

Amended Animal Control Ordinance  
Frequently Asked Questions

**Q: Why is the City of Elgin amending its animal control ordinance?**

A: Residents have expressed concern over animals – particularly dogs – that they have experienced to be dangerous or vicious. Additionally, an extensive review of the State Animal Control Act and dog regulations throughout the country demonstrated that the City’s current ordinance could be improved with respect to the care and keeping of animals. The proposed ordinance was written to improve City animal regulations, while also addressing some community concerns over dangerous and vicious dogs.

**Q: What kinds of regulations are included in the new animal control ordinance?**

A: The proposed ordinance provides for a comprehensive set of regulations for animal control. It also includes a variety of new regulations including definitions for dangerous dogs and vicious dogs, licensing requirements for dangerous dogs and vicious dogs, spaying and neutering requirements for dangerous dogs and vicious dogs, a strict leash law, including dog-on-dog attacks as a violation, restrictions on the keeping of dangerous dogs and vicious dogs, a specified process for removing dangerous dogs and vicious dogs, tethering regulations, regulations regarding problem pet owners, increasing substantially the fines for dog attacks and other serious violations related to animal control, and a provision declaring pit bulls as per se dangerous dogs.

**Q: What is the difference between a dangerous dog and a vicious dog?**

A: A dangerous dog is a dog that unprovoked, chases, bites or injures a person or another animal or otherwise behaves in a way that would suggest that a person or another animal is in imminent danger. Pit bulls will be presumed to be a dangerous dog.

A vicious dog is a dog that unprovoked, attacks a person or another animal and causes severe physical injury or death.

**Registering and Licensing Requirements**

**Q: Are all animals now required to be registered and licensed in Elgin?**

A: No. Only dogs that have been designated as dangerous or vicious are required to be registered and licensed. Pit bulls will be presumed to be a dangerous dog and owners of pit bulls must register and license the pit bull and comply with dangerous dog regulations. (see Pit Bull Section below)

All dogs are to be inoculated for rabies at six months of age.

**Q: What course of events would lead to a dog being considered dangerous or vicious?**

A: Someone must file a report with the Elgin Police Department outlining the details of a dog-related incident. The incident would then be investigated.

**Q: Who determines if a dog is dangerous or vicious?**

A: A dog is considered dangerous when a hearing officer or court has conducted an evidentiary hearing and finds that the dog behaved in a dangerous manner.

**Q: How much is a license for a dangerous or vicious dog?**

A: A three year license is \$100.

**Q: Where am I to register for license?**

A: Elgin City Hall, 150 Dexter Court, Finance Office.

**Dangerous Dog Regulations**

**Q: My dog was determined to be dangerous, now what?**

A: A dangerous dog must be confined to your home. The dog must be kept inside or outside in a fully fenced yard. The fence must be at least six-feet high with secure locks. The fence must also be anchored to the ground to ensure the dog cannot escape by digging underneath it. Additionally the dog must be spayed or neutered, microchipped, you must obtain specified insurance coverage and you must have the dog evaluated by an animal expert and obtain obedience training or other training or treatment of the dangerous dog as deemed appropriate by the expert.

**Q: Will I be allowed to walk my dog in my neighborhood?**

A: A dangerous dog can be walked on public property but only by an adult 18 years old or older. The dog must also be restrained on a non-retractable leash no longer than six-feet. The dog must also be muzzled in a way that will prevent it from biting any person or animal. The muzzle should not injure your dog or interfere with its vision or respiration.

**Q: Am I to let others know that my dog is considered dangerous?**

A: A prominent sign is to be displayed on the premises where a dangerous dog is kept and at each entrance to any outdoor enclosure.

**Vicious Dog Regulations**

**Q: My dog was determined to be vicious, now what?**

A: A vicious dog must be kept indoors or within an outside enclosure at all times. A vicious dog must also be spayed or neutered, microchipped, you must obtain specified insurance coverage and you must have the dog evaluated by an animal expert and obtain obedience training or other training or treatment of the vicious dog as deemed appropriate by the expert.

**Q: Will I be allowed to walk my dog in my neighborhood?**

A: No. A vicious dog may only be allowed outdoors or outside of an enclosure if the release is necessary for veterinary care for the dog, pursuant to a sale or other change of ownership that results in the removal of the vicious dog from the City, pursuant to the immediate transfer of the vicious dog to another enclosure or necessary for compliance with an order of a hearing officer or the court. During any transport of a vicious dog the dog must be securely muzzled and on a non-retractable leash no longer than six feet or transported in a secure temporary enclosure.

**Q: Am I to let others know that my dog is considered vicious?**

A: Yes. A prominent sign is to be displayed on the premises where a vicious dog is kept and at each entrance to any outdoor enclosure.

**Leash Law**

**Q: Do I need to keep my dog on a leash when taking it for a walk?**

A: Yes. Any time a dog is off the premises of its owner it must be on a leash.

**Tethering Regulations**

**Q: My neighbors are tying their dog to a pole for extended periods of time. Is that okay?**

A: Animals are not to be tethered and unsupervised for more than one hour per day.

**Q: My neighbors tie their dog up in such a way that it extends to my property. Is there anything I can do?**

A: Animals are not to be tethered in a manner that allows them to trespass on public or private property.

**Problem Pet Owners**

**Q: What is a problem pet owner?**

A: A problem pet owner is a person who has been determined by a hearing officer or a court to have committed three or more separate and unrelated violations of certain animal control regulations including unlawful treatment of animals, restrictions on dangerous

dogs, restrictions on vicious dogs, animal fighting prohibitions or tethering regulations in any one thirty-six month period or two or more separate and unrelated violations of such ordinances at any time after having a dog owned by such owner designated as a dangerous dog or a vicious dog. If a hearing officer or court determines a person is a problem pet owner, all animal licenses held by that person will be revoked and that person will not be able to own any animals in the City for a period of twenty-four months from the date of that determination.

### **Keeping Regulations**

#### **Q: What kinds of animals are prohibited to be kept in the City?**

A: It is unlawful to keep or harbor in the City any dangerous animal or any animal which is ferare naturae (a wild animal) in the eyes of the law. It is also unlawful to raise or keep any animal commonly considered a farm animal, including, but not limited to, cows, horses, pigs or chickens.

#### **Q: Are there any regulations limiting the number of dogs which can be kept in a residence?**

A: Yes. The proposed ordinance continues to include the City's existing limits on the number of dogs which can be kept in a residence. No more than three dogs can be kept in any single family residence and no more than two dogs can be kept in any single family unit of any multiple family housing building. These regulations apply to dogs over three months of age.

#### **Q: Who do I call to report the mistreatment of animals?**

A: The City of Elgin has an animal control officer. The office number is (847) 289-2529.

### **Fines for Violations**

#### **Q. What are the penalties for people that don't follow the animal control ordinance?**

A: The fine will be not less than \$1,000 for violations of the ordinance provisions relating to unlawful treatment of animals, biting and attacking, registration and license for dangerous dogs and vicious dogs, restrictions regarding dangerous dogs, restrictions regarding vicious dogs, animal fighting prohibitions or problem pet owner regulations. The fine for other sections of the ordinance will be not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty Dollars (\$750).

### **Pit Bulls**

#### **Q: Why are special regulations being considered for pit bulls?**

A: Pit bulls have been found to be predisposed to violent behavior. Given pit bulls' physical strengths and abilities, they always pose the possibility of danger. Reports also indicate that pit bulls are involved in a significant percentage of fatal dog attacks or attacks on people that result in severe bodily harm. Pit bulls possess behavioral characteristics including a relentless intensity to fight that may appear without warning or provocation. The City of Elgin's ordinance seeks to anticipate and avoid the dangerous aggressiveness of pit bulls.

**Q: Have other cities enacted special regulations for pit bulls?**

A: Yes. Over 500 U.S. cities located in 38 states and the District of Columbia have enacted special regulations for pit bulls. The U.S. Army and the United States Marine Corps have also banned pit bulls on all of their bases. Pit bull bans are also in effect at various Air Force and Naval bases.

**Q. Are there special requirements to keep pit bulls?**

A: All owners of pit bulls will be required to register and obtain a license for their pit bull and follow all of the requirements for a Dangerous Dog in the City of Elgin's Animal Control Ordinance.

**Q: How long do I have to register and license my pit bull with the City of Elgin?**

A: Once the ordinance is passed, pit bull owners will have until July 1, 2010, to register and license their dogs.

**Q: Why not just ban pit bulls?**

A: The City doesn't believe a breed specific ban is practical at this time given the many residents who have pit bulls and would be required to find other living arrangements for these animals. But the City does believe it is important to strongly regulate pit bulls to ensure the overall safety of its neighborhoods.