

ORDINANCE NO. 17.745

AN ORDINANCE AMENDING ARTICLE IV OF THE CODE OF THE CITY
OF PEORIA AS TO ANIMALS

Whereas, the City of Peoria is a home rule municipality under Article VII, Section 6 of the Illinois Constitution of 1970; and

Whereas, the City has adopted Article IV of the Code of the City of Peoria as to Animals; and

Whereas, the City's regulations protect the public health and safety and to promote the welfare of domestic animals; and

Whereas, the existing code allows the Animal Review Board to hear, review and decide complaints of barking dogs, as well as appeals of administrative animal control decisions regarding impoundment, dangerous dog determinations and reckless dog owner determinations; and

Whereas, the Animal Review Board is a five-member board that meets sporadically and has generally heard fewer than six cases per year; and

Whereas, in order to streamline the process and effectively deliver animal control services, the cases should be heard by a Hearing Officer, rather than an Animal Control Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1. Chapter 18, Article IV (Operation of Video Gaming Terminals) is hereby amended by adding the following underlined language and deleting the following struck through language:

Sec. 4-22. - Animal considered a nuisance.

(a) No person shall own, possess, or harbor a nuisance animal within the city. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if such animal:

(1) Damages real or personal property other than the owner's.

- (2) Causes unsanitary, dangerous or unreasonably offensive conditions.
- (3) Causes a disturbance by excessive barking, caterwauling or other noisemaking.
- (4) Chases vehicles.
- (5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
- (6) Chases, molests, attacks, bites or interferes with other animals while off the premises of the owner.

(b) The animal shelter manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsection (a)(5) of this section and not restrained by a competent person. Failure to comply with subsection (a)(5) of this section shall be a violation of law for which, upon conviction thereof, the owner of such animal shall be penalized \$300.00 for the first violation, \$600.00 for the second violation, and \$1,000.00 for the third and each subsequent violation. This section requires the support of the complainant for the issuance of a violation.

(c) Complaints of violations of section 4-22(a)(3) of this article shall be heard by a hearing officer. The hearing officer shall be empowered to:

- (1) Recommend a fine of not less than \$50.00 and not more than \$300.00 pursuant to section 4-28 of this article;
- (2) Recommend a settlement agreement between the complainant(s) and defendant(s);
- (3) Recommend that corporation counsel prosecute the violation in ordinance violation court; and
- (4) Authorize the corporation counsel to take all necessary legal action to collect fine assessed.

(d) The hearing officer shall hold a fair and impartial hearing on each complaint filed with the board which alleges a violation of this article. The public hearing shall be held within 60 days after receiving such a complaint. Written notice of the time, date and place of the hearing together with a copy of the complaint shall be given to the person named in the complaint by certified mail or by being hand delivered by the animal welfare shelter manager or her delegate personally at least seven days prior to said hearing date. Complainant shall be allowed to present testimony and

cross examine witnesses. Upon request of the respondent, a certified shorthand reporter shall be provided by the hearing officer to record the hearings on the complaint. The cost of preparing the transcript of the hearing for appeal shall be borne by the party appealing the decision of the board. The hearing officer shall not be bound by the strict rules of evidence prevailing in courts of laws or equity, and he shall have the power to administer oaths and to take sworn testimony. At the conclusion of the hearings, the hearing officer shall render a written decision which shall be served by mail upon the parties. No report shall be delayed more than 15 days after the conclusion of the hearing.

~~Sec. 4 30.—Animal review board.~~

~~(a) An animal review board is hereby created and shall consist of five members appointed to the board by the mayor with approval of the city council. The members shall only hear complaints of violations of section 4 22(a)(3) of this article.~~

~~(b) Three members shall constitute a quorum for said hearing. The members of the animal review board shall serve for a term of two years or until their successor is appointed and confirmed. The board shall choose its own chairperson and adopt its own procedures. The board shall be empowered to:~~

~~(1) Recommend a fine of not less than \$50.00 and not more than \$300.00 pursuant to section 4 28 of this article;~~

~~(2) Recommend a settlement agreement between the complainant(s) and defendant(s);~~

~~(3) Recommend that corporation counsel prosecute the violation in ordinance violation court; and~~

~~(4) Authorize the corporation counsel to take all necessary legal action to collect fine assessed.~~

~~(c) The animal review board shall hold a fair and impartial hearing on each complaint filed with the board which alleges a violation of this article. The public hearing shall be held within 60 days after receiving such a complaint. Written notice of the time, date and place of the hearing together with a copy of the complaint shall be given to the person named in the complaint by certified mail or by being hand delivered by the animal welfare shelter manager or her delegate personally at least seven days prior to said hearing date. Complainant shall be allowed to present testimony and cross examine witnesses. Upon request of the respondent, a certified~~

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Section 2. This ordinance shall be in full force and effect from IMMEDIATELY, after its passage and publication.

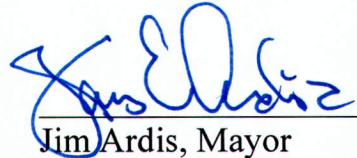
PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 28TH day of JANUARY, 2020.

AYES: 10 - CYR, GRAYEB, JENSEN, KELLY, MONTELONGO, MOORE, OYLER, RIGGENBACH, RUCKRIEGAL, MAYOR ARDIS.

NAYS: NONE.

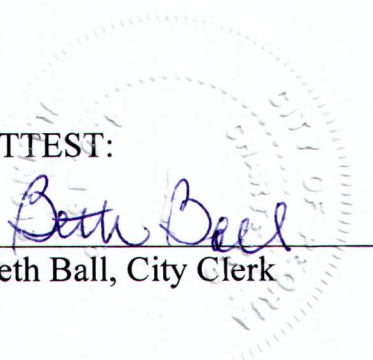
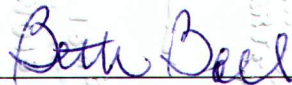
ABSENT: 1 - ALI.

APPROVED:



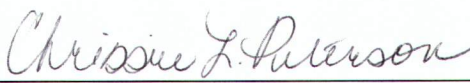
Jim Ardis, Mayor

ATTEST:

Beth Ball, City Clerk

EXAMINED AND APPROVED:



Corporation Counsel