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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1301

**AN ORDINANCE ADDING CHAPTER 6.08 OF THE VILLAGE OF
MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 13TH DAY OF JULY 2009

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**CATHLEEN COSSIDENT ITALIA
ANTHONY J. PRIGNANO
ARTURO J. MOTA
MARY RAMIREZ TACONI
JAIME ANGUIANO
ANTHONY N. ABRUZZO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 14TH day of JULY 2009**

ORDINANCE NO. 1301

AN ORDINANCE AMENDING CHAPTER 6.08 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the President and the Village Board (collectively, the “Corporate Authorities”) are devoted to protecting the residents of the Village from dangerous and vicious animals; and

WHEREAS, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Village and does not limit previously enacted regulations regarding animals; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of the Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend Chapter 6 of the Village Code to enhance existing regulations protecting the residents of the Village from dangerous and vicious animals.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the police powers and authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05 - 09. Reserved.

**ARTICLE II.
AMENDMENTS TO CHAPTER 6.08.**

**Section 10.00 Amendment of Chapter 6.08.010 of the Village Code titled,
“Definitions.”**

Section 6.08.010 of the Village Code is hereby amended by adding the following definition to the pre-existing language of Section 6.08.010:

“The term “Dangerous Dog” shall mean, in addition to any other definition ascribed to the term as otherwise provided in this Chapter, any individual dog which, when either unmuzzled, unleashed or unattended by its Owner or keeper: (a) approaches any person in a vicious or terrorizing manner with an apparent attitude of attack upon a street, sidewalk,

or any public grounds or place or otherwise exhibits characteristics of being a dangerous animal; or (b) has been used primarily or in part for the purpose of dog fighting. Such actions must be attested to in a statement by one or more persons and dutifully investigated by any duly authorized authority in order for an animal to be declared a Dangerous Dog. Circumstances that may give rise to a declaration of a dog being a Dangerous Dog shall include, but not be limited to: (1) a dog chasing or otherwise pursuing humans in an aggressive manner; (2) a dog chasing or otherwise pursuing another domesticated animal in an aggressive manner; (3) a dog exhibiting a propensity to attack or bite human beings or animals; and (4) a dog taking an aggressive posture with persons along a fence line when the dog is otherwise unprovoked and the persons are not trespassing upon the property in question. This definition should be read as a supplement and not a replacement of any previously or otherwise provided definition for the term provided. This definition shall not apply to dogs classified as Guard Dogs, which shall include "K-9 Patrol Dogs" or "Police Dogs."

The term "Running at Large" shall mean, in addition to any other definition ascribed to the term as otherwise provided in this Chapter, the failure of the Owner of a "Dangerous Dog" to act in accordance with the terms and provisions of this Chapter.

The term "Vicious Dog" shall mean the following, in addition to any other definition ascribed to the term as otherwise provided in this Chapter:

- A. Any individual dog that when unprovoked inflicts bites or otherwise attacks a human being or other animal either on public or private property;
- B. Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or otherwise to endanger the safety of human beings or domestic animals;
- C. Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; and
- D. Any individual dog which has been found to be a "Dangerous Dog" upon three (3) separate occasions."

Section 10.01 Amendment of Chapter 6.08.120 of the Village Code titled, "Dangerous, vicious or fierce dogs".

Section 6.08.120 of the Village Code is hereby amended by adding the following language to the pre-existing language of Section 6.08.120:

"In addition to the licensing and possession requirements as set forth elsewhere in this Chapter, including the previously established and continuing requirements for the placement of microchips in Dangerous Dogs and the spaying or neutering of Dangerous Dogs (all at the Owner's expense), the following licensure requirements shall also apply to Dangerous Dogs:

- A. No person shall possess any Dangerous Dog or Vicious Dog for a period of more than forty-eight (48) hours without having first obtained a license for that dog from the Village.
- B. An application for a license to possess a Dangerous Dog or a Vicious Dog shall be filed with the Village Clerk on a form prescribed and provided by the Village Clerk and shall be accompanied by the following, without exception:
 - a. Verification of the identity of the Owner and the Owner's current address by providing a copy of the Owner's driver's license or other generally acceptable form of governmental identification;
 - b. Verification that the Owner has obtained sufficient liability insurance in form and manner to cover the housing or possession of such an animal (as determined by the Village in its reasonable discretion and which shall remain in full force and effect for the term of the ownership of the animal);
 - c. Proof of ownership of the animal;
 - d. A copy of the current immunization and health record of the dog prepared by a veterinarian licensed to practice in the State of Illinois;
 - e. An annual licensing fee of \$25.00; and
 - f. Such other information as may be required by the Village Clerk.
- C. Upon receipt of any application, the Village Clerk shall forward such application to the police department or the employee of the Village designated to perform the duties of animal control, which shall inspect the premises on which the dog shall be housed to determine that all provisions of this Ordinance relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the police department shall notify the Village Clerk in writing of the results of its inspection.
- D. Upon receipt of the results of the police department or animal control inspection, the Village Clerk shall notify the applicant of the approval or denial of the license. In the event the animal is licensed, the Owner shall thereafter be required to obtain (at its sole cost and expense as determined by the Village from time to time) color specific metallic dog tags for the dog in question. The Owner shall be required to ensure that the color specific tags are prominently displayed on the dog in question at all times exclusive of such time when the dog is in the care of a licensed veterinarian at the veterinarian's licensed place of business.
- E. As a supplement to the pre-existing requirements of this Chapter, the following shall apply as well:
 - a. The disposition, sale, barter, exchange, gift, bequeathment or other transfer of any Dangerous Dog is strictly prohibited unless such transfer is to an animal shelter.
 - b. The escape from confinement or theft of a Dangerous Dog shall be reported to the Police Department by the Owner upon discovery of the escape or theft.
 - c. The biting or nipping (which shall mean biting without the breaking of the skin) of any person or animal shall be reported to the Police Department upon occurrence.
 - d. The birth of any puppies of a Dangerous Dog shall be reported to the Police Department within forty-eight (48) hours of the birth of the first puppy in the litter.

- e. The Owner of a Dangerous Dog shall surrender to the Village Clerk the Dangerous Dog's dog license no later than forty-eight (48) hours after the permanent removal of the dog from the corporate limits of the Village.
- F. All persons possessing a Dangerous Dog shall display in a prominent place on the premises and confinement structure where the dog is housed a sign stating **"BEWARE OF DOG"**. The font of the sign shall be large enough so as to be clearly legible from a distance of no less than one hundred (100) feet from the location where the sign is posted.
- G. A license granted pursuant to this Chapter shall be automatically revoked upon any violation of the Owner of any provision hereof. Upon revocation, the Owner shall be required to remove the dog from the Village. In the event of the revocation of the license, the Village shall retain the licensing fee.
- H. Any person found to have violated any provision of this Chapter 6 shall be subject to a fine of not less than seventy-five dollars and 00/100 (\$75.00) nor more than seven hundred fifty dollars and 00/100 (\$750.00) for each violation in addition to other penalties or relief which may be provided for herein. A violation of any provision of this Chapter shall constitute a separate offense for each day such violation continues.
- I. Any duties to be performed by the Village Clerk may be performed by a duly authorized designee.

Section 10.02 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance.

Sections 11.00 – 15.00 Reserved.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this

Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had such unconstitutional or invalid provision not been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 20.00 Effective Date

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Taconi,
Trustee Anguiano, Trustee Abruzzo

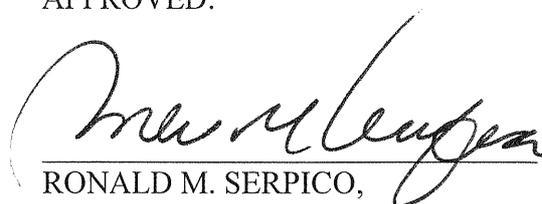
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Prignano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS THIRTEENTH
DAY OF JULY, 2009, A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 13, 2009
Published in pamphlet form on July 14, 2009