

**MEMORANDUM**  
**POLICE DEPARTMENT**

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John Phillips

**TO:** City Manager

**DATE:** July 7, 2003

Terry Dove

**FROM:** Chief of Police

**NUMBER: 03-133**

**SUBJECT:** Proposed Revision of Animal Control Ordinance

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Many communities around the country are reassessing their laws relating to vicious and dangerous dogs. In many instances this has been the result of serious dog bite incidents that have focused attention on the existing regulations and their adequacies or inadequacies. Locally, concerns have been raised reference the walking of Pit Bulls by teenagers on public property. This practice is considered both intimidating and a potential danger to the safety of others. In light of the recent series of severe dog bite cases in Davenport, it is felt that the Rock Island Police Department needs to become more proactive in its approach to this potential problem.

The Rock Island Police Department continues to place a high priority on responding to complaints of dogs running at large and vicious animals. The following statistics indicate the department's response to calls for service reference all types of animals and the taking of reports concerning dog bites on public property:

<b>CALLS FOR SERVICE</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Animal Complaints	2,699	2,833	2,767
Animal Bites	100	72	81
<b>Total Calls For Service</b>	<b>2,799</b>	<b>2,905</b>	<b>2,848</b>

<b>DOG BITE REPORTS</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
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Dog Bites on Public Property	32	20	13
All Other Dog Bites	65	43	42
<b>Total Reported Dog Bites</b>	<b>97</b>	<b>63</b>	<b>55</b>

<b>DOG BITES BY BEAT</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>TOTALS</b>
Beat 1	9	7	5	<b>21</b>
Beat 2	8	7	2	<b>17</b>
Beat 3	2	2	2	<b>6</b>
Beat 4	9	4	3	<b>16</b>
Beat 5	4	0	1	<b>5</b>

<b>DOG BITES ON PUBLIC PROPERTY BY BREED</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>TOTAL</b>
Undetermined	Data Not Available	7	1	<b>8</b>
Pit Bull		3	3	<b>6</b>
Chow / Chow mix		4	1	<b>5</b>
Labrador Retriever		2	0	<b>2</b>
Rottweiler		1	1	<b>2</b>
Australian Shepherd		0	1	<b>1</b>
Bull Terrier		0	1	<b>1</b>
Dalmatian		0	1	<b>1</b>
Doberman Pinscher		0	1	<b>1</b>
English Mastiff		0	1	<b>1</b>
German Shepherd		0	1	<b>1</b>
Sharpie		1	0	<b>1</b>
Sheltie		1	0	<b>1</b>
Siberian Husky		0	1	<b>1</b>
Wheaton Terrier	1	0	<b>1</b>	

City ordinances, such Running At Large (Sec. 7-116, adopted in 1982), Vicious Animal (Sec. 7-117, adopted in 1987), and Dangerous Dogs (Sec. 7-117.1, adopted in 1998) currently exist to address these types of complaints. While none of these ordinances are breed specific and do not prohibit the walking of a Pit Bull by a younger person, they do address specific acts by aggressive animals that would include this breed. They also require that dogs be kept under control by use of a leash or other recognized control method, though this may allow them to be walked without a leash. Similar Illinois state statutes also exist but they too are not breed specific. Two other ordinances that exist to control the ownership of animals in Rock Island are License - Required (Sec. 7-140, adopted in 1997) and License - Tag (Sec. 141, adopted in 1992). These ordinances insure that those animals whose owners reside in Rock Island are properly registered and that all inoculations have been received.

Upon reviewing this potential problem and the City's existing ordinances, consideration was given to how the department's animal control officers and police officers could be more proactive in preventing potential incidents from occurring which are related to the walking of Pit Bulls by teenagers. While the above listed ordinances allow officers to react to complaints of violations, they do not allow the stopping of persons and their animals if no violation is observed. Additionally, the stopping of a citizen by a law enforcement officer when no criminal act has been observed or is suspected has been ruled unconstitutional by the Illinois and United States Supreme Courts.

Focus was then directed to the development of an ordinance that would provide a legal basis for the animal control officers and police officers to conduct such a stop. Further review indicates that modification of the existing ordinances concerning licensing and tags seems to be the most suitable for this purpose. Specifically, if an ordinance were developed that required the display of a tag issued by the City of Rock Island or other government body on all dogs and cats six months or older while on *public property* then officers would have a legal basis to stop and question those persons walking a dog without a visible tag which is frequently the case in the above listed concern. This proposed ordinance is written so as to provide for the immediate impoundment of any animal found in violation as well as the issuance of a city ordinance ticket to the person in control of the animal. Implementation of such an ordinance would provide the animal control officers and police officers in Rock Island with a proactive means of addressing this concern.

Rock Island City Ordinance Sec. 7-116 *Running at Large Generally*, requiring dogs must be kept under control by use of a leash or other recognized control method should be revised to insure the dog is under close supervision at all times. The

ordinance should include the dog being restrained by a leash and under the control of a person willing and able to prevent the dog from violating any city ordinance. Dogs that have been designated dangerous under definition of Rock Island City Ordinance Sec. 7-117.1 would additionally be required to be walked on a leash not exceeding 6 feet in length and muzzled.

Due to the fact that there are a significant number of potentially dangerous dogs owned by minors, an ordinance stipulating liability of parents for damages caused by a dog owned by a minor would increase accountability for possessing a dangerous dog. Regulations should stipulate that if the owner or keeper of a dangerous dog is a minor, the parent or guardian of that minor shall be responsible for compliance with the specifications of the ordinance for the care and housing of the animal and shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog.

The intent of the revision and establishment of new ordinances will protect the public and, at the same time, not place unnecessary burdens on responsible owners of well-behaved animals or cause undue hardship for the dog who is the innocent victim of an irresponsible dog owner.

Terry Dove  
Chief of Police

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 7  
OF THE CODE OF ORDINANCES OF THE CITY OF ROCK ISLAND, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Section One. Division 1 of Article VI of Chapter 7 of the Code of Ordinances of the City of Rock Island is hereby amended by deleting Sec. 7-116 in its entirety and by inserting in lieu thereof the following:

**“Sec. 7-116. Running At Large Generally:**

- (1) No domestic animal, including horses, mules, cattle, sheep, swine or domestic fowl of the species of geese, ducks, turkeys, chickens, or barn fowl shall be suffered, allowed or permitted to run at large within the corporate limits of the City.
- (2) Any dog shall be considered to be running at large if it leaves the premises of its owner or keeper when not under control by leash and a person who is willing and able to prevent the dog from violating any city ordinance.
- (3) Every animal running at large within the City shall be liable for impoundment at any time by the Animal Control Officer or other member of the police department.”

Section Two. Sec. 7-117.1 subparagraph (h) of Division 1 of Article VI of Chapter 7 is hereby amended by deleting the following language:

“harboring or”

and by deleting subsection 2) under subparagraph (h) in its entirety and by inserting in lieu thereof the following:

- “2) go beyond the premises of such person unless such dog is securely leashed and muzzled. The leash shall be no longer than six feet in length. The muzzle shall be made in such a manner that it will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting or causing injury to any person or animal.”

Sec. 7-117.1 subparagraph (k) is hereby amended by changing said subparagraph to “(l)” and by inserting a new subparagraph (k) as follows:

- “(k) *Custodial Liability:* In the event the owner or keeper of the dangerous dog is a minor, the custodian, parent, or guardian, legally responsible for such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by said dangerous dog.”

Section Three. Sec. 7-121 of Division 1 of Article VI of Chapter 7 of the Code of Ordinances of the City of Rock Island is hereby amended by deleting the following language:

“dog or other”

Section Four. Division 2 of Article VI of Chapter 7 of the Code of Ordinances of the City of Rock Island is hereby amended by inserting the following section:

**“Sec. 7-141.1 Display of License-Tag:**

It shall be a violation for any person to be in control of a dog over the age of six months that does not have a visibly displayed license-tag affixed to its collar when it leaves the premises of its owner or keeper. In the event a dog is found to be without a license-tag displayed, the Animal Control Officer or other member of the police department may impound or cause to be impounded said dog. Said dog shall be released from impoundment upon proof of a valid license-tag issued by the City or other government body having jurisdiction over the dog’s owner or keeper or proof that such jurisdiction has no such requirement.”

Section Five. All ordinances and parts of ordinances that are in conflict herewith are hereby repealed, insofar as they do so conflict.

Section Six. This ordinance shall be in full force and effect from and after its passage.

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MAYOR OF THE CITY OF ROCK ISLAND

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK