

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**10/1/2024**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Ordinance Amending Chapter 5 of the Downers Grove Municipal Code	Enza Petrarca Village Attorney

**SYNOPSIS**

An ordinance amending various sections of Chapter 5 of the Municipal Code has been prepared to ensure that the provisions of the Municipal Code are comensurate with current Village practices relative to the impoundment of animals running at large throughout the Village.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2023-2025 include *Exceptional Municipal Services*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

**UPDATE & RECOMMENDATION**

This item was discussed at the September 17, 2024 Village Council meeting. Staff recommends approval on the October 1, 2024 Active Agenda.

**BACKGROUND**

Prior to the relocation of the Village Police Department and Village Hall to the Civic Center, the Village operated a kennel to temporarily house certain stray and domestic animals found running at large throughout the Village. The kennel was located on Lot 2, adjacent to the old Village Hall. With the demolition of the Police Department and old Village Hall, the Village no longer has a kennel to operate. As such, it is necessary to update certain provisions of Chapter 5 of the Village Code relative to the impoundment of animals to ensure that Village practices are commensurate with the provisions of the Village Code.

**ATTACHMENTS**

Ordinance

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: October 1, 2024  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AMENDING PROVISIONS CONCERNING THE IMPOUNDMENT OF ANIMALS", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance amend provisions concerning the impoundment of animals.

**RECORD OF ACTION TAKEN:**

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## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING PROVISIONS  
CONCERNING THE IMPOUNDMENT OF ANIMALS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by redline/ underline; deletions by ~~strikeout~~):

**Section 1. That Section 5.101 is hereby amended to read as follows:**

**Sec 5.101 Definitions**

The following words, terms and phrases when used in this Chapter shall have the following meanings:

\* \* \*

~~Animal Control Officer. An agent or employee appointed by the Village Manager with authority to investigate violations of and shall be responsible for the administration of this Chapter.~~

\* \* \*

Impounded. ~~TakenPlaced~~ into the custody of the ~~Village of Downers Grove~~animal control administrator of the County.

\* \* \*

(Ord. 5384, Renumbered, 05/06/2014)

**Section 2. That Section 5.102 is hereby amended to read as follows:**

**Sec 5.102 DispatchDestruction Of Dangerous Animals**

~~The Animal Control Officer or any A~~ Village police officer is authorized to ~~dispatchdestroy~~:

(a) Any dangerous animal of any kind when it is necessary for the protection of any person or property; or

(b) Any mortally wounded animal if the owner cannot be located.

(Ord. 5384, Add, 05/06/2014)

**Section 3. That Article 5 VI. is hereby deleted in its entirety:**

**Article 5.VI Animal Control OfficerReserved,**

~~Sec 5.601 Appointment~~

~~Sec 5.602 Powers And Duties~~

**Sec 5.601 Appointment**

~~The Village Manager shall appoint an employee of the Village as Animal Control Officer, who shall serve from time to time at the discretion of the Village Manager.~~

(Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.) (Ord. 5384, Renumbered, 05/06/2014)

**Sec 5.602 Powers And Duties**

~~In addition to all other powers and duties provided by law, the Animal Control Officer shall have the power and duty to investigate violations of the provisions of this Chapter, to impound or cause to be~~

~~impounded animals except wild animals in a natural state found running at large within the Village, to transport or cause to be transported the same to the Village pound for impoundment and, at the direction of the Village Manager, to declare animals which are injurious or potentially injurious to the health, safety or welfare of persons or property within the Village to be a public nuisance and to apply to the appropriate court for an abatement thereof.~~

~~The Animal Control Officer shall also have the power and duty to establish a trapping program whereby animal traps are loaned to residents to catch wild animals that are a nuisance as defined by the Village trapping program as established by the Animal Control Officer. The Animal Control Officer shall recommend the amount of any administrative fee to be charged as set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule" for the rental of the traps and Village removal of the animals.~~

~~(Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.) (Ord. 5384, Renumbered, 05/06/2014; Ord. 5132, Amended, 04/20/2010; 3890, Amended, 10/28/1996)~~

**Section 4. That Section 5.701 is hereby amended to read as follows:**

**Sec 5.701 Impounding; Generally**

The ~~p~~Police ~~d~~Department, the ~~Animal Control Officer~~Public Works Department or such other Village agent or employee authorized by the Village Manager shall impound any animal, except a wild animal in a natural state, found running at large within the Village.

(R.O. 1925, § 64; Ord. No. 1793, § 1.) (Ord. 5384, Renumbered, 05/06/2014)

**Section 5. That Section 5.702 is hereby amended to read as follows:**

**Sec 5.702 Notice To Owner**

~~Upon~~Prior to the impounding of any animal described in DGMC Section 5.701, the Village shall forthwith notify the owner or keeper of such animal of such impounding, unless such owner or keeper is unknown or cannot be found. The owner or keeper shall be advised that ~~unless~~ such animal ~~is redeemed~~ within three (3) days, the animal will be transferred to the animal control administrator of the County.

(Ord. 5384, Add, 05/06/2014)

**Section 6. That Section 5.703 is hereby amended to read as follows:**

**Sec 5.703 Disposition Of Impounded Animals Reserved**

- ~~(a) All animals which have been impounded pursuant to DGMC Section 5.701 shall be detained by the Animal Control Officer until further disposition to the animal control administrator of the County, or his/her agent. Prior to such disposition the owner of any animal which has been impounded may redeem such animal by presenting proof of ownership and current vaccination against rabies, as required by DGMC Section 5.204 and paying to the Village all fees, costs and expenses of impoundment imposed by this Chapter.~~
- ~~(b) The owner of any impounded animal who is unable to show proof of the animal's current vaccination against rabies may redeem such animal by posting with the Village a cash bond in an amount determined by the Village Manager or his/her designee. The cash bond as set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule" will be returned upon the owner's presentation, within thirty (30) days, of proof of the animal's vaccination against rabies prior to the impoundment. After thirty (30) days, the cash bond will no longer be subject to redemption and will be transferred to the corporate fund of the Village.~~

~~(c) Pending the further disposition to the animal control administrator of the County, any injured animal which has been impounded may be given medical treatment or may be humanely dispatched by and under the direction of a licensed Illinois veterinarian in accordance with applicable law. The fee or charges for such veterinary services shall be deemed to be and shall be included as a cost and expense incurred in the impoundment.~~

~~(Ord. No. 1793, § 1; Ord. No. 1854, § 1; Ord. No. 2712, § 1.) (Ord. 5384, Renumbered, 05/06/2014; Ord. 5132, Amended, 04/20/2010; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4695, Amended, 07/05/2005)~~

**Section 7. That Section 5.704 is hereby amended to read as follows:**

**See 5.704 Fees Reserved.**

~~The fees which shall be charged for impounding, maintaining and feeding all animals shall be set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule".~~

~~(a) All animals:~~

~~(1) For impounding and releasing each animal.~~

~~(2) For feeding and maintaining each animal.~~

~~(3) If any of the animals owned by a person or family are impounded by the Village more than once during a six (6) month period an additional fee shall be set forth in Administrative Regulation entitled "User Fee, License and Fine Schedule".~~

~~(R.O. 1925, §§ 67, 220; Ord. No. 1793, § 1; Ord. No. 2345, § 1.) (Renumbered 5.703, 3/2020; Ord. 5384, Renumbered, 05/06/2014; Ord. 5132, Amended, 04/20/2010; Ord. 4723, Amended, 11/15/2005; Ord. 4695, Amended, 07/05/2005; 3890, Amended, 10/28/1996)~~

**Section 8.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 9.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk