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*Brenda Britton*  
County Clerk Clay Co., IL

PAMPHLET

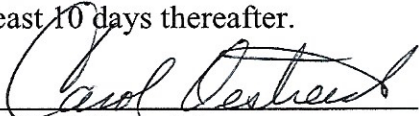
ORDINANCE PROHIBITING THE KEEPING OF CERTAIN ANIMALS  
WITHIN THE VILLAGE OF IOLA, CLAY COUNTY, ILLINOIS

[NOTE: A CERTIFIED COPY OF THIS ORDINANCE SHALL BE FILED (NOT RECORDED)  
WITH THE CLAY COUNTY RECORDERS OFFICE]

Published in pamphlet form by authority of the President and Village Board of Trustees of the Village of Iola, Clay County, Illinois, this 16 day of 11, 2020, and being posted on the Village Hall Bulletin Board for public inspection on said date and continuing to be posted for at least ten days thereafter.

  
\_\_\_\_\_  
Village Clerk, Carol Oestreich

Recorded in the Records of the Village Clerk this 16 day of 11, 2020.  
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Village Clerk, Carol Oestreich

ORDINANCE NO. 20-12-11

AN ORDINANCE PROHIBITING THE KEEPING OF CERTAIN ANIMALS  
WITHIN THE VILLAGE OF IOLA, ILLINOIS

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WHEREAS, the Village of Iola, Illinois is a municipality governed by the statutes of the State of Illinois, and is empowered and granted certain authorities by Chapter 65, Act 5, Section 5/11-20-5 of the Illinois Compiled Statutes, which provides *inter alia* that local authorities may do all acts and make all regulations which may be necessary or expedient for the promotion of health and safety of its citizens, also by Chapter 65, Act 5, Section 5/11-1-1, which provides that local authorities may pass and enforce all necessary police ordinances, and also by Chapter 65, Act 5, Section 5/11-60-2 of the Illinois Compiled Statutes, which provides that local authorities may define, prevent and abate nuisances; and

WHEREAS, the President and the Board of Trustees of the Village of Iola, Clay County, Illinois has determined that the keeping and harboring of certain types of animals on village lots as defined herein is a nuisance to the community and that there is an urgent and immediate necessity to regulate the same for the protection of the health and safety of the citizens of the Village; and

WHEREAS, the President and Board of Trustees of the Village of Iola have determined that the benefits to be received from regulating the keeping and harboring of those certain types of animals within the village limits as hereafter described exceeds the costs and inconvenience that its citizens might incur in being required to comply and comport with said laws, rules and regulations and the dictates of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF IOLA, CLAY COUNTY, ILLINOIS, as follows:

Section 1: The Village Board of Trustees finds as facts the recitals hereinabove set forth.

Sections 2 : Article 1- General Regulations of Chapter 3 - Animals of the Municipal Code of the Village of Iola is hereby amended by adding Section 3-1-10- LIMITATION ON TYPES OF ANIMALS KEPT to said Article of said Chapter, to read as follows, and all the provisions of said added Section shall be effective as hereafter provided. Said Section 3-1-10 shall read as follows:

**"3-1-10 LIMITATION ON TYPES OF ANIMALS KEPT.**

(A) **Limitation.** Notwithstanding any other provision of this Municipal Code, no person shall keep, harbor or allow to be kept or harbored on village lots any live four - limbed animal.

(B) **Definition of four-limbed animal.** Subject to the exceptions hereafter noted, for purposes of this Section 3-1-10, a four-limbed animal such as a goat, pig, horse, sheep, cow or any animal which is a mammal, amphibian, reptile, or bird, whether wild or domesticated and regardless of the purpose for said keeping, including but not limited to keeping said animal for commercial reasons, as foodstock, or as a pet.

(C) **Exceptions.** The following animals shall be exempt from the provisions of this Section 3-1-10:

- (1) dogs
- (2) cats
- (3) birds, amphibians, reptiles, and mammals which are small in size and kept as pets which are generally confined within a cage and kept inside the household, except that no person may keep a wild animal as a pet whose species is normally considered as dangerous to human life
- (4) any animal maintained by a humane society, animal shelter, veterinary facility, or educational institution at its respective facility or maintained by benefit of an appropriate state or federal license
- (5) any animals for which the Mayor in his discretion grants written permission to its keeper or owner that such animals may be present in the village for a special and limited purpose and time, such as pony rides, petting zoos, and the like.

(D) **Public Nuisance; Impoundment.** It is hereby declared that any animal so kept or harbored on lots within the village is a public nuisance and shall be subject to impoundment by any police officer or animal control officer.

(E) **No defense.** It shall be no defense to a violation of this Section 3-1-10 that the owner or keeper of the animal has attempted to domesticate that animal.

(F) **No "Grandfathering".** All persons or entities within the Village limits shall maintain their animals and property in such a manner as to comply with this Section 3-1-10 and shall be responsible for all costs and expenses that a person or entity might incur in bringing his, her or its animals and property into compliance with this Article. This Section 3-1-10 applies to all persons or entities located temporarily or permanently within the Village limits, regardless of whether a person or entity may have received a special use permit, exemption, or permission, by ordinance or otherwise, from the Village Board or Village personnel in the past. Any exemption, special use permit, or permission granted in the past by the Village which purports to allow any action or status which would be a violation of this Section 3-1-10 is hereby rescinded and declared null and void. It is the intent of this Section 3-1-10 that it apply retroactively and that no animal or person will be "grandfathered" to be exempt from this Section."

Section 3: If any part or provision of this Ordinance should be held to be unconstitutional or invalid, the remaining provisions shall nevertheless remain in full force and effect. All ordinances or parts of ordinances in direct conflict herewith are hereby repealed to the extent of such conflict.

All ordinances or parts of ordinances which are related to, but not in direct conflict with this ordinance, shall remain in effect. The invalidity of any section, clause, sentence, or provision of a previous Ordinance that is repealed due to this instant provision shall not affect the validity of any other part of said previous Ordinance which can be given effect without such invalid part or parts. Should any part or parts of this Ordinance be later determined invalid, such invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4: The provisions of this ordinance shall be enforced by any method allowed by law or by the Municipal Code of the Village of Iola, Illinois, as may currently exist or as may be amended or permitted in the future, including but not limited to by fine or injunctive relief.

Section 5: This Ordinance shall be in effect immediately upon its passage, approval and publication in pamphlet form as provided by law, due to the urgency of protecting the citizens of the Village of Iola from the dangers presented by said nuisances noted in this Ordinance, provided that this Ordinance is passed by the vote of two-thirds of all the members of the corporate authorities now holding office. Otherwise, this Ordinance shall be in effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

Passed and adopted by the President and Board of Trustees of the Village of Iola, Illinois,

this 12 day of 11, 2020.

William Jaycox  
Village President

(SEAL)

ATTEST:

Carol Decker  
Village Clerk

AYES:

Hoyl Weedner  
Grace Bryant  
Mike Bryant  
Kevin Horath

NAYS:

Michael Biffy  
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ABSENT:

Chris Scott  
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