

**City of Galesburg
Animal Control Working Group Report**

Respectfully Submitted on July 18, 2013

A handwritten signature in black ink, reading "Jeremy S. Karlin". The signature is written in a cursive style with a large initial "J" and a distinct "K".

**Jeremy S. Karlin, Chairman
Seventh Ward Alderman**

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EXECUTIVE SUMMARY

The following are potential areas for council action. These are discussed in greater detail within this report:

1. Reassignment of animal control duties to the police department
2. Reduction of dogs per household
3. Prohibition of or limitation on tethering of dogs
4. Significant amendments to current leash law
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I. Introduction.

Earlier this year, Former Mayor Sal Garza announced the formation of a committee to investigate the effectiveness of the current animal control ordinances and policies in the community. The purpose of the committee was to report findings and offer suggestions for city council consideration. Initially, the study was to consist of three phases: 1) investigate the challenge of dog attacks in the community; 2) determine whether current city ordinances and policies were sufficient; and 3) provide, if current ordinances and policies were found to be insufficient, options to the town council to reform current ordinances and/or construct new ordinances.

This committee met for the first time on April 26 and set its goals, agenda and timeline. Public hearings were held on Wednesday, May 8 and again on Thursday, May 16, 2013, in the Council Chambers at city hall. The public was asked to attend and speak out about their experiences with dogs, as well as those who wish to speak on behalf of dogs in the community. Thereafter, the committee met multiple times during which the committee addressed issues related to Phase II and Phase III.

This report is a collection of possible action for city council to improve public safety within the community. An effort has been made to indicate herein where there was disagreement within the group about a proposal. Should council choose to enact any of these proposals, more work is necessary to prepare the proper

ordinances, to review the legality of proposals, and to develop the ideas with sufficient detail.

Lastly, this report is a result of the effort of many people who should be acknowledged. Members of the Working Group included Knox County Health Department Director Heidi Britton, Emily Thorn-Carlson from Thorn's Pet Supplies, Erin Buckmaster and Barney Price from Prairieland Humane Society, Galesburg City Clerk Kelli Bennewitz, Galesburg City Manager Todd Thompson, and representatives from the Galesburg Police Department. Special thanks to Joe Stein, of St. Louis University, who prepared the first draft of this reports, made many edits along the way and performed necessary research. Last, the committee thanks the many citizens who came and spoke at our meetings, wrote with suggestions, and called with comments.

II. Phase I: Identifying the challenges

The Working Group has determined there are three main concerns with our current animal control situation:

A. There is concern about the number of dogs running at large. This is the most frequent complaint police receive concerning animals. The problem has led some to fear walking around in their own neighborhood. Some even feel it necessary to arm themselves, whether it be with clubs, mace, or other weapons. The committee received a number of complaints of dog attacks or aggressiveness. This subject was at the root of a large number of complaints voiced during the meetings.

B. There is concern about the transparency and effectiveness of the

system by which dogs are regulated and policed by animal control officers. Particularly, there is a need for an effective and efficient system for 1) receiving complaints, 2) tracking complaints, 3) investigating complaints, 4) ensuring compliance, and 5) prosecuting offenders effectively. There is significant disagreement over whether the current system is effective and efficient. Many individuals voiced a concern that there was insufficient punishment for ordinance violations.

C. There is concern about mistreatment of animals in the community. Citizens at the two public forums criticized irresponsible owners for failing to properly socialize, house, and feed their pets.

III. Phase II and III: Identifying Options.

The working group meetings have successfully brought several issues with current city ordinances to the forefront. The following are concerns and suggestions for the City Council with regards to the current animal control ordinances:

A. Humane Society's animal control duties should be transferred to the Galesburg Police Department, to be performed by one full-time and one part-time animal control officer.

There is a concern that animal control efforts in Galesburg are insufficient. While the sheltering of found animals and the adoption of animals would still remain within the purview of the Humane Society, it is proposed that the enforcement of animal control ordinances should be returned to the police department.

There are reasons for and against such a proposal. First, the police department is already significantly involved in this effort. This does appear to be a policing function best left to the law enforcement agency of the city. There would be less confusion in the public on where to call in the event of a complaint. The police department is well equipped to investigate, document and track complaints. They would have a more seamless interface with the City Clerk and her animal related records.

Furthermore, as a result of contracting out this city function, the City is not allowed oversight or control over the manner in which the services are performed, short of terminating the contract. The current contract does not permit this city to dictate to the Humane Society the manner in which the ordinances are enforced, the manner in which records are kept, or the training of those individuals tasked with animal control duties. It appears tracking of complaints within the Humane Society is largely a pencil and paper operation. There is no certainty that every complaint makes it, eventually, into the police department records. There is no clear expectation for how long it takes the humane society to input that information. Further, animal control officers only receive on the job training. It is the belief of the majority of the committee that on the job training alone is insufficient. That animal control officers should obtain certification and other formalized training. Removing animal control duties from the Humane Society is certainly the most direct manner of dealing with the multiple complaints the working group received regarding the administration of these services.

On the other hand, representatives of the Humane Society resist this change. It is believed that the treatment of animals will not be given sufficient attention should every police officer be, essentially, turned into an animal control officer as well. Further, they believe that a change in the entity handling animal control will not solve the problem. They believe there will always be concerns of this nature. Last, they believe that the complaints regarding the Humane Society are unfounded.

To address some of these concerns, the City Manager has proposed that the city employ one full-time animal control officer and one part-time officer, both of whom would receive formal training and certification in this area. These individuals would be primarily responsible for handling the animal complaints, rather than all 50+ police officers. The other police officers would be present as stand by. He believes if the city were to take over animal control efforts, it would reduce a duplication of duties and allow for better communication that could lead to more effective control. The Police Department has more manpower, resources, and a records division.

The Working Group takes no position with regard to the legal issues involved in such a decision, specifically whether the contract between the City and the Humane Society can be terminated or modified. A copy of the contract has been provided in the appendix to this document.

- B. The current ordinance should be modified to lower the number of dogs and cats one can maintain in a dwelling unit to no more than two dogs per household.**

There is a concern that there are simply too many dogs in Galesburg to be effectively controlled. One suggestion is to impose a more stringent limitation on the number of animals a person can own. The current limitation is as follows: "It is unlawful to maintain or keep more than four (4) adult dogs or cats, or any combination thereof, in or about any dwelling unit, whether indoors or outside" § 90.030 (a). One option for the City Council to consider is revising this ordinance to lower the number of dogs and cats one can maintain in a dwelling unit. Currently, there could essentially be four dogs within one household, which some would consider a pack of dogs. This poses a challenge and risk of harm to animal control officers to enforce current ordinances and investigate complaints.

- C. The City Council should consider limitations or blanket prohibition on tethering of dogs outside.**

The working group discussed that one way to combat dog aggressiveness is to limit tethering of dogs. Excessive tethering may lead to dogs not being sufficiently socialized, becoming territorial, and contribute generally to possible mistreatment of animals. The current ordinance states that "No person shall tie, confine or otherwise restrain any animal or bird in such a manner as to constitute cruel or inhumane treatment." §90.086(B). This ordinance is considered insufficient with regards to the safety of animals and people alike. There are several options for the City Council to consider. One such option is that the ordinance be changed to limit tethering to exclusively daytime hours. Other options that limit tethering to a

specific number of an hours, say no more four hours at a time, pose enforcement challenges. In response to the enforcement difficulties, some communities have disallowed tethering altogether. The working group recognized the significant financial burden that such a rule imposes on dog owners. An owner that desired to let their dog go outside without supervision would be required to install a fence or kennel. We suggest that the City Council pass some ordinance that restricts the amount of tethering time for dogs.

D. The Working Group suggests amendments to the current leash law:

- 1. Remove the voice control aspect of the animal control ordinance, specifically the text “or is then and there under the complete control of a competent person and obedient to that person’s command” §90.085(A)(1);**
- 2. Require that an animal that is outside a building but on the property of owner be restrained by leash, tethered or otherwise be within a confined space. This would prevent dogs from running off property onto sidewalks and streets and attacking passersby; and**
- 3. Amend the current ordinance to allow only solid leashes no longer than 6 feet in length held by someone mentally and physically competent to hold the leash.**

The current leash law is insufficient to protect citizens and let them enjoy public and private places. All members of the working group agree that the voice control option should be removed from the leash law. Under the current ordinance, “It is unlawful for any dog to run at large within the corporate limits of the city. If a dog does run at large, the owner or keeper of such dog shall be in violation of this chapter. Any dog which goes upon any public street, sidewalk, alley or other public place, or upon any private property other than that of the owner of the dog, shall be

deemed to be running at large unless such dog is firmly held on a leash, or is in an enclosed vehicle, *or is then and there under the complete control of a competent person and obedient to that person's command*' (Italics added) §90.085 The working group suggests that the text in italics reading, "*or is then and there under the complete control of a competent person and obedient to that person's command*" be removed from the ordinance. This would change the leash law so that unless a dog is firmly held on a leash or is in an enclosed vehicle, the dog would be considered at large.

This, however, is not enough to deal with the current situation. Specifically, the current ordinance permits an owner to keep a dog on his or her property, untethered or uncontrolled. The current ordinance is violated only once the dog leaves the owner's property to chase another dog or person who happens to walk down the sidewalk. There is little if anything in the current ordinance that acts in preventative way. Therefore, the current ordinance should be modified such that any animal that is outside must be controlled physically such that it cannot leave the owner's property.

Further, the current leash law is not specific enough in its description of "leash" so as to assure that animals are kept under complete control. Members of the working group were cautioned by members of the public concerning long leashes, specifically the retractable leashes that can be allowed to expand according to the leash-holder. Members of the public and working group believe this type of leash to be unsafe in certain circumstances. The working group suggests that the

current ordinance be amended so as to allow only solid leashes no longer than 6 feet in length.

Additionally, a “competent” person is not specifically defined in the leash ordinance as someone mentally *and* physically competent. Members of the public have suggested that “competent” needs to be defined as someone who is mentally *and* physically competent. Current ordinances refer only to the mental capacity of a dog-holder and not the physical capacity of the holder to contain the dog. Amending this would help to prevent a dog from falling into the hands of someone who cannot physically control the animal.

- E. The current ordinance should be modified to impose progressive penalties for repeated animal ordinance violations. The first several violations should be met with progressive fines. After a number of violations, an owner should be barred from owning a dog in Galesburg for a certain length of time.**

Current ordinances do not have increasing penalties for dog owners with repeated violations. Progressive penalties will allow animal control to crack down on problem owners. The working group suggests that the City Council impose progressive penalties for repeated violations. The working group suggests that the first couple violations be met with monetary penalties that increase at each subsequent violation. After a certain number of violations to be determined by the City Council, the working group suggests that dog owners be barred from owning a dog within Galesburg for a certain number of years. The working group notes Peoria’s recent proposed ordinance, which increases the fines for owners of dogs deemed to be dangerous or vicious and puts a legal distinction on owners who have

been cited three times within a three-year period. In this new ordinance, if a person is found to be a “reckless dog owner,” Peoria County can bar them from owning a dog for three years.

F. Increased enforcement of registration requirement. Improving registration through microchipping when registering a dog or issuing a rabies tag.

The working group believes there needs to be a better way of enforcing and compelling dog owners to register their animals. The need for better enforcement is necessary for animal control to track and deal with problem dogs and owners. Identified as one difficulty is that the records for registration are kept by the City Clerk, and her records are not accessible by animal control in the evening and weekends. Therefore, if animal control has a registration question, it must wait until business hours. Placing of a microchip in an animal will solve a number of problems. Strays will be more easily traced back to owners, especially if there is no collar and tag. It is suggested that reducing registration fees for owners that microchip their dogs could encourage the behavior. The group discussed that in the past the humane society and local veterinarians were involved in the registration process. This posed logistical difficulties for the City Clerk: a failure to follow sequence of tags and collection of all fees.

- G. The working group suggests that the ordinance should be changed so that anyone previously convicted of cruelty to animals should not be allowed to own a dog.**

The current ordinances do not identify problem owners. For example, dog owners previously convicted of cruelty to animals are currently allowed to own another dog. The working group feels that dog owners that have been convicted of cruelty to animals should not be allowed to own dogs.

- H. An Animal ordinance so that every dog must be altered unless the owners have a breeder's permit.**

The working group believes that there are too many dogs that have not been spayed/neutered. This leads to difficulties in tracking dogs when they are being bred within the community and the puppies are being sold privately. The working group suggests that the legality of such a suggested ordinance be investigated.

- I. A penalty may be established for the owners of dogs who have bitten someone or another dog.**

There is no current penalty for dog owners whose dog has bitten someone or another dog. The working group believes that owners need to be held accountable in these situations. It is envisioned that this would be a strict liability statute.

- J. Divide the duties of day-to-day enforcement of animal control.**

Under our current ordinances, the animal control officer is the initial individual who determines whether a dog is dangerous or vicious. A board appointed by the humane society is the board which ultimately makes this determination. Having the humane society or its employees be the prosecutor, judge and jury for the whole process creates the potential for conflict of interest. A

modified approach to the determination of whether a dog is deemed dangerous or vicious is suggested.

K. The public needs to be educated on matters of animal control and animal ordinances.

The working group suggests a more widespread educational component so that the public will be adequately informed on matters of animal control and safety. In particular there is great confusion regarding which entity to call regarding animal control issues: the city or the Humane Society. Further, there is significant misunderstanding what to do to protect one's self if one is attacked by a dog. Additionally, should the city council adopt a tough, strict approach on enforcement, then this should be communicated to the public.

The Animal Control Working Group presents the aforementioned concerns and possible remedies to the City Council for consideration.

CHAPTER 90: ANIMALS

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IN GENERAL

§ 90.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. A veterinarian licensed by this state and appointed pursuant to the Animal Control Act, or his or her duly authorized representative.

ADULT DOG OR CAT. A dog or cat four months of age or older.

ANIMAL CONTROL ACT. The state statute found at ILCS Ch. 510, Act 5, §§ 1 et seq.

ANIMAL CONTROL OFFICER. Any person designated by the city to enforce the rules and regulations established under this chapter.

ANIMAL CONTROL WARDEN. Any person appointed by the administrator and approved by the board to perform duties as assigned by the administrator to effectuate the Animal Control Act.

CAT. All members of the family genus Felis.

DOG. All members of the family Canidae.

ENCLOSURE. A building or other structure strong enough to keep the confined animal away from other animals and the public.

HAS BEEN BITTEN. Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of saliva with any break or abrasion of the skin.

MATURE RABBIT. A rabbit six months of age or older.

OWNER. Any person having a right or property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him or her.

PERSON. Any person, firm, corporation, partnership, association or legal entity, any public or private institution, or any other business unit.

POLICE DOG. A dog owned or used by a law enforcement department or agency in the course of the department or agency's work.

RESIDENTIAL AREA. Those areas of districts within the corporate limits of the city included in the general zoning classification of R (residential).

WILD ANIMAL. Any monkey, raccoon, skunk, fox, poisonous snake, python snake, boa constrictor snake, piranha fish, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can be normally be found in the wild state.

(1990 Code, § 4-1) (Ord. 84-935, passed 2-20-1984; Ord. 84-977, passed 10-2-1984; Ord. 93-1502, passed 3-15-1993; Ord. 99-1916, passed 9-7-1999; Ord. 07-3173, passed 2-19-2007)

§ 90.002 PURPOSE.

The purpose of this chapter is to protect and promote the public health, safety and general welfare of the city by establishing requirements for the effective control of animals. This chapter is in addition to, and does not preempt, the Animal Control Act (ILCS Ch. 510, Act 5, §§ 1 *et seq.*).

(1990 Code, § 4-2) (Ord. 84-935, passed 2-20-1984)

§ 90.003 EXCEPTIONS.

(A) Upon a proper showing therefor, and upon due and convincing proof being made to the Council of unique and unusual circumstances under which the strict enforcement of this chapter would result in extreme and peculiar hardship for the person involved, the Council may grant special permission to the person to do some act contrary to §§ 90.016, 90.017, 90.018, 90.030 or 90.033.

(B) The granting of any special permission may be approved by the Council only after a public hearing has been held by the Council.

(C) A legal notice shall be published at least one time in a newspaper of general circulation within the corporate limits of the city. The notice shall set forth the nature of the public hearing, the property involved and the date, time and place of the scheduled hearing, and shall be published at least five calendar days prior to the hearing date.

(D) A fee of \$50 shall accompany any request for the special permission.

(E) In addition to the legal notice, the animal control officer shall post a sign on the property for which special permission is being requested not less than five calendar days prior to the hearing date. The sign shall give notice of the special permission being requested and the date, time and place of the scheduled hearing.

(1990 Code, § 4-4) (Ord. 84-935, passed 2-20-1984)

§ 90.004 INTERFERENCE.

It shall be a violation of this chapter to interfere with the animal control officer in the performance of his or

her duties.

(1990 Code, § 4-5) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.005 NOISE, ODOR AND THE LIKE.

No person shall keep or maintain any animal, poultry or fowl in such a manner to cause inconvenience or disturbance to other persons by reason of noise, odor or other cause.

(1990 Code, § 4-6) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.006 MAINTENANCE.

(A) *Removal of waste material.* The owner of any animal which deposits fecal waste on any public place or private property other than that of the owner shall be responsible for the removal of any solid waste material deposited by his or her animal.

(B) *Premises to be clean.* The owner of any animal or bird shall maintain the premises wherein the animals or birds are kept in a clean and sanitary condition, free from rodents, vermin and disagreeable odors and waste.

(C) *Food and water.* The owner of any animal or bird shall provide food and water of adequate quality and quantity for animals or birds in accordance with the needs of the animals or birds.

(D) *Shelter.* The owner of any animal or bird shall provide adequate shelter from the elements for the animal or bird. For those animals or birds which are kept out-of-doors, adequate shelter shall be a structure with a top and enclosed sides, except for an opening large enough for the passage of the animal or bird.

(E) *Veterinary care.* The owner of any animal or bird shall, when necessary to prevent suffering of the animal or bird, provide veterinary care for the animal or bird.

(F) *Impoundment authorized.* The animal control officer is hereby authorized to remove from any premises and impound any animal or bird, the owner of which has not complied with any or all of the requirements under this section.

(1990 Code, § 4-20) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

Statutory reference:

Humane Care for Animals Act, see ILCS Ch. 510, Act 70, §§ 1 et seq.

ANIMALS OTHER THAN DOGS AND CATS

§ 90.015 BEEKEEPING.

No person shall keep or maintain bees in any residential area in the city in such a manner as to cause inconvenience or disturbance to other persons by reason of the swarming or stinging of the bees.

(1990 Code, § 4-9) (Ord. 84-935, passed 2-20-1984; Ord. 88-1227, passed 8-1-1988) Penalty, see § 90.999

§ 90.016 LIVESTOCK.

No person shall keep or maintain any horse, mule, pony, donkey, burro, cow, goat, sheep or pig in any residential area within the corporate limits of the city unless the animal is situated on a tract of ground at least two acres in area, and the pen, shed, barn, stable or other structure designed to confine or shelter the animal is so located on the tract that the nearest portion thereof is not less than 100 feet from the line of adjoining property.

(1990 Code, § 4-10) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.017 FOWL.

No person shall keep or maintain any mature chicken, turkey, duck, goose, guinea, pigeon or other poultry or fowl in any residential area within the corporate limits of the city unless the pen, poultry house or other structure designed to confine or shelter the poultry or fowl is so located on the tract that the nearest portion thereof is not less than 15 feet from the line of adjoining property.

(1990 Code, § 4-11) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.018 RABBITS.

No person shall keep or maintain more than 12 mature rabbits in any residential area within the corporate limits of the city; and no pen, hutch or other structure designed to confine or shelter a rabbit or rabbits shall be so located that any portion of the pen, hutch or other structure is closer than 15 feet from the line of adjoining property.

(1990 Code, § 4-12) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.019 WILD ANIMALS.

No person shall keep or maintain any wild animal as a pet within the corporate limits of the city.

(1990 Code, § 4-13) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

DOGS AND CATS GENERALLY

§ 90.030 KEEPING OF DOGS AND CATS.

(A) It is unlawful to maintain or keep more than four adult dogs or cats, or any combination thereof, in or about any dwelling unit, whether indoors or outside.

(B) Any person over the age of 18 years occupying or residing in any dwelling unit where a violation of division (A) above exists shall be subject to a fine as provided in § 90.999.

(1990 Code, § 4-14) (Ord. 84-935, passed 2-20-1984; Ord. 09-3252, passed 6-15-2009) Penalty, see § 90.999

§ 90.031 RABIES INOCULATION.

No person shall permit any adult dog or cat owned by him or her or in his or her custody or control to be on any public street, sidewalk, alley or other public place, or upon the private property of any person other than the

owner, unless the dog or cat shall have a collar firmly attached around its neck with a tag evidencing a current rabies inoculation attached thereto. Any person owning or having in his or her custody or control a dog or cat which does not have a collar firmly attached around its neck with a tag evidencing a current rabies inoculation shall keep the dog or cat confined in an enclosure in or on his or her premises at all times. This does not eliminate the requirements for rabies inoculation.

(1990 Code, § 4-15) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

Statutory reference:

Rabies control, see ILCS Ch. 510, Act 5, § 12

§ 90.032 DOGS OR CATS IN HEAT.

The owner of any female dog or cat shall, during the period when the female is in heat, keep the female confined in an enclosure in such a manner so that the female cannot come into contact with male dogs or cats, except for the purpose of planned breeding.

(1990 Code, § 4-16) (Ord. 84-935, passed 2-20-1984)

§ 90.033 YARD REQUIREMENTS.

No doghouse, shelter, kennel, dog run or other structure used to house dogs shall be so located so that any portion of the doghouse, shelter, kennel, dog run or other structure that houses dogs is closer than ten feet from the line of the adjoining property.

(1990 Code, § 4-17) (Ord. 84-935, passed 2-20-1984)

§ 90.034 PROCEDURE WHEN ANIMAL BITES ANY PERSON.

(A) The owner of any dog, cat or other animal which bites any human being shall notify the city animal control officer and the County Rabies Control Officer within 24 hours; shall keep the dog, cat or other animal locked up in an enclosure for a period of ten days following the time the dog, cat or other animal has bitten a person; and shall have the dog, cat or other animal examined by a licensed veterinarian at the beginning and end of the ten-day period.

(B) When a person has been bitten by a police dog, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(1990 Code, § 4-18) (Ord. 84-935, passed 2-20-1984; Ord. 07-3173, passed 2-19-2007)

Statutory reference:

Animal bites, see ILCS Ch. 510, Act 5, § 13

DANGEROUS AND VICIOUS DOGS

§ 90.045 DANGEROUS DOG.

(A) A ***DANGEROUS DOG*** means any dog which approaches any person in an apparent attitude of attack either upon public or private property. An animal control officer or any adult person may request, under oath, that a dog be classified as a dangerous dog by submitting a sworn, written complaint on a form approved by the animal control officer (“officer”). Upon receipt of the complaint, the officer shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. During the investigation:

(1) The custody of any dog which is the subject of the investigation shall not be transferred by its owner to any other person; nor shall the place of maintenance of the dog be changed from its owner’s residence during that time, without the consent of the animal control officer; and

(2) In addition, the dog may be ordered impounded by the animal control officer if he or she has reason to believe that during the investigation the dog will cause an immediate danger to the community if it is not immediately impounded. The owner may appeal the impoundment order to the Police Chief at any time by filing a written appeal with the City Police Department. The Police Chief, or his or her designee, shall give the owner a hearing within three business days of the filing of the appeal.

(B) At the conclusion of the investigation, the officer may:

(1) Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(2) Determine that the dog is dangerous and, if the dog is impounded, release the dog to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten business days after a final determination that a dog is dangerous, the officer may cause the dog to be humanely destroyed.

(C) Within five business days after declaring a dog dangerous, the officer shall notify the owner of the dog’s designation as a dangerous dog, and of the requirements and conditions for keeping the dog, as set forth herein. The notice shall inform the dog owner that he or she may request, in writing, a hearing to contest the finding and designation within five business days after delivery of the dangerous dog designation notice.

(D) The animal control officer shall hold a hearing within 15 days after receiving the dog owner’s written request for a hearing. The officer shall provide notice of the date, time and location of the hearing to the dog owner and to the complainant by regular mail. At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog’s dangerousness. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

- (1) Provocation;
- (2) Severity of attack or injury to a person or domestic animal;
- (3) Previous aggressive history of the dog;
- (4) Observable behavior of the dog;
- (5) Site and circumstances of the incident; and
- (6) Statements from interested parties.

(E) A determination at a hearing that the dog is in fact a dangerous dog as defined herein shall subject the dog and its owner to the provisions of this section.

(F) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this section.

(G) If the officer determines that a dog is dangerous at the conclusion of a hearing conducted under this chapter, that decision shall be final unless the dog owner appeals to a court of competent jurisdiction for any remedies that may be available within ten days after receiving notice that the dog has been finally declared

dangerous.

(H) It shall be unlawful for any person to keep or maintain any dog which has been found to be a dangerous dog unless the person meets the following requirements:

(1) *Registration of dangerous dogs.* The owner shall register a dangerous dog within ten days of the dog being declared dangerous. The dog must be registered by April 1 of each year thereafter. The dog shall be registered with the City Clerk. The cost of each registration shall be \$200;

(2) *Insurance.* The owner of a dangerous dog shall present to the City Clerk proof that he or she has procured liability insurance or a surety bond in the amount of not less than \$100,000 covering any damage or injury that may be caused by the dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he or she shall maintain and not voluntarily cancel the liability insurance policy during a 12-month period for which a permit is sought, unless he or she ceases to own or keep the dog prior to the expiration date of the permit;

(3) *Permanent identification.* Each dangerous dog shall be injected by the animal control warden or officer with a microchip to permanently identify the dog; and

(4) *Transfer of ownership.* The owner of a dangerous dog shall not transfer ownership of the animal to any other person without providing the City Clerk and the animal control officer with the name and address of the new owner.

(I) No person shall permit any dangerous dog to leave the premises of its owner when not under control by leash or within an enclosed vehicle.

(J) The owner of any dog found to be dangerous shall maintain the animal in such a manner as to prevent its coming in contact with any person not residing with the owner.

(K) Any dog found to be a dangerous dog by the animal control officer or animal control warden on two separate occasions shall be deemed a vicious dog, and reported to the animal control warden as such.

(1990 Code, § 4-7) (Ord. 84-935, passed 2-20-1984; Ord. 99-1916, passed 9-7-1999; Ord. 05-3096, passed 9-19-2005; Ord. 09-3265, passed 11-2-2009) Penalty, see § 90.999

Statutory reference:

Vicious dogs; dangerous dogs and dangerous animals, see ILCS Ch. 510, Act 5, § 15

§ 90.046 VICIOUS DOG.

(A) It shall be unlawful for any person to keep or maintain any dog in the city which has been found to be a vicious dog pursuant to this subchapter or the Animal Control Act. For purposes of this section, the term “vicious dog” shall mean a dog defined as vicious under Act 5, § 15 of the Animal Control Act (ILCS Ch. 510, Act 5, § 15), or under § 90.045.

(B) If the existence of a nuisance is established, the owner of the dog or other animal shall be in violation of this chapter. Furthermore, the court may enter an order restraining the owner from maintaining the nuisance and may order that the dog or other animal be humanely dispatched.

(1990 Code, § 4-8) (Ord. 84-935, passed 2-20-1984; Ord. 99-1916, passed 9-7-1999) Penalty, see § 90.999

§ 90.047 PROCEDURE FOR DECLARING A DOG VICIOUS.

(A) An animal control officer or any adult person may request under oath that a dog be classified as vicious by submitting a sworn, written complaint on a form approved by the animal control officer. Upon receipt of the complaint, the officer shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. During the investigation:

(1) The custody of any dog which is the subject of the investigation shall not be transferred by its owner to any other person; nor shall the place of maintenance of the dog be changed from its owner's residence during that time, without the consent of the animal control officer; and

(2) In addition, the dog may be ordered impounded by the animal control officer if he or she has reason to believe that during the investigation the dog will cause an immediate danger to the community if it is not immediately impounded. The owner may appeal the impoundment order to the Police Chief at any time. The Police Chief, or his or her designee, shall give the owner a hearing within three business days of the filing of the appeal.

(B) At the conclusion of an investigation, the officer may:

(1) Determine that the dog is not vicious and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(2) Determine that the dog is vicious and order that the dog be humanely destroyed.

(1990 Code, § 4-25) (Ord. 99-1916, passed 9-7-1999; Ord. 09-3266, passed 11-2-2009)

§ 90.048 NOTIFICATION OF VICIOUS DOG DECLARATION.

(A) Within five business days after declaring a dog vicious, the officer shall give written notice by certified mail to the dog's owner, of the dog's designation as vicious, and the determination to destroy the dog. The notice shall inform the owner that he or she may request, in writing, a hearing to contest the finding and designation within five business days after delivery of the vicious dog designation notice.

(B) The officer shall hold a hearing within ten business days after receiving the dog owner's request for a hearing. The officer shall provide notice of the date, time and location of the hearing by regular mail to the dog owner and the complainant.

(C) At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's viciousness. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

- (1) Provocation;
- (2) Severity of attack or injury to a person or domestic animal;
- (3) Previous aggressive history of the dog;
- (4) Observable behavior of the dog;
- (5) Site and circumstances of the incident; and
- (6) Statements from interested parties.

(D) A determination at a hearing that the dog is vicious pursuant to the Animal Control Act, or under this subchapter, shall result in an order for the humane destruction of the dog, subject to the owner's right to appeal the order to the Circuit Court.

(E) If no hearing is requested pursuant to division (A) above, the dog shall be humanely destroyed.

(F) The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the city to humanely and safely keep the animal during any legal proceeding.

(G) If the officer, or his or her designee, orders a dog to be humanely destroyed, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within ten days after receiving notice of the destruction order. If an appeal is timely filed, the officer shall suspend the destruction order pending the final determination of the court.

(1990 Code, § 4-26) (Ord. 99-1916, passed 9-7-1999)

IMPOUNDMENT

§ 90.060 PROCEDURE.

Any dog, cat or other animal, which has not been redeemed by its owner within five calendar days after it has been impounded, may be turned over to any authorized representative of an humane society upon the request of the representative being duly made within two calendar days immediately after the five-day period. If the dog, cat or other animal is not so redeemed by the owner thereof, or so turned over to a representative of an humane society, it shall be humanely dispatched by the animal control officer. If a licensed veterinarian signs a statement that spaying, neutering or inoculation of an animal will be hazardous to the health of the animal, an exception may be granted by the animal control division.

(1990 Code, § 4-46) (Ord. 84-935, passed 2-20-1984; Ord. 94-1585, passed 6-20-1994)

§ 90.061 REDEMPTION OF ANIMAL BY OWNER.

(A) In order to redeem a dog, cat or other animal which has been impounded, the owner shall pay to the animal control officer redemption fees as follows: \$15 to redeem an altered dog or cat; \$40 to redeem an unaltered dog or cat. Twenty-five dollars of the unaltered pet impoundment fee may be applied towards the cost of spay/neutering the impounded animal.

(B) In addition to the redemption fee, the owner shall pay to the animal control officer a boarding fee of \$7 per day for the board of the animal for each day or fraction of a day for which it has been impounded.

(C) In the event any impounded animal does not have a current rabies tag, the owner redeeming the dog or cat shall pay, in addition to the above charges, a \$10 fee to be applied toward rabies inoculation for the current year. The inoculation shall be given within 48 hours of redemption.

(D) In addition to the above-mentioned fees, the owner of an impounded animal will be subject to the other penalties of this chapter.

(1990 Code, § 4-47) (Ord. 84-935, passed 2-20-1984; Ord. 94-1585, passed 6-20-1994) Penalty, see § 90.999

§ 90.062 ADOPTION OF DOGS OR CATS.

(A) All dogs or cats that are adopted from the animal shelter shall be surgically rendered incapable of reproduction by spaying or neutering. In addition, all animals shall be permanently identified in accordance with the city-sanctioned registration program. A person who desires to adopt a dog or cat prior to the surgical procedure having been performed shall execute a written agreement stating that the person will have the appropriate surgical procedure performed within ten calendar days from the date of adoption. Failure to fulfill the terms of this agreement shall result in the seizure and impoundment of the dog or cat by the animal control officer. All fees which have been collected from the person shall be forfeited, and the person shall not be permitted to adopt any animal from the animal shelter again.

(B) Any person desiring to adopt shall pay an adoption fee to the animal shelter. This fee shall be paid in advance of receiving the dog or cat and shall be applied towards the cost of sterilization. Any balance due over and above the sterilization fee shall be the responsibility of the adopter.

(C) Any person desiring to adopt shall also pay to the animal control officer a boarding fee of \$7 per day for the board of the animal for each day or fraction of a day for which it has been impounded.

(D) Any person shall also pay to the animal control officer a \$10 rabies fee for rabies inoculation for the current year. The inoculation shall be given within 48 hours of adoption.

(1990 Code, § 4-48) (Ord. 84-935, passed 2-20-1984; Ord. 94-1585, passed 6-20-1994; Ord. 07-3197, passed 7-2-2007)

DOG AND CAT REGISTRATION

§ 90.075 REGISTRATION FEES.

(A) Any person who owns or keeps a dog or cat within the city which is six months or older shall pay a registration fee payable to the City Clerk according to the following schedule:

(1) A fee of \$10 if the dog/cat is altered. The fee is waived if proof of permanent identification is presented when the dog/cat is registered with the City Clerk; and

(2) A fee of \$25 if the dog/cat is unaltered. This fee is valid for one year and renewable annually.

(B) Change of owner registration, \$5.

(C) No person shall transfer an unregistered dog or cat older than six months.

(D) Any person who makes a renewal/registration application more than 30 days after license expiration date shall pay a sum of \$10 in addition to the required registration fees, as a late charge. After 60 days of the registration expiration date, in addition to the late charge, the regular penalty of this subchapter shall also apply.

(E) If owners choose not to register their dog or cat before the age of six months, and transfer ownership of that animal to any other person, accurate records detailing the name, address, telephone number of the recipient must be obtained, as well as the age of the animal and date of transfer. This information must be supplied by the original owner of the dog or cat to the animal shelter staff within 30 days of the transfer.

(F) The registration requirements of this section shall not apply to dogs or cats owned by nonresidents of the city in the temporary custody of a veterinarian, licensed kennel or professional handler.

(G) Animals certified to aid the disabled are exempt from all registration fees if altered, but shall be registered with the City Clerk. Unaltered animals are subject to all fees required under this subchapter.

(H) The registration of dogs and cats as required herein shall be accomplished by the owner of the animal within 15 days of the date upon which the animal receives its annual rabies inoculation and/or six months of age; provided that the failure of the owner to obtain the rabies inoculation for the animal shall not relieve the owner of the requirements of this section concerning registration and fees. The registration tag must be displayed on animals that do not have permanent identification.

(I) The registration tags referred to in this section shall be colored green for altered animals, and colored red for unaltered animals.

(1990 Code, § 4-71) (Ord. 94-1585, passed 6-20-1994; Ord. 94-1600, passed 12-5-1994; Ord. 95-1652, passed 12-18-1995; Ord. 95-1652-A, passed 12-18-1995; Ord. 07-3197, passed 7-2-2007) Penalty, see §

PROHIBITED ACTIONS; CARE OF ANIMALS

§ 90.085 ANIMALS AT LARGE PROHIBITED.

(A) *Dogs.*

(1) It is unlawful for any dog to run at large within the corporate limits of the city. If a dog does run at large, the owner or keeper of the dog shall be in violation of this chapter. Any dog which goes upon any public street, sidewalk, alley or other public place, or upon any private property other than that of the owner of the dog, shall be deemed to be running at large unless the dog is firmly held on a leash, or is in an enclosed vehicle, or is then and there under the complete control of a competent person and obedient to that person's command.

(2) Any dog found running at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of the dog shall be impounded by the animal control officer; provided, however, any vicious dog, which has bitten a human being and cannot be safely captured, may be slain by the animal control officer or by a police officer.

(B) *Cats.* It is unlawful for any cat to run at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of it and create a nuisance or disturbance. If a cat does run at large and create a nuisance or disturbance, the owner or keeper of the cat shall be in violation of this chapter. In addition, the cat may be impounded; provided, however, any vicious cat, which has bitten a human being and cannot be safely captured, may be slain by the animal control officer or by a police officer.

(C) *Livestock and poultry.* No person shall permit any cattle, horses, swine, sheep, goats or poultry to run at large within the corporate limits of the city. No person shall picket or tie any animal in any of the streets of the city for the purpose of grazing or feeding. Any animal running at large or improperly tied shall be impounded by the animal control officer; provided, however, any vicious animal which has bitten a human being and cannot be safely captured may be slain by the animal control officer or a police officer.

(1990 Code, § 4-19) (Ord. 84-935, passed 2-20-1984; Ord. 86-1077, passed 3-3-1986; Ord. 88-1237, passed 9-19-1988) Penalty, see § 90.999

§ 90.086 CRUELTY TO ANIMALS.

(A) *Cruelty to and endangering of animals.* No person shall beat, cruelly ill treat, torment or abuse any animal or bird. No person shall throw or deposit any poisonous substance on any exposed or private place where it may endanger any animal. No person shall provoke any animal to bark or bite by taunting it.

(B) *Inhumane treatment.* No person shall tie, confine or otherwise restrain any animal or bird in such a manner as to constitute cruel or inhumane treatment.

(C) *Abandonment.* It shall be unlawful for any animal owner to abandon an animal where it may become a public charge or may suffer injury or exposure. Any person violating the provisions of this division (C) shall be subject to a fine as set forth in § 90.999.

(D) *Impoundment procedure.* The animal control officer is hereby authorized to remove from any premises and impound any animal or bird on which cruel treatment is being inflicted as listed in this section.

(1990 Code, § 4-21) (Ord. 84-935, passed 2-20-1984; Ord. 94-1585, passed 6-20-1994; Ord. 99-1924, passed 10-4-1999) Penalty, see § 90.999

Statutory reference:

Cruelty to animals, see ILCS Ch. 510, Act 70, §§ 3.01 et seq.

§ 90.087 SLAUGHTER OF ANIMALS; PROHIBITED.

No person shall kill or slaughter any animal within the corporate limits of the city intended to be used as food for human consumption except for a person's own use.

(1990 Code, § 4-22) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.088 BURNING OF ANIMAL MATTER; PROHIBITED.

No person shall burn any feathers, hides or any other animal matter within the corporate limits of the city.

(1990 Code, § 4-23) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.089 DISPOSAL OF DEAD ANIMALS.

(A) *Prohibited disposal.* No person shall deposit, place or throw any dead animal or fatally sick or injured animal, or part thereof on any public or private place, or into any reservoir, sewer or well, or on the banks of any stream, lake, pond or other body of water.

(B) *Burial.* All dead animals, or parts thereof, may be buried at a distance of not less than 100 feet of any residence or well; and the carcass shall be placed underground and well covered with dirt at least four feet underground to the upper part of the carcass.

(C) *Immediate disposal.* No person shall fail to immediately dispose of any dead animal found upon the property under his or her possession or control.

(1990 Code, § 4-24) (Ord. 84-935, passed 2-20-1984) Penalty, see § 90.999

§ 90.090 DOGS PROHIBITED IN PUBLIC AREAS ON CERTAIN DAYS.

No person shall permit or allow any dog owned by him or her, or under his or her maintenance and control, to be present at any public event involving large numbers of people, including but not limited to Galesburg Railroad Days, Taste of Galesburg and Independence Day, when, in the discretion of the City Chief of Police, the presence of dogs at such an event constitutes a danger or threat to the safety of the public, and the Police Chief has caused signs to be posted at the event informing the public that dogs are not permitted. This section shall not apply to dogs trained to assist physically impaired individuals, nor to certified police dogs.

(1990 Code, § 4-27) (Ord. 06-3150, passed 8-21-2006) Penalty, see § 90.999

§ 90.091 ABANDONMENT.

No person who owns or controls a dog shall allow it to remain in a house in which there is no current resident. The term **HOUSE** shall include the surrounding yard or out-buildings.

(1990 Code, § 4-28) (Ord. 09-3267, passed 11-2-2009) Penalty, see § 90.999

§ 90.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of §§ 90.045, 90.046 or 90.047 shall be fined not less than \$200 for each offense.

(1990 Code, § 4-3)

(C) Any person violating the provisions of § 90.086(C) shall be subject to a fine of not less than \$200.

(1990 Code, § 4-2)

(Ord. 84-935, passed 2-20-1984; Ord. 94-1585, passed 6-20-1994; Ord. 99-1916, passed 9-7-1999; Ord. 99-1924, passed 10-4-1999)

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Animal Control Working Group
Public Hearing
City Council Chambers
55 West Tompkins Street, Galesburg, Illinois
May 8, 2013
6:00 p.m.

Members Present: Kelli Bennewitz, Erin Buckmaster, Heidi Britton, Jeremy Karlin, Barney Price, Todd Thompson, and Emily Thorn-Carlson, 7. Also Present: Sergeant Lee McCone, 1.

Chairman Karlin called the public hearing to order at 6:00 p.m.

Chairman Karlin noted that if anyone would like to submit written ideas or comments, they should submit those to the City Clerk's office at any time. Another public hearing will be held on Thursday, May 16, 2013.

Candy Carson:

- Raised pit bulls for many years and believes there is a misconception that they are all mean.
- Cannot be isolated and must be socialized.
- Intelligent and loyal breed.
- Owners must know/understand their dog.

Toni Ball:

- Introduced Katie (Dad was attacked by pit bull)
- Believes the issue is with dogs in general, not just pit bulls.
- Post Office has worked with police and City Council in past and laws are gradually changing.
- Need stronger leash law, especially on personal property.
- Landlords need to be accountable – many tenants are breeding and landlord is unaware.
- All dogs must be vaccinated and registered.

Mac Plummer:

- Distributed pictures of his dog after attack.
- Issues with police and Animal Control after incident by not taking action on other dog, talking to owners, or checking on registration.

Ed Marquith:

- Has called animal control in past and received no help with dog running at large and had to resort to calling his alderman for assistance.
- Has been chased by dogs on bicycle.
- Saw six unleashed dogs during walk this week.

Von Hensley:

- Owns pit bull and believes they are great dogs; however,

- Grandparents live on Whiting Avenue and grandmother was trapped in a shed by a pit bull.
- Several pit bulls are loose in neighborhood where children are present.
- Has called police in past and received unsatisfactory results with dogs running at large.
- Owner or dog should be red flagged if any complaints have been issued.

Christina Harden:

- Neighbor upstairs has a boxer and the post office will not deliver mail due to the dog.
- Has called the police and Animal Control and been told they will not issue a ticket because the owner cannot afford to pay.
- City needs to look into the leash law.

Michael Hensley:

- Grandparents live next door to Ryan Maxwell's family.
- Drug dealers typically have the pit bulls.
- Felons are not allowed to own a dog like this; they should receive tickets.

Paula Johnson:

- Ryan Maxwell's Aunt.
- Public needs to know protocol – who do you call about dogs?
- How is complaint filed and tracked through Animal Control?
- Is there a database of complaints?
- Who deems a dog dangerous or vicious? A veterinarian should be on that panel.
- Does the shelter have a conflict with euthanizing animals when needed?
- The City contract pays the Prairieland Animal Welfare Center over \$1 million.
- Read statement about the incident with Ryan and what the police and family had to endure.

Dolly Sprinkle:

- Leash law needs to be enforced.
- Breeding law needed; too many pit bulls going to young people.
- Many dogs are not on a leash while walking at ball parks, near children waiting for school bus.
- Not against pit bulls, but their bite has more damage.
- The U.S. Military has breed specific laws on all bases.
- All dogs must be kept track of, especially those with complaints.
- Need to inform and educate the public about dogs, especially pit bulls.
- City should look at ordinances for soft muzzling, spaying/neutering all pit bulls, and puppy mills.

Chris King

- Been with the Humane Society for six years.
- Need breeder law; cannot be breed specific.
- Humane Society officers need more authority to perform job.

Shane Davidson:

- Believes that all dogs should have soft muzzle. It would allow dogs to still eat and drink, but they cannot bite.
- Approve ordinance that felons or individuals with abuse charges cannot own pitbulls.

Dana Gaber:

- Pit bulls are not all bad.
- Do not allow breed specific laws; dogs are part of families.

Roger Underwood:

- Read e-mail from concerned citizen regarding the shelter and staff exchanging adoptable dogs out for pit bulls from Springfield.
- Animal Control is held back and can only perform the jobs they are allowed by law to do.
- Recommends that people call into the 911 system so that calls and complaints are registered about dogs.
- Does not believe new laws are needed; enforce the ones already in the system.

Liz Ellis:

- Reported that no dogs are traded through Animal Control.
- An agency in Springfield will perform surgery if a dog has issues.
- Very long adoptable list but most people want small dogs, not large breeds.

Ann Atwater:

- Aware of a young child that lives in a house with a pit bull.
- Understand the Humane Society's frustration with laws.
- Need to enforce buy laws are inadequate and all owners must be accountable.
- One ticket should be given; second and third chances should not be allowed.

Angela Matthews:

- Her dog has been attacked by a pit bull mix five times (pit bull was not on leash).
- Need more laws and rules that center on aggressive dogs.
- Education on proper socialization.
- Offer obedience training to teach people how to raise a puppy.
- Enforce what the shelter adopts out to the community.

Sue Baker:

- Dog attacked by another dog during neighborhood walk.
- Followed proper channels but the dog was not deemed dangerous.
- Soft muzzle is a good idea.

Steve Baker:

- No enforcement of State Law.
- Dog that attacked his family dog should have been deemed dangerous.
- Asked who makes the judgment that people of our community are not protected under State Law.

- Told by Animal Control to take a dog self defense class.

Nick Whitley:

- Trains dogs and provides behavior assessments
- City needs to figure out who is in charge of animal control and hire a person/s that can perform the law.
- Police know people who would likely have an aggressive dog and possibly be an irresponsible dog owner.
- Mandatory spay/neuter.
- Educate socialization for pit bulls.

Kathy White:

- Glad to see the cooperation between City and other agencies.
- Most complaints are not from dogs being adopted out, but instead breeders.
- Guardian Angels would be willing to work with the City on a breeder law.
- Willing to offer low-cost spaying/neutering.
- Mandatory spay/neuter unless owner holds a breeder license.

Gary Woolsey:

- He and his dog have been confronted by a pit bull twice.
- Several pit bulls run loose in his neighborhood.
- Enforce leash law and mandate micro chipping.
- Enforce that felons cannot own certain breeds.
- Enforce limit of dogs.

Ray Pickrel:

- Tickets should be issued immediately to an owner that has a dog running at large.

Sue Baker:

- Top priorities should be safety, protect children, and offer zero tolerance for irresponsible owners.

Unidentified Woman (Mosely?):

- Offered sympathy to those that have been attacked.
- Pit bulls run free in her neighborhood.
- Several pit bulls have been seen in the vicinity of St. Pat's church.
- Quad City area banned pit bulls.
- State laws too lenient.
- Need ordinance requiring all dogs need to have soft muzzle when in public.

Ken Goad:

- Came to listen but understand that this has been issue for years.
- He walks for exercise and has been rushed by dogs in the past.
- Reminded citizens not to run when approached by a dog.
- Every dog that leaves their house should have a leash.

- If a dog bites one person, the dog should be put down.

Gwen Melton:

- Dog lover and appreciates everyone's feelings.
- Was attacked by a dog that had been called on before, and owners issued a warning. Two weeks later the dog bit a child and was put down.
- Leash law needs to be enforced at parks.
- All dogs should have muzzle – it takes away their power.

Liz Ellis:

- City needs to look at an anti-tethering law and mandatory spay/neuter.

Ken Goad:

- If people want the State Law to change or be stricter, he suggested calling our local legislators.
- People need to be put above dogs.

Chairman Karlin reminded citizens that another public hearing would be held Thursday, May 16, 2013. He adjourned the public hearing at 7:51 p.m.

Kelli R. Bennewitz, City Clerk

Animal Control Working Group
Public Hearing
City Council Chambers
55 West Tompkins Street, Galesburg, Illinois
May 16, 2013
6:00 p.m.

Members Present: Kelli Bennewitz, Erin Buckmaster, Heidi Britton, Chief Dave Christensen, Jeremy Karlin, Barney Price, Todd Thompson, and Emily Thorn-Carlson, 8.

Chairman Karlin called the public hearing to order at 6:00 p.m.

Chairman Karlin noted that if anyone would like to submit written ideas or comments, they can submit those to the City Clerk's office at any time. He asked that those wanting to address the group should be concise in their remarks and that everyone is here to listen and not debate. He added that the public hearing notes would be available on the City's website in the near future.

Chairman Karlin also reported that the goal of these hearings is to get a sense of the situation and to then move to the next phase of reviewing the current ordinances and enforcement. He expects that the working group will be finished within the next three months and will present options and ideas to the City Council.

Laura Boydston:

- Distributed handout to members of the working group.
- Need to be careful that we are not punishing the good dog owners.
- Vicious dogs could wear colored tag and provide liability insurance.
- No pets allowed to persons with drug related charges.
- Breeding ordinance needs to be enacted.
- If owner surrenders dog they should not be allowed to adopt another one.
- Give more power to the Animal Control officer.
- Better job tracking complaints.
- People should be able to call and issue complaints privately to avoid retaliation.
- Do not deliver mail to homeowners that have aggressive dogs.

Carl Hooven:

- Neighbor has fifteen dogs that are not registered.
- Landlords need to be held accountable for dogs in their properties.
- Need to enforce the laws already in code and penalize those that don't follow.

Jim Jacobs:

- Owns pit bull and he is a wonderful dog and good with kids.
- Pit bull is not for a casual owner and need constant TLC, exercise, and should never be chained.
- Does not want to single out any breed.
- All dogs need to be registered.

Ned Anderson:

- Has been associated with the Humane Society for nineteen years.
- Animal control ordinances are fine but may need reviewed and tweaked.
- Need breeding ordinance mandating that breeders are registered with the State, City and have a kennel.
- More latitude to the Animal Control officer and possibly deputize and give more authority. Would have backing of Galesburg Police Department and the County Sheriff.
- Need an anti chaining ordinance.
- Enforce leash law.
- Offer training classes for dog owners.

Annette McAllister:

- Cyclist of Galesburg member.
- Group has had issues over the last year and half with chasing, running, and biting dogs.
- Members are now carrying spray but the fear of dogs for many cyclists is overwhelming.

Ned Anderson:

- Introduced Marge Hulick, former Humane Society director.
- Worked on several initial pet ordinances with the City.

Steve Baker:

- Wanted to know why the State laws are not enforced.
- Who is accountable for the funding to the Humane Society?
- All rules and ordinances must be followed.
- Many insurance companies will not insure someone with a pit bull. They are genetically disposed to be dangerous and a court has upheld over 600 cases regarding this fact.
- All vicious dogs should be banned.

Chris King:

- Distributed pictures of the wound on the Baker's dog, as well as the veterinarian report from the incident.

Rick Hulick:

- Main problem is enforcement and the current laws are not efficient.
- Galesburg is known for not putting down vicious dogs or pit bulls.
- The City's legal counsel needs to work with the Humane Society on what laws they can and cannot enforce.
- Comments are not projected at the current Animal Control officer.

Wes Patterson:

- Owns two pit bulls.
- Interested in volunteering due to past legal training.

Liz Ellis:

- A reported bite has never come from a shelter dog.

- Misconception that the Humane Society keeps vicious dogs.
- The dog that killed Ryan Maxwell never came to the shelter for any reason.

Heather Jacobs:

- Thanked the City for organizing the efforts to talk about this issue.
- Ordinances need changed to force owners to be responsible.
- Spay/neuter every animal.
- Need breeder ordinance.
- Penalties should be higher.

Joe Sullivan:

- Volunteers at the Humane Society.
- All dog owners need to be responsible.
- The Humane Society should be commended for all they do and added that they love and care for all the animals at the shelter.

Bonnie Jacobs:

- Enforcement is the problem and the legal system needs to get behind the City when prosecuting for animal ordinance violations.
- Fines need to be higher.

Chairman Karlin stated that the working group would be meeting within the next two weeks and will review all the comments made from the public hearings. The meeting will be announced and will be open to the public.

Tom Mead:

- Grandfather of Ryan Maxwell, who was attacked and killed by a pit bull on May 2nd.
- People living in the neighborhood called about the dog but the Human Society has no record of the complaints.
- Pit bulls are not the same as other dogs but he is not in favor of banning them.

Chairman Karlin thanked everyone for attending and adjourned the public hearing at 6:55 p.m.

Kelli R. Bennewitz, City Clerk

Animal Control Working Group Meeting
Erickson Conference Room
55 West Tompkins Street, Galesburg, Illinois
June 4, 2013
5:30 p.m.

Members Present: Kelli Bennewitz, Erin Buckmaster, Heidi Britton, Chief Dave Christensen, Jeremy Karlin, Todd Thompson, and Emily Thorn-Carlson, 7.

Chairman Karlin called the meeting to order at 5:35 p.m.

Chairman Karlin stated that notes from the two public hearings would be sent to members of the group and added as an appendix to the formal report.

Public Comment: None

Chairman Karlin stated that this meeting would be to outline the main problems, or perceptions, that have been noted in the past public hearings. He stated that one issue brought up many times during those hearings was the mistreatment of animals, such as tethering, having too many dogs, or not having the dogs socialized.

He also stated that a common concern was dogs running at large. The sentiment was shared by many that they do not feel safe and many are arming themselves with clubs or spray. A more stringent leash law was suggested at the hearings and amending the section of the ordinance that states "under the complete control of a competent person and obedient to that person's command." This is believed to be the judgment of the owner.

Members of the public also brought up prohibiting animals that are not spayed or neutered, as well as limiting the number of dogs.

Chairman Karlin also stated that a common discussion point at the public hearings was that all dogs need to be vaccinated and registered and that there needs to be a reasonable level of confidence on behalf of the public that this is being done. Specific collars, tags, and micro chipping were also suggested.

Emily Thorn-Carlson stated that there is also confusion on the part of citizens how to initiate a call for service or complaint. Complaint tracking is also vital and all necessary parties need information related to the complaint information (i.e. owner, address, animal name, etc.). Records need to be accessible to all persons involved in the enforcement process.

It was obvious through public comment that enforcement and punishment is an issue, specifically warnings, citations issued, and the court system. Progressive penalties may need to be investigated.

Other issues raised through the public hearings included:

- Deeming a dog dangerous.

- Is there a panel?
 - What penalty is given to the owners?
 - There is a perception that the current process is ineffective.
- Circumstances of taking an animal due to cruelty.
 - Can a search warrant be issued?
 - Can a home be searched?

Chairman Karlin stated that after the discussion at this meeting, he believes there are three main issues or challenges that need to be addressed in terms of finding a solution, a new or amended ordinance, or some other means of change:

1. Mistreatment of animals.
2. Dogs running at large (unsafe feeling by public).
3. Effective complaint tracking (documentation, tracking, violations).

Over the next two weeks, he asked the group to review the current ordinances and manner of enforcement. He encouraged everyone to talk to community members, visit the Humane Society, and to talk with Chief Christensen regarding the current system.

He anticipates a deadline of July 19th for the report to be compiled for City Council distribution on July 29th.

The consensus of the group was to schedule the next meeting for Wednesday, June 19, 5:30 p.m.

Jim Sullivan addressed the group and stressed the importance of education and the expectations for animal owners. He encouraged continued community outreach throughout the year.

Chairman Karlin thanked everyone for attending and adjourned the meeting at 6:10 p.m.

Kelli R. Bennewitz, City Clerk

Animal Control Working Group Meeting
Erickson Conference Room
55 West Tompkins Street, Galesburg, Illinois
June 19, 2013
5:30 p.m.

Members Present: Kelli Bennewitz, Erin Buckmaster, Heidi Britton, Jeremy Karlin, Barney Price, Todd Thompson, and Emily Thorn-Carlson, 7. Also Present: Sergeant Lee McCone, 1.

Chairman Karlin called the meeting to order at 5:35 p.m.

Two lists of suggestions from Mr. Price and Ms. Buckmaster were distributed that had been submitted to the City. Chairman Karlin stated that at this meeting he would like to develop a list of solutions based on the issues that were reviewed and identified at the last meeting. He also noted that the goal will not be to reach an agreement about suggestions, but instead to present any and all ideas to Council for their consideration in July and added that many suggestions are appropriate to discuss.

Clarification needs to be made regarding who receives the initial dangerous/vicious dog complaints from the public. Mr. Price suggests that Animal Control take the complaint and then turn the investigation over to the Police Department.

Chairman Karlin stated that another suggestion is that the City would receive all animal complaints. He added that the current trend is that humane societies are getting out of the animal control business and focusing on issues such as adoption. City Manager Thompson also stated that the contract with the City needs to be distinguished between shelter and animal control.

Erin Buckmaster stated that because of the incident on Whiting Avenue, a “witch hunt” has started on the Humane Society.

City Manager Thompson stated that the sheltering of animals and animal control should be separated in his opinion and that the current process is not meeting the community’s expectations. He suggested that other communities be examined in reference to their animal control. He also stated several other issues with the current contract such as communication, reporting, and confusion over complaints. He added that he believes this is an appropriate time for the Police Department to begin handling animal control, with the intent of working together with the Humane Society, especially on animal cruelty issues. City Manager Thompson stated that he would be in favor of the Police Department taking the lead, with the assistance of the Humane Society, and that it is nothing personal towards the group or to the current animal control officer.

Barney Price reiterated that all reports are done through the Police Department currently.

Discussion was held on the two public hearings, noting that the information was needed from the community and that many issues were raised by citizens. There is a fear of dogs in the city and that suggestions for possible solutions need to be brought to the Council for their consideration.

City Manager Thompson also stated that at the current time, the City has no oversight or direct responsibility for animal control and believes that needs to be reevaluated.

Other suggestions for possible ordinance changes include the number of animals allowed per household from four to two adult animals. Other changes include passing an anti-tethering and stricter leash law.

Chairman Karlin discussed the ordinance section that relates to animals at large. Currently, the reference to having a dog being obedient and under the owner's control is an issue (i.e. how to control a dog not on a leash but on your property). It was also stated that if a dog is outside and not on its property, it should be on a leash. It was discussed that a law requiring a leash to be no longer than six feet should be investigated.

Discussion was held on progressive fines, especially for repeat offenders, with the final penalty not allowing the ownership of a dog in the City limits. Any citation for cruelty to animals should also carry the same penalty.

It was also discussed that micro chipping be required and to make it part of the current vaccination and registration law.

A breeder's license ordinance was suggested in order to track puppies being sold. It was noted that Rock Island has a breeder's license. Suggested fees were \$200 for the license and a \$500 fine for failure to obtain a license.

Mr. Price suggested that an ordinance be brought forward regarding biting between dogs. The current ordinance refers to the biting of a human, but not another animal. Discussion was also held on improving the tracking of tickets issued for each owner and their animals. It was also suggested that education needs to be a key component of any changes.

The consensus of the group was to schedule the next meeting for Tuesday, July 2, 5:30 p.m.

Chairman Karlin thanked everyone for attending and stated that a full report to Council would be made in July. The next meeting will focus on decision making in order to provide direction for City Administration.

The meeting adjourned at 6:40 p.m.

Kelli R. Bennowitz, City Clerk

Animal Control Working Group Meeting
Erickson Conference Room
55 West Tompkins Street, Galesburg, Illinois
July 2, 2013
5:30 p.m.

Members Present: Kelli Bennewitz, Erin Buckmaster, Chief Dave Christensen, Jeremy Karlin, Todd Thompson, and Emily Thorn-Carlson, 6.

Chairman Karlin called the meeting to order at 5:35 p.m.

The Chairman announced that the intent of this meeting was to distribute a draft of the “Animal Control Working Group Report,” which will be presented to Council on July 19th. He noted that he would like to come to a consensus on the content of the report and also stated that this draft does not include an executive summary at this time. This summary does include a list of options and opportunities for the Council.

Angie Clary addressed the group stating that her son was bit by her neighbor’s dog on June 21st. The dog was not registered, nor had a current rabies vaccination. The dog is currently being quarantined at the Galesburg Small Animal Hospital. Ms. Clary stated that her son is now afraid to be outside in his own yard and is afraid of dogs in general at this point. She noted that the Animal Control Officer did talk to her at the emergency room, but that no dangerous dog information was given to her. She requested the information so that she can file the official paperwork in order to deem the dog dangerous.

Diana Patterson also addressed the group regarding three dogs in her neighborhood that continually run at large. She is fearful of her daughter walking to school and has made complaints to the police and animal control in the past.

Joe Sullivan addressed the group stating that he shadowed the animal control officer, Chris King, recently to see how complaints, calls, etc. are handled. He stated that they have the proper tools for complains and taking calls and that the officer worked with the police department and followed up with reports. Mr. Sullivan stated that they investigated various complaints and rabies compliance inquiries. He fully believes that they are fulfilling their contract and are following the current laws as written.

Chairman Karlin reviewed the report, beginning with animals running at large. He suggested that the verbiage “animals” be replaced with “dogs.” He also noted the concern of the lack of transparency by which dogs are regulated and policed by Animal Control. Upon visiting the shelter, he found that the majority of the dogs present were of terrier mixes, which are problematic in adopting out.

Discussion was held on Section III – A, regarding the reassignment of animal control duties to the Police Department. He added that the police are already heavily involved in animal control issues and cases.

Other areas of the report that were cited include the reduction of the number of dogs in a household and tethering guidelines. Discussion was held on the future dog park and the rules regulating leashes.

Chairman Karlin stated that an appendix, including minutes and other are community ordinances (i.e. Peoria, Bloomington), would be included in the report. He announced that the Council will hold a work session on Monday, July 29th in which the topic of animal control will be discussed. He added that he anticipated that this meeting would be the group's last, and thanked all the members for their input and ideas. A copy of the report will be sent to the work group as well.

Emily Thorn stated that she believes official training of animal control officers needs to be part of the report as a requirement, regardless of the entity handling animal control duties.

The meeting adjourned at 6:25 p.m.

Kelli R. Bennewitz, City Clerk

**COUNCIL LETTER
CITY OF GALESBURG
APRIL 18, 2011**

Agenda Item: Proposal recommendation, Animal Control Services for the City of Galesburg.

Summary Recommendation: The City Manager, City Clerk, and Purchasing Agent recommend that the City Council approve the five year proposal for Animal Control Services to Prairieland Animal Welfare Center.

Background: Prairieland Animal Welfare Center has had three consecutive five year contracts with the City of Galesburg for Animal Control Services. Their current contract expired on March 31, 2011 and the City is currently working with this vendor without an active contract in place.

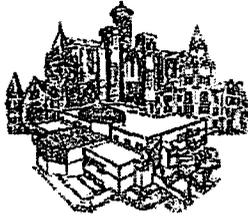
A Request for Proposals was advertised in both the Galesburg Register Mail and the Peoria Journal Star. In addition, proposal packets were made available online and mailed to Prairieland Animal Welfare Center as well as the Guardian Angels Humane Society. Prairieland Animal Welfare Center submitted the only response to this request. Their response for continuing to provide these services was as follows:

Period	Monthly Payment for the Period	Total Cost for Period
(a) April 1, 2011 - March 31, 2012	\$19,510.00	\$234,120.00
(b) April 1, 2012 - March 31, 2013	\$19,510.00	\$234,120.00
(c) April 1, 2013 - March 31, 2014	\$19,510.00	\$234,120.00
(d) April 1, 2014 - March 31, 2015	\$20,095.00	\$241,140.00
(e) April 1, 2015 - March 31, 2016	\$20,698.00	\$248,376.00
Total Cost :		\$1,191,876.00

The contract period would be effective retroactive to April 1, 2011 and continue through March 31, 2016. During the past contracts, Prairieland has adequately handled the animal control services and produced required records in a timely fashion.

Budget Impact: This expense is annually budgeted in Contracts and Subsidies.

Supporting Documents: Animal Control Agreement



CITY OF GALESBURG
55 W Tompkins St
Galesburg, IL 61401

AGREEMENT TO PROVIDE ANIMAL CONTROL SERVICES

Definitions:

“Animals” means all animals including, but not limited to dogs, cats, raccoons, skunks, groundhogs, opossums, foxes, coyotes, bats, deer, snakes, squirrels, rabbits, birds, farm animals, monkeys, ferrets, beavers and muskrats.

“City” means City of Galesburg, located in the County of Knox, Illinois, a municipal corporation.

“Contractor” means the Prairieland Animal Welfare Center.

“Domestic animals” means tame animals normally kept in the home (such as dogs and cats).

“Parties” means the City and the Contractor.

“Shelter” means a permanent physical facility designed, equipped and fitted to humanely house thirty (30) animals for at least one hundred twenty (120) hours. It shall comply with all federal, state, and city laws and regulations.

“Wild animals” means any animal other than a domestic animal.

Consideration:

The consideration for this Agreement is the mutual covenants of this Agreement.

Purpose of Agreement:

The purpose of the agreement will be to set forth the terms, and conditions, under which the Prairieland Animal Welfare Center agrees to pick up, house and dispose of animals in the City of Galesburg. Awarded contractor will be required to provide a permanent physical facility designed, equipped and fitted to humanely house thirty (30) animals for at least one hundred twenty (120) hours. It shall comply with all federal, state, and city laws and regulations.

Terms of Agreement; Payment

1. The agreement shall be effective as of the first (1st) day of April, 2011 (or as soon after approval of City Council) and expire on the thirty first (31st) day of March 2016, unless terminated sooner as provided for in the agreement.
2. In consideration of the Contractor's faithful performance of the agreement, the City agrees to pay to the contractor, on or before the 15th day of each month, a monthly payment agreed to as per the terms of the contract based on the proposal submitted. The attached schedule of monthly pricing should be submitted with this proposal.
3. Said payment shall be made provided the Contractor submits an invoice to the City at least seven (7) days in advance of the first Monday of the month. The payment for any term, if said term is less than a full month, shall be prorated.

Period	Monthly Payment for the Period	Total Cost for Period
(a) April 1, 2011 - March 31, 2012	\$19,510.00	\$234,120.00
(b) April 1, 2012 - March 31, 2013	\$19,510.00	\$234,120.00
(c) April 1, 2013 - March 31, 2014	\$19,510.00	\$234,120.00
(d) April 1, 2014 - March 31, 2015	\$20,095.00	\$241,140.00
(e) April 1, 2015 - March 31, 2016	\$20,698.00	\$248,376.00
Total Cost :		\$1,191,876.00

Contractor's Covenants

The Contractor agrees:

1. To promptly respond to animal control complaints, Monday through Friday, except on City designated holidays, between the hours of 8:00 a.m. and 5:00 p.m. (except for animal emergency calls for which the Contractor shall be on call 24 hours a day) in an efficient and humane manner. The Contractor agrees to respond to non-emergency calls within thirty (30) minutes of notification. The contractor agrees to respond to emergency calls within fifteen (15) minutes of notification. An animal emergency is one in which an animal is injured; a wild animal is present in an occupied portion of a building (excluding attics, chimneys, crawl spaces, out buildings and garages); any animal bite, or any complaint so designated by the City.
2. It will pick up, transport and house animals in accordance with all city, state and federal laws.

3. It shall provide shelter care for tagged domestic animals for at least one hundred twenty (120) hours, if necessary. Also:
 - a. If the animal has a current license tag, the Contractor shall promptly notify the owner.
 - b. If the animal does not have a current tag, or is not redeemed within one hundred twenty (120) hours after its seizure, the Contractor shall cause the animal to be adopted or euthanized. Under no circumstances shall the City be responsible for any animal held after one hundred twenty (120) hours.
4. It shall promptly pick up, and dispose of, any animal carcass on City property, and right-of-way, during normal working hours. The Contractor shall pick up and provide disposal services for the public as requested. A reasonable disposal fee may be charged to the public.
5. It shall take suspected rabies carcasses to the Animal Disease Laboratory for testing. Also, on a monthly basis it will pick up rabies receipts from veterinarians and deliver them to the City Clerk. All animal pickup and seizure personnel shall be pre-immunized against rabies.

Shelter Service

6. The Contractor shall operate a shelter. The shelter shall:
 - a. Comply with all city, state and federal laws.
 - b. Accept animals for rabies observations.
 - c. Have adequate parking.
 - d. Be located within the City of Galesburg.
 - e. Contain a reception area, offices, dog kennel room for at least twenty (20) dogs, a cat room for at least twenty (20) cats, a quarantine room, a bathing room, a food storage room, and a room for euthanasia.
7. The shelter shall open Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 12:00 noon, except City designated holidays. Proper care for animals shall be performed on Sundays and holidays.
8. The shelter shall provide all routine maintenance of the facility as follows:
 - a. The kennel areas, water bowls, hallways, floors and cleaning equipment shall be cleaned as necessary but not less than twice a day.
 - b. Trash bags shall be removed either daily or as necessary.
 - c. Animal carcasses shall be promptly removed from the facility.
 - d. Adequate feeding, boarding and water shall be provided to all animals.
9. The contractor shall provide an adoption service at the shelter to the public. It shall promote adoption as a means of placing animals. The Contractor, as necessary, shall dispense a dog or cat license application and have the animals immunized, and altered, pursuant to state law.

10. The Contractor shall humanely euthanize animals at the shelter.
11. The Contractor shall encourage spay/neutering of animals.
12. The Contractor shall submit a monthly report to the City each month. The form shall be submitted to the City five (5) days after the end of each month. The Contractor shall maintain adequate records to substantiate their report.
13. The Contractor shall collect all redemption fees and boarding fees as set by City ordinance. The Contractor shall maintain an accurate record of all fees collected and shall remit all fees to the City Treasurer, on a monthly basis, with a statement of the fees collected, showing the names and address of the person paying the fees, the amount collected and the date of collection. The City shall be entitled to inspect the Contractor's record of fees collected at any time during regular business hours. The contractor shall remit the fees, and the report, on or before the 5th day of each month.
14. In addition, the Contractor shall conduct an educational presentation to local schools and nursing homes at least six times a year.

WARRANTS

The contractor expressly warrants:

1. It holds all necessary city, state and federal permits/licenses and is fully insured for automobile, general, worker's disability and compensation, personal and property liability insurance. If at any time the Contractor fails to hold any necessary permit, or license, or is not insured as set forth in this Agreement, the City may, at its option, immediately terminate this Agreement and withhold any payment for services provided at the time the Contractor was not properly licensed or fully insured.
2. It has reviewed Chapter 4 of the Municipal Code, and it will operate in accordance with the ordinances, policies and procedures of the City of Galesburg and the laws of the State of Illinois. The City will provide and notify the Contractor with any variances in Municipal Code affecting the agreement.

INDEMNIFICATION

The Contractor shall defend, protect, indemnify and hold harmless the City, its agents, officers, and employees, from and against any and all claims whatsoever, including damage to persons or property, incurred by an act, negligence or omission of the Contractor or any of its agents, servants, or employees in the performance of the Agreement.

INSURANCE

The Contractor shall acquire and maintain, at its expense, insurance coverage at a minimum as listed below. The insurance companies from whom the insurance is acquired shall have a minimum rating of "A"; Class XI" as reported in the most recent edition of Best's Key Rating Guide.

<u>COVERAGE</u>	<u>LIMITS</u>
1) Comprehensive General Liability	
Bodily Injury	\$500,000 each occurrence \$500,000 aggregate
Property Damage	\$500,000 each occurrence \$500,000 aggregate
	OR
	\$1,000,000
Combined Single Limit Comprehensive Form Premises-Operations Explosion Collapse Hazard Underground Hazard Products/Completed Operations Contractual Insurance* Broad Form Property Damage Independent Contractors	

*See separate Hold Harmless Agreement for Contractors and Municipal Vendors.

<u>COVERAGE</u>	<u>LIMITS</u>
2) Automobile Liability	
Bodily Injury	\$300,000 each person \$500,000 each accident
3) Property Damage	\$100,000 OR \$500,000 Combined Single Limit
Comprehensive Form Hired Non-Owned	

Workers' Compensation

- A. Statutory
- B. \$500,000 each accident

4) Excess Liability - Umbrella Form

Although not a minimum requirement unless specifically stated, all contractors should seriously consider an umbrella policy of at least \$1,000,000.

The above insurance requirements are required minimums. The City of Galesburg shall be named as an additional insured and the policy shall provide that the City shall be notified by the insurance company at least thirty (30) days in advance of cancellation of the insurance policy.

MISCELLANEOUS

1. The Contractor agrees not to discriminate against any employee or applicant for employment to be employed in the performance of Agreement with respect to his/her hire, compensation, tenure, terms, condition of employment, or any person using or attempting to use the afore described operations because of his/her sex, race, color, religion, national origin, ancestry, or physical or mental disability unrelated to ability to perform the job; that further, the Contractor agrees to require a similar covenant on the part of any subcontractor or agent to be employed in the performance of the Agreement.
2. All notices shall be effective when mailed by regular mail to the following addresses:

City: City Manager
City Hall
55 W Tompkins St
Galesburg, IL 61401
3. The agreement shall be governed by the laws of the State of Illinois.
4. The Contractor agrees not to assign, or subcontract, the Agreement without express, written approval of the City.
5. The agreement will represent the entire agreement between the parties. There will be no separate, or oral, agreements between the parties.
6. The Contractor shall take complaints during normal working hours and maintain a copy of the log, which shall be available for inspection by the City.
7. The Contractor shall insure coordination with the City of Galesburg Police Department for enforcing and reporting on relevant animal control issues.

8. The Contractor will be an independent contractor. It will not be an employee or agent of the City.

TERMINATION

Either party may terminate the signed agreement for cause at any time during the term of the Agreement. From and after April 1, 2016, either party may terminate this Agreement with, or without, cause. Notice of termination will be required by mail at any time during the month, and shall be effective thirty (30) days after the date of mailing. Any payment due the Contractor shall be prorated to the date of termination.

SUBCONTRACTOR DISCLOSURE:

If utilizing any subcontractors, Contractor must identify the names and addresses of all subcontractors being used in the performance of this Contract, together with the anticipated amount of money that each subcontractor is expected to receive pursuant to this Contract.

SIGNATURES:

The parties agree to the execution of this Agreement this 18 day of April, 2011.

CITY OF GALESBURG, IL

BY: 
Mayor

ATTEST:


City Clerk

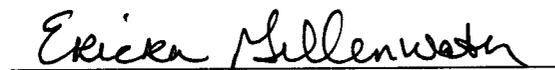
PRAIRIELAND ANIMAL WELFARE CENTER

BY: 

President

Title

ATTEST:



Contract 04/01/06 Through 03/31/11

Period	Montly Payment	Total Cost for Period	% Increase (Per Period)
(a) April 1, 2006 - March 31, 2007	\$ 15,454.00	\$ 185,448.00	
(b) April 1, 2007 - March 31, 2008	\$ 16,379.00	\$ 196,548.00	5.99%
(c) April 1, 2008 - March 31, 2009	\$ 17,364.00	\$ 208,368.00	6.01%
(d) April 1, 2009 - March 31, 2010	\$ 18,406.00	\$ 220,872.00	6.00%
(e) April 1, 2010 - March 31, 2011	\$ 19,510.00	\$ 234,120.00	6.00%
<i>Total Contract Cost</i>		<u>\$ 1,045,356.00</u>	

Contract 04/01/06 Through 03/31/11

Period	Montly Payment	Total Cost for Period	% Increase (Per Period)
(a) April 1, 2011 - March 31, 2012	\$ 19,510.00	\$ 234,120.00	0.00%
(b) April 1, 2012 - March 31, 2013	\$ 19,510.00	\$ 234,120.00	0.00%
(c) April 1, 2013 - March 31, 2014	\$ 19,510.00	\$ 234,120.00	0.00%
(d) April 1, 2014 - March 31, 2015	\$ 20,095.00	\$ 241,140.00	3.00%
(e) April 1, 2015 - March 31, 2016	\$ 20,698.00	\$ 248,376.00	3.00%
<i>Total Contract Cost</i>		<u>\$ 1,191,876.00</u>	

% Increase Total Contract over Last Contract: 14.02%