7:00 AM and 9:00 PM and for more than five (5) consecutive minutes between the hours of 9:01 PM and 6:59 AM.

For reference purposes, the following is a list of surrounding municipalities and their limitation on the number of domestic animals:

<b>Municipality</b>	<b>Number of Animals</b>	<b>Specific Limitation</b>
<i>North Aurora</i>	4	<i>3 of one species</i>
Aurora	4	2 of one species
Batavia	4	
Geneva	4	
Montgomery	4	2 of one species
Naperville	3	
Plainfield	5	
St Charles	3	

As the above table illustrates, most of the sample municipalities allow four (4) domestic animals. North Aurora also allows four (4) domestic animals, but limits that to no more than three (3) of any particular species. Staff notes that most common domestic animals would be exempt from the limitation of domestic animals -- fish and other small aquatic animals, birds that are kept in a cage, small mammals that are under 5 pounds. As such, the limitation is inherently referring to dogs and cats. In order to simplify the code provisions, bring North Aurora in line with surrounding communities, more easily regulate through code enforcement and integrate the number of service and emotional support animals, staff believes that capping the total number of domestic animals at four (4) is the preferable solution to the underlying issues that prompted a re-visitation of Title 6 in the first place.

#### Attachments

- 1) [DRAFT] Ordinance amending Title 6 of the North Aurora Code regarding animals



VILLAGE OF  
**NORTH**  
AURORA

VILLAGE OF NORTH AURORA  
KANE COUNTY, ILLINOIS

Ordinance No. \_\_\_\_\_

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**ORDINANCE AMENDING TITLE 6 OF THE NORTH AURORA CODE**  
**REGARDING ANIMALS**

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Adopted by the  
Board of Trustees and President  
of the Village of North Aurora  
this \_\_\_\_ day of \_\_\_\_\_, 2019

Published in Pamphlet Form  
by authority of the Board of Trustees of the  
Village of North Aurora, Kane County, Illinois,  
this \_\_\_\_ day of \_\_\_\_\_, 2019  
by \_\_\_\_\_.

Signed \_\_\_\_\_

**ORDINANCE NO.**

**ORDINANCE AMENDING TITLE 6 OF THE NORTH AURORA CODE  
REGARDING ANIMALS**

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.
2. North Aurora Code provisions in Title 6 (Animals), Chapter 6.04 (General provisions) are hereby revised in their entirety as follows:

**Chapter 6.04 - GENERAL PROVISIONS**

**6.04.010 - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Animal" means and includes any living vertebrate, domestic or wild, not including man.

"Animal-at-Large" means any animal owned or kept by a person that is intentionally or inadvertently allowed to roam free not under the control by a person over the age of ten (10) years old by command or leash of a leash at any time. If the animal is on the property of the owner or keeper of the animal, it is at large if it is not contained on the property by means of a physical or invisible fence, chain, owner's supervision, leash or other means of restraint sufficient to protect pedestrians on public property.

"Animal control coordinator" means the Code Enforcement Officer.

"Bird" means and includes warm blooded, two-legged, egg laying vertebrates with feathers and wings.

"Bite" means seizure with the teeth or jaws of an animal so that the skin of the human being or animal has been gripped, pierced or broken and further includes contact of the saliva of the biting animal with any break of the skin of the human being or animal bitten.

"Carrier and racing pigeons" means pigeons as defined in the "Carrier and Racing Pigeon Act of 1984."

"Cat" means all members of the feline family (Felis Catus).

“Dangerous dog”, for purposes of County enforcement under the State Animal Control Act, means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

"Dangerous animal", for purposes of local enforcement, means any of the following animals:

- A. Any snake, reptile or lizard that is physically capable of seriously injuring any person by bite, poison, constriction or other means;
- B. Any lion, tiger, cougar, jaguar, panther, bobcat, mountain lion, lynx, ocelot, leopard or other similar feline animal which when fully grown normally attains a weight in excess of forty (40) pounds;
- C. Any wolf, coyote, jackal, fox or wild dog;
- D. Any bear or bison;
- E. Any skunk, raccoon, or rodent weighing more than one pound, with the exception of guinea pigs;
- F. Any non-canine animal not native to the North American continent and which when full grown normally attains a weight in excess of two hundred (200) pounds; or
- G. Any monkey, gorilla, chimpanzee or other similar apelike primate.

"Dog" means and includes all animals, regardless of sex, of the canine species (*Canis Familiaris*).

"Domestic animal" means any animal, except a farm or dangerous animal, which has been domesticated so as to live and/or breed in a tame condition as a household pet or guardian.

“Emotional Support Animal” or “Comfort Animal” means an animal that provides a benefit to a person with a mental health diagnosis or emotional disability as determined and certified by a licensed medical professional, provided that it is not a Dangerous Animal.

"Euthanasia" means death brought about by any medically recognized method which produces instant loss of consciousness and results in painless death.

"Farm animal" means animals commonly kept for agricultural purposes and includes but is not limited to, horses, mules, bison, cattle, goats, sheep, swine and fowl.

"Fowl" means birds commonly domesticated and raised for food and/or eggs and includes chickens, ducks, geese and turkeys.

"Humane Society" is any not-for-profit corporation chartered under the laws of the state of Illinois for the object of animal welfare and humane treatment.

"Kennel" means any establishment wherein any person engages in the business of boarding, buying, grooming, letting for hire, training for a fee or selling dogs; provided, however, that the ownership of dogs which are a part of the household shall not constitute the operation of a kennel. Kennel shall not include any animal control and care facility, any kennel, pound or training facility operated by any subdivision of local, state or federal government, any humane society or veterinary hospital.

"Leash" means a cord, rope, strap, chain or other device not to exceed six feet in length which is securely fastened to the collar or harness of a dog or other animal and which shall be of sufficient strength to keep such dog or animal under control.

"Other enterprise" means any public or private animal attraction or exhibition staged temporarily or permanently, with or without charge to viewers, in compliance with applicable ordinances of the Village of North Aurora, statutes of the state of Illinois and federal laws, including but not limited to zoos, circuses, pony rides, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or expositions utilizing or displaying animals, and businesses of any kind that place animals on display to the public for promotion or advertising purposes.

"Owner" means any person having a right of property in an animal, or who keeps or harbors any animal, or for purposes of this chapter, who has an animal in his or her care or custody or acts as its custodian, or who knowingly permits it to remain on or about any premises owned or occupied by him or her.

"Person" means any individual, firm, corporation, partnership, association or other legal entity.

"Pet" means any species of domestic animal customarily regarded as suited to live within an abode used for human occupancy.

"Service Animal" means any animal that is individually trained and used with the intention purpose of providing assistance to a person with a disability, provided that it is not a Dangerous Animal.

"Stray animal" means any animal not under restraint and not in the presence of its owner.

"Trap" means to capture, or attempt to capture, by setting or placing a leg hold trap, cushion-hold trap, bodygripping trap, cage or box trap, spring trap, dead/fall trap, pit/trap, snare or other similar device to capture, hold or kill any animal.

"Veterinarian" means a practicing veterinarian licensed by the state of Illinois.

"Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for diagnosis, treatment and/or surgery of diseases and injuries of animals.

"Vicious dog", for purposes of County enforcement under the State Animal Control Act, means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

"Vicious animal", for purposes of local enforcement, means is any animal that bites, attacks, threatens to bite or attack, or which is known to have bitten or attacked or threatened to bite or attack, or otherwise harms or is known to have harmed a human being or another animal at any time within the preceding twenty-four (24) month period without provocation whenever such human being or animal is peacefully conducting himself, herself or itself where he, she or it is legally entitled to be.

#### 06.04.020 – Animal Control

Animal control shall be the primary responsibility of the Animal Control Coordinator. The Village police officers shall also have authority to enforce the provisions of this Chapter and in cooperation with the Animal Control Coordinator in carrying out the provisions of this Chapter.

#### 6.04.030 - Keeping of animals

- A. No person shall own, keep or harbor within the Village any of the following prohibited animals:
  1. Dangerous animals; and
  2. Bees, insects, and other *feral naturae* animals and wildlife that are by nature wild by way of distinction from those that are naturally tame or commonly sold in pet stores and are ordinarily living unconfined in a state of nature without the care of man under the State Wildlife Code (520 ILCS 5/1.1 *et seq.*); and
  3. Farm animals, except as specifically allowed as a service animal or emotional support animal.
- B. It is no defense to a violation of this section that the owner or keeper of any prohibited animal has attempted to domesticate such animal.
- C. Any prohibited animal found in the Village may be apprehended and impounded by the animal control coordinator or his or her designee or referred to the County for apprehension and impoundment.
- D. The disposition of a prohibited animal shall be in accordance with the provisions of state law. Where no state law applies no right of redemption shall apply, and the animal control coordinator shall have the authority to dispose of the animal as he or she deems fit.
- E. The maximum number of permitted animals per household is four (4) animals, provided however, that any newborn animals shall be allowed to remain in the household despite the limitation of this section for up to four (4) months from the date of birth, and further provided that the following are exempt from the limitation:



1. Fish and other small aquatic animals, crustaceans, amphibians and reptiles confined to an aquarium or terrarium;
  2. Birds that are kept in a cage;
  3. Small mammals that are under 5 pounds and are kept in a cage.
- F. Every person who owns, keeps or harbors a dog or cat within the limits of the Village shall, within thirty (30) days of acquisition of the dog or cat, register the dog or cat or cause it to be registered for a license with the county clerk or such county clerk's authorized agent and shall have the dog or cat inoculated for rabies.

6.04.040 - Rabies inoculation.

- A. Every owner of a dog or cat four months of age or older shall, each year, cause such dog or cat to be inoculated against rabies by a licensed veterinarian, and provide the dog or cat with a collar or harness and attach to such collar or harness an official rabies vaccination tag which shall be worn by the dog or cat at all times. However, if the vaccine used is one recognized by the State Department of Agriculture, for a three-year period of immunity and the dog or cat is over twelve (12) months of age at the time of inoculation, the interval between inoculations may be extended to three years.
- B. Any dog or cat which is not inoculated against rabies as required in this section is declared to be a public nuisance and such dog or cat may be apprehended and impounded upon the order of the animal control coordinator or his or her designee.

6.04.050 - Canine unit exemption.

Trained police dogs utilized by an official law enforcement agency and assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of this section as well as any applicable provision of any other section of this chapter.

6.04.060 - Carrier and racing pigeons.

To the extent of any conflict between this chapter and the Carrier and Racing Pigeon Act of 1984, that Act shall prevail, provided however, that where there is no conflict, this chapter shall apply to carrier and racing pigeons.

6.04.070 - Raising, boarding of animals.

No person shall raise animals for sale within the village limits unless properly zoned, nor keep for profit any kennel for the boarding of animals unless properly zoned

6.04.080 - Issuance of citations.

In addition to village police officers, the animal control coordinator is deemed a peace officer and may prepare and serve citations personally or by certified mail, for violation(s) of this chapter.

6.04.090 – Nuisance, Penalty and other Remedies.

- A. Any person who violates any provision of this Chapter shall be considered guilty of carrying on a nuisance.
- B. Any person shall violate any of the provisions of this Title 6 shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each and every offense, and a separate offense shall be deemed committed for each day during or on which the violation occurs or continues.
- C. All remedies available to the Village for addressing nuisances, including injunctions, other remedies available for the abatement of nuisances may be employed for the enforcement of the provisions of this Chapter.

3. North Aurora Code provisions in Title 6 (Animals), Chapter 6.08 (Animal Nuisances) are hereby revised in their entirety to be included into Chapter 6.04 as follows:

6.04.100 - Rabies infected animals.

- A. Any animal suffering from rabies is declared to be a public nuisance and such animal may be destroyed referred by the animal control coordinator, his or her designee or by any police officer to the County for apprehension, impoundment, testing and/or destruction.
- B. It shall be the duty of every owner of an animal thought to be infected with rabies to place it immediately in a veterinary hospital or, upon demand, to surrender such animal to Kane County Animal Control.
- C. It shall be the duty of every person who discovers any animal thought to be suffering with rabies, or that any person or animal has been bitten by any animal thought to be suffering from rabies, to report such fact immediately to the Police Department, the Animal Control Coordinator or Kane County Animal Control.

6.04.110 - Animals-at-large.

No person who owns, keeps or harbors any animal shall cause or permit such animal to run at large within the Village. Any animal running at large is declared a public nuisance,

whether currently licensed or not, and may be promptly impounded as provided in this Chapter.

#### 6.04.120 Animals Disturbing the Peace

- A. No person who owns, rents, possesses or has a right to rent or possess a property in the Village in which an animal is kept shall allow that animal to make excessive noise outside for more than ten (10) consecutive minutes between the hours of 7:00 AM and 9:00 PM and for more than five (5) consecutive minutes between the hours of 9:01 PM and 6:59 AM.
- B. This provision is not intended to prohibit any businesses that are zoned as a kennel, veterinarian clinic, zoo, animal shelter, animal hospital, pound, pet store, or scientific or research laboratory, educational or other recognized institutions use, providing that the zoning approval includes terms and conditions that are intended to minimize the potential disturbance caused by noise.

#### 6.04.130 - Vicious animals.

- A. It is unlawful to keep or harbor in the Village any vicious animal as previously defined in Chapter 6.04 unless such animal is confined by its owner or handler on the owner's or handler's premises at all times in such manner that it cannot come into contact with other persons who have a lawful right to be present on the premises, near the premises or anywhere else in the Village. Any such vicious animal which is not so confined is declared to be a public nuisance and such animal may be subject to apprehension and impoundment.
- B. It shall be the duty of every owner or handler of an animal to prevent such animal from biting or attacking any person or other animal. Any animal which, without provocation, bites or attacks any person or other animal is declared to be a nuisance and such animal may be apprehended and impounded.
  - 1. If a vicious animal is impounded, the owner shall have no right to redeem the animal if it has without provocation attacked or bitten any person(s) or animal(s) in the Village on two (2) or more separate occasions within any twenty-four (24) month period, unless he or she shall remove such animal from the Village immediately upon redemption and shall not thereafter keep, harbor or otherwise maintain such animal in the Village at any time.
  - 2. Vicious dogs may be referred to County Animal Control for apprehension and/or impounding pursuant to the County Code.

#### 6.0804. 140 - Dangerous animals.

- A. Dangerous animals are declared a public nuisance, and may be apprehended, impounded and/or destroyed or referred to County Animal Control.
- B. Dangerous dogs may be referred to Kane County Animal Control.

6.04.150 - Procuring, instigating or causing animal fights.

No person shall instigate, cause or procure any animal to fight.

6.04.160 - Owner's responsibility for removal of excreta.

The owner of every animal shall be responsible for the immediate removal and sanitary disposition of excreta deposited by his or her animal anywhere in the Village. When accompanying the animal outside his or her property, the owner shall have on his or her person suitable means for the removal of such excreta which will then be placed in a refuse container for sanitary removal.

6.04.170 - Removal of dead animals.

Any animal that is hit by a vehicle and killed on the streets of the Village shall be reported at once to the Village Police Department by the person who hit and killed the animal.

6.04.180 – Registration of Service and Emotional Support Animals

- A. The owner or keeper of each and every Service Animal or Emotional Support Animal that is not a Domestic Animal shall register the animal with the Village within thirty (30) days of acquiring the animal and provide the following minimum information:
1. Name, address, phone number, email address and other contact information of the owner or keeper of the animal;
  2. The address of the property at which the animal is kept;
  3. The species, number, description of distinctive features, if any of the animal(s);
  4. Whether the animal is a Service Animal or Emotional Support Animal;
  5. If the animal is a Service Animal, the name and location of the trainer and the purpose for which it is trained;
  6. If the animal is an Emotional Support Animal, a copy of the certification by a licensed medical professional that the animal is necessary for providing a benefit to a person with a mental health diagnosis or emotional disability.
- B. The number of Emotional Support Animals and Service Animals kept in one premises shall not cause the premises to exceed the number animals allowed pursuant to Section 6.04.030.E, providing that any premises that have greater than the number of animals allowed on the effective date of this Code provision shall be considered grandfathered from the strict enforcement of this Section for the life of the animals kept at the time this provision becomes effective.

4. North Aurora Code Title 6 (Animals), Chapter 6.12 (Humane Treatment of Animals) is hereby revised by removing the references to impoundment in Section 6.12.020 subsections B and C.

5. North Aurora Code Title 6 (Animals), Chapter 6.16 (Impoundment) are hereby revised in their entirety as follows:

Chapter 6.16 - ANIMAL CONTROL

Sections:

6.16.010 - Impoundment.

The Village may contract with any other private or public agency for the impoundment and care of animals. The animal control coordinator or his or her designee is authorized to release animals to an impoundment agency for violations of Title 6:

6.16.020 - Destruction of animals.

Police officers are authorized to destroy an animal when reasonably necessary and appropriate for humane, safety or other exigent purposes, provided that they take reasonable efforts to destroy the animal in a humane manner and secluded from public view if practicable.

6.16.030 - Lost and found animals.

If the owner or keeper of a lost animal cannot be ascertained after reasonable inquiry, the animal control coordinator or his or her designee may notify a private or public agency to apprehend and/or impound the animal.

6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

7. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2019, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2019, A.D.

Mark Carroll \_\_\_\_\_

Laura Curtis \_\_\_\_\_

Mark Gaffino \_\_\_\_\_

Mark Guethle \_\_\_\_\_

**VILLAGE OF NORTH AURORA**

Michael Lowery \_\_\_\_\_

Tao Martinez \_\_\_\_\_

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora,  
Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2019, A.D.

\_\_\_\_\_  
Dale Berman, Village President

ATTEST:

\_\_\_\_\_

Lori Murray, Village Clerk

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