

Urbana Police Department Memorandum

TO: Mayor Prussing and City Council Members

Date: 11/04/2010

FROM: Chief Patrick Connolly

RE: Consideration of an Ordinance amending Chapter 4, Section 4-26, of the Urbana City Code to Authorize the Posting of Security for Impounded Animals

- A. The police department is requesting that Chapter 4, Section 4-26, of the Urbana City Code be amended to authorize the city to seek court orders requiring owners of impounded animals to post security to pay the city's costs in caring for the animals pending conclusion of court proceedings.
- B. On occasion, the Animal Control Officer is required to impound a privately owned pet because of mistreatment, cruelty or intentional fighting. The current contract for housing these animals requires the city to pay boarding and care after seven days at a rate of \$15.00 per day. Impounded animals may also require veterinary treatment, which adds to the city's costs. These types of cases may take several months to resolve, during which time the financial responsibility for the care of these animals rests with the city. While the Urbana City Code currently allows the city to seek reimbursement at the end of a court case, the expenses are sometimes so high by this time that some animal owners abandon their animals, and the city is unable to recover its expenses.
- C. The proposed amendment would allow the city to file a petition with the court requesting that the owner be ordered to post security in an amount sufficient to secure payment of the city's expenses while the court case is in progress. This would shift the financial burden of caring for neglected or abused animals away from the city and onto the owners of these animals. If an owner fails to pay the court ordered amount, he or she would forfeit ownership of the animal.
- D. The fiscal impact of this amendment would be substantial. In one 2009 case, the city was billed over \$40,000.00 in medical and housing expenses. This amendment could have expedited the court case and reduced boarding fees for the pet owner.
- E. From a historical perspective, the following case statistics have been compiled:

2007- 18 city cruelty cases, 1 state case
2008- 15 city cruelty cases, 0 state cases
2009- 14 city cruelty cases, 4 state cases
2010- 19 city cruelty cases, 0 state cases

- F. Recommendation: Approve the ordinance amending Chapter 4, Section 4-26, of the Urbana City Code to authorize the posting of security for impounded animals.

ORDINANCE NO. 2010-12-111

AN ORDINANCE AMENDING CHAPTER 4, SECTION 4-26, OF THE URBANA CITY
CODE
(Security for impounded animals)

WHEREAS, the Mayor and City Council heretofore have adopted Chapter 4 of the Urbana City Code to regulate animals and fowl within the City; and

WHEREAS, the Mayor and City Council find that the best interests of the City are served by amending said chapter.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 4, "Animals and Fowl," Section 4-26, "Disposition of impounded animals," is hereby amended by adding the following subsection thereto:

(i) If any dog, cat, or other animal commonly considered to be, or considered by the owner to be, a pet is impounded, the city may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the city in caring for and providing for the animal pending conclusion of the court proceedings. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. The city may file a petition with the court upon expiration of the 30-day period requesting the posting of additional security. If security has been posted in accordance with this subsection, the city may draw from the security the actual costs incurred in caring for the animal. The city must serve a true copy of the petition on the owner, either personally or by first class mail to the owner's last known address, at least five (5) business days prior to any hearing. If the court orders the posting of security, the security must be posted with the city finance department within five (5) business days after the hearing. If the person ordered to post security does not do so, the animal is forfeited by

operation of law and shall be humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling Champaign County or City of Urbana ordinances, or provisions of state law.

State Law References: Similar provisions, Security for companion animals and animals used for fighting purposes, 510 ILCS 70/3.05.

Section 2.

Those sections, paragraphs, and provisions of the Code of Ordinances, City of Urbana, that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Code of Ordinances, City of Urbana, other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor