

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 91-41

AN ORDINANCE REGULATING PUBLIC AND PRIVATE
ZOOS AND PROVIDING FOR LICENSURE OF PUBLIC ZOOS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 10TH DAY OF SEPTEMBER, 1991

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Illinois,
Sangamon County, this 10th day of September, 1991

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AN ORDINANCE REGULATING PUBLIC AND PRIVATE
ZOOS AND PROVIDING FOR LICENSURE OF PUBLIC ZOOS

WHEREAS, pursuant to Section 11-42-5 of the Illinois Municipal Code, the corporate authorities of each municipality may license, tax and regulate all places for amusement;

WHEREAS, pursuant to Section 11-5-6 of the Illinois Municipal Code, the corporate authorities of each municipality may prohibit cruelty to animals;

WHEREAS, pursuant to Section 11-20-5 of the Illinois Municipal Code, the corporate authorities of each municipality may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases;

WHEREAS, pursuant to 11-60-2 of the Illinois Municipal Code, the corporate authorities may define, prevent and abate nuisances;

WHEREAS, pursuant to Section 11-42-2 of the Illinois Municipal Code, a municipality may license, tax and regulate amusements and exhibitions;

WHEREAS, Section 11-42-9 of the Illinois Municipal Code gives the corporate authorities of each municipality the power to prohibit any offensive or unwholesome business or establishment within the municipality and within the distance of one mile beyond the municipal limits;

WHEREAS, the corporate authorities of the Village of Chatham find that a properly operated zoo is a benefit to the Village, but that an improperly operated zoo is a potential nuisance, unwholesome business, and threat to the health and safety of the residents of the Village of Chatham;

WHEREAS, the corporate authorities of the Village of Chatham find that a zoo which is open to the public is a place of amusement;

WHEREAS, the corporate authorities of the Village of Chatham therefore wish to regulate all zoos within the corporate limits of

the Village of Chatham and to license such zoos which are open to the public;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: DEFINITIONS. As used in this Ordinance, the following terms have the following meanings:

Zoo - A collection of living animals which includes animals which are of a wild nature or disposition, or ferae naturae in the eyes of the law.

Private Zoo - A zoo open only to house hold guests and business invitees and not to members of the general public.

Public Zoo - A zoo open to members of the general public.

SECTION 2: No person, firm or corporation shall own or operate a private or public zoo within the corporatelimits of the Village of Chatham except in compliance with all terms and conditions of this Ordinance.

SECTION 3: REGULATIONS APPLICABLE TO ALL ZOOS. The following regulations pertain both public or private zoos:

a. Compliance with Other Laws and Ordinances. The operation of any zoo shall fully comply with all applicable standards, rules and regulations pertaining to the requirements or restrictions enacted or promulgated by the State, or any political subdivision or agency thereof, or by the government of the United States or agency thereof, including but not limited to, the zoning, building and life safety ordinances and regulations of the Village of Chatham, the United States Department of Agriculture Rules and Regulations, the Federal Occupational Safety & Health Act, the Illinois Department of Public Health Foods and Sanitation Standards, the Resource Conservation and Recovery Act, the Illinois Environmental Protection Act, the Illinois Endangered Species

Protection Act, the Illinois Animal Control Act, and the Illinois Humane Care for Animals Act.

b. Display of USDA Certificate. Each zoo shall have an exhibitors' certificate from the United States Department of Agriculture, which shall be prominently on display at the zoo's administrative offices.

c. Debris. All trash, animal and food waste, and debris shall be removed and properly disposed of daily.

d. Sanitation. The zoo, all buildings, cages, animal housing facilities and other areas displayed for public view shall be kept clean and sanitary at all times. Each animal facility shall be thoroughly cleaned and sanitized in accordance with standard industry practice and United States Department of Agriculture regulations. A regular pest control program shall be administered by each zoo so that pests (cockroaches, flies, ticks, lice, mites, rats, etc.) are not attracted to the area.

e. Odor Control. The zoo animals and all structures and buildings connected therewith shall not create or cause any offensive odor or smell of any kind.

f. Repair and Maintenance. The zoo and all animal housing facilities, fences, buildings, and cages shall be constructed and kept in good repair at all times. Cages and other animal housing facilities shall be constructed of nontoxic materials in a structurally sound design that permits cleaning and sanitation.

g. Health and Disease Control. Proper veterinary care shall be provided for all animals in accordance with standard industry practice and United States Department of Agriculture regulations, including vaccination for rabies and other dangerous diseases.

h. Noise. The animals shall not make sounds common to their species in an excessive, continuous or untimely fashion.

i. Security. No animal shall be permitted to roam freely within any part of the zoo premises accessible to the public at anytime, except in a petting or viewing area for domesticated animals only. Adequate controls shall be taken to prevent animal

escapes. Exhibits in any way accessible to the public must be key locked at all times. Access doors and operating levers to dangerous animal enclosures shall be clearly identified. A battery operated electric wire may be required to be installed on the extreme top of, or inside of potentially dangerous animal facilities.

j. Location of Animals. Animal cages or other facilities shall not be located within thirty (30) feet of any property line, public street, public sidewalk, or alley.

k. Perimeter Fence. A sturdy fence which meets or exceeds United States Department of Agriculture standards shall completely enclose the zoo premises. An appropriate gate shall be located at the zoo entrance.

l. Size and Characteristics of Animal Housing Facility. Animals maintained at a zoo shall be provided adequate space in appropriate cages or other facilities to prevent escape and overcrowding and to maintain normal exercise according to species and in a manner consistent with industry standards and United States Department of Agriculture Regulations. Indoor housing shall be sufficiently temperature controlled and ventilated to provide adequate air circulation.

m. Escaped Animal Procedures.

(1) Escaped animal procedures shall be as attached hereto as Exhibit A.

(2) Once it has been determined that a potentially dangerous animal has escaped, such escape shall be communicated to the police department of the Village of Chatham. All non-zoo personnel in the escaped animal area shall be guided to the nearest building and directed to remain indoors until told otherwise by zoo personnel. If at any time an escaped animal poses a risk of physical harm or death to any person, such persons, a zoo employee with authority to shoot, and the Village police department may render the animal immobile by means of tranquilizers. In an emergency where the animal cannot be tranquilized any Village police officer may destroy the animal.

(3) Analysis of each animal escape is important to the continual improvement of the plan. The Zoo Director and the senior police officer will file a report on the incident. The analysis report of each escape shall be maintained in the files of the zoo.

(4) At least once per calendar half, the zoo operator shall conduct at least one hour of training for all zoo personnel in escaped animal procedures, and shall conduct an escaped animal drill. The Chief of Police shall be notified in advance of such training, and shall delegate at least one police sergeant to attend such training.

n Insurance. The following types of insurance shall be obtained and continuously maintained:

(1) Public liability insurance in an amount not less than \$1,000,000 for bodily injuries (including death) in any one occurrence and not less than \$100,000 for property damage.

(2) Workers Compensation insurance in the statutory amount.

o Inventory. An inventory of all animals must be maintained in zoo files at all times which shall contain, but not limited to the following information on each animal:

- (1) common name
- (2) scientific name
- (3) date of acquisition
- (4) approximate age at arrival
- (5) date sold
- (6) date of death
- (7) cause of death
- (8) sex
- (9) behavioral information
- (10) nutrition and care records
- (11) medical records

Disposal of dead animals shall be supervised by a licensed veterinarian.

p. Personnel. All zoo personnel shall be properly trained in the principles of zoo keeping. The staff shall be

instructed in the necessity for constant, through inspection of all caging, fencing, and equipment. The concept of a secure perimeter is stressed. At least one (1) employee with authority to tranquilize animals and manage an escaped animal shall be on duty at all time when non-zoo personnel are present at the zoo.

q. Location Restrictions. No dwelling shall exist on the same platted lot as a zoo; provided that this restriction does not apply to a dwelling inhabited by the zoo operator or full time zoo personnel.

r. Inspection Reports. The zoo operator shall provide to the Village a copy of every inspection report the operator receives from the United States Department of Agriculture or other agency. The regular written Village inspection reports shall be maintained on file.

SECTION 4: PUBLIC ZOO REGULATIONS. In addition to the requirements of Section 3, public zoos shall comply with the following additional regulations:

a. Times Open to Public. The maximum hours a public zoo may be open is from dawn until sunset of each day.

b. Walkways. Each public zoo shall have signed trails or walkways constructed out of a material conducive to handicap accessibility. Such walkways shall be suitable for pedestrians as well as persons in wheelchairs. Non-skid walks shall be provided wherever grades indicate.

c. Operation of Entrance/Exit. The entrance/exit shall be controlled by at least one zoo employee at all times the zoo is open to the public.

d. Barriers.

(1) In addition to the cage, fence or other housing facility confining the animals, adequate barriers shall also be provided in accordance with standard industry practice and United States Department of Agriculture regulations. Such barriers may include guard rails, chains, cables, low fences, glass, masonry walls, or hedges with wire running throughout them.

(2) The barrier requirements of this Section do not apply to any area reserved for viewing or petting of domesticated animals only.

e. Signs. Signs shall comply with the regulations in the Village Zoning Ordinance.

f. Public Facilities. The following public facilities shall be provided at each public zoo:

(1) Parking - An area designated for parking of at least twenty-five automobiles and three buses within reasonable walking distance of the zoo entrance shall be provided. If the parking area is not paved, adequate dust control measures shall be maintained. No zoo visitors shall be allowed to park on any public street.

(2) Restrooms - Permanent full service handicap accessible, separate men's and women's public restrooms shall be provided. Newly opened zoos may provide portable restrooms in lieu of permanent restrooms for the first six months of operation.

(3) Telephone - At least one public telephone shall be provided at a central location, for emergency use only.

(4) Drinking fountain - At least one drinking fountain shall be provided in the area of the restrooms.

g. Emergency Facility. A properly supplied first aid kit shall be maintained and readily available.

h. Groups. Groups of visitors of more than twenty (20) shall be accompanied by a zoo employee at all times.

SECTION 5: LICENSE REQUIRED FOR OPERATION OF ZOO. No person, firm or corporation shall operate a public or private zoo within the corporate limits of the Village of Chatham unless licensed in accordance with this Ordinance.

SECTION 6: INFORMATION REQUIRED TO OBTAIN LICENSE. Any person, firm, or corporation may obtain or renew a license to operate a public zoo within the Village of Chatham by submitting an application for license to the Village Clerk and paying the non-refundable license fee set forth in Section 9 hereof. The

application shall be on forms prescribed by the Village Administrator and shall contain the following information about the zoo:

a. The name, business address and telephone number of the person, firm or corporation.

b. If the zoo operator is a corporation, the corporation shall provide a certificate of good standing and the name, address and telephone number of the corporation's president and of its registered agent.

c. If the applicant is a partnership, the applicant shall provide the name, addresses and phone numbers of all partners holding greater than a 5% interest.

d. If the applicant is doing business under an assumed name the applicant shall provide a copy of the assumed name certificate filed with the Secretary of State of the corporation.

e. The applicant shall provide proof of insurance as required in Section 3(n) of this Ordinance and shall agree to keep such insurance in force during the term of the license.

f. The applicant shall agree to observe all provisions and conditions of this Ordinance during the term of its license.

g. The application shall be signed by the applicant or a responsible officer of the applicant.

h. The application shall be accompanied by any zoo rules and regulations.

SECTION 7: PROCEDURES FOR GRANTING OR DENYING LICENSE.

a. Applications for a zoo operator's license or renewal shall be submitted to the Village Clerk, who shall give the applications to the Village Administrator for processing. The Village Administrator shall within 7 working days of the receipt of the application by the Clerk, cause the Building Administrator to inspect the premises to be licensed to determine if they are in accordance with this Ordinance. Within 5 days thereafter, the Village Administrator shall grant or deny the license. If the license is denied the Village Administrator shall state the reasons for the denial in writing. Thereupon the

applicant may appeal in accordance with subsection (b) of this Section, or may within 10 days resubmit a license application curing any deficiencies, without having to pay an additional license fee. The Village Administrator shall grant a license or render a final decision denying the license within 7 working days of resubmission.

b. In the event a license or renewal is denied, the applicant may appeal the denial of the application to the Planning and Programming Committee of the Village Board and may request a hearing before the Planning and Programming Committee, which will be held within 7 working days of the request for the hearing. The Planning and Programming Committee's determination shall be reviewable in accordance with Illinois Statutes pertaining to administrative review.

SECTION 8. CONDITIONS OF LICENSE. A licensee under this Ordinance shall as a condition of licensure comply with this Ordinance in all respects.

SECTION 9. DURATION OF LICENSE; LICENSE FEE. The annual license fee for a zoo shall be \$500. A license shall be effective from January 1 through and including December 31 of any year; a licensee shall submit its application for renewal of a license on or before December 1 of each year. The license fee for an application received after July 1 of any year shall be \$250.00.

SECTION 10: ZOOS NOT IN CONFORMANCE WITH THIS ORDINANCE ARE NUISANCES. Any zoo within the Village of Chatham which is not in conformance with this Ordinance is hereby declared to be a nuisance. The Village Board may, in addition to all other remedies, apply to a court of appropriate jurisdiction for preliminary or permanent injunctive relief to abate such a nuisance.

SECTION 11: ENFORCEMENT AND PENALTIES.

a. The Village Police Department, Village Administrator and Building Code Administrator are hereby authorized and directed to enforce all provisions of this Ordinance, and may enter on the premises of any public or private zoo within the Village limits of the Village of Chatham at reasonable hours and upon reasonable notice to conduct inspections. They may also, if authorized by the village Board, be accompanied in such inspections by an A.A.Z.P.A. Fellow retained by the Village.

b. Any person, firm or corporation who violates any provision of this Ordinance shall be served by written notice to correct the violation within an adequate amount of time, to be determined by the Administrator. Upon conviction thereof, be punished by a monetary fine of not less than \$100 nor more than \$500.

c. Each and every day that a violation of this Ordinance continues, after allowed time, shall be considered a separate offense.

d. The Village Administrator may revoke the license of any licensee who fails to comply with this Ordinance. The Administrator shall, before revoking a license, order a licensee to show cause why the license should not be revoked, and shall specify the deficiencies which the Administrator believes exist. The licensee shall, within 5 working days of the date of the notice, provide the Administrator with written reasons and other evidence why the license should not be revoked. Within 5 days of receipt of such reasons and evidence, the Administrator shall render a decision, which may be appealed by the licensee in the same manner as a denial of license in accordance with Section 7 of this Ordinance.

e. Notwithstanding anything in subsection (d), the Village Administrator may revoke the license of and order the closure of any licensee when he or she reasonably believes there is an imminent threat to the health, safety and welfare of the citizens of Chatham, subject to a post-revocation hearing within two working days.

SECTION 12: PUBLICATION AND EFFECTIVE DATE. This Ordinance is effective upon passage; existing private zoos within the Village of Chatham shall bring themselves into compliance with this Ordinance no later than six months after passage. The Village Clerk shall begin accepting and processing license applications for public zoos upon passage. The Clerk shall forthwith publish this Ordinance in pamphlet form and shall mail a copy thereof to all persons known to the Clerk to be operating a zoo in Chatham.

SECTION 13: SEVERANCE CLAUSE; CHANGE OF LAW. The provisions of this Ordinance are severable, and if any provision of this Ordinance shall for any reason be held invalid or unconstitutional, or if the application of this Ordinance at any persons or circumstance is held invalid or unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance. If state, federal or county law change to mandate conditions of licensure more stringent than those set forth in this Ordinance, such change shall be deemed incorporated in this Ordinance and in all licenses granted hereunder.

SECTION 14: ADOPTION OF PREAMBLE. The findings contained in the preamble to this Ordinance are hereby adopted.

PASSED this 10 day of SEPTEMBER, 1991.

Carl D. Oblinger

CARL OBLINGER, VILLAGE PRESIDENT

ATTEST:

Pat Schad
PAT SCHAD, VILLAGE CLERK

AYES: 6

NAYS: 0

ABSENT: 0

PASSED: 9-10-91

APPROVED: 9-10-91

EXHIBIT A

ANIMAL ESCAPE PROCEDURES

Prevention of animal escape is an integral component in escape procedures. Prevention entails the maintenance of the integrity of the facilities and the practice of appropriate husbandry techniques. Inherent to the operation, a zoo exhibits animals that are considered an immediate threat to human life if they were to escape. Certainly, the escape of any animal can be a very serious matter if not handled in a strategic and timely fashion.

The actual response to an animal escape will vary depending upon type of animal, time of day, and place of escape. The goal of each response is recapture of the animal without injury to the animal, staff, or public. While even the most dangerous animals may be successfully returned to their enclosures if appropriate procedures are followed, all escapes can entail risk to the animal, personnel, or public.

If a potentially dangerous animal escapes:

1. Notify all employees of the escape and calmly evacuate all persons to the nearest building away from the area of disturbance. Instruct them to stay until notified by the zoo staff that it is safe to exit. Make certain that all windows and doors are closed and locked.
2. Close and lock all gates and guard if possible.
3. The Chatham Police Department shall be notified that an animal has escaped, and supplied with details on what animal has escaped, and the last known location. Police officers will not take part in the recapture. The police function will be to provide crowd control and notification of neighboring areas to remain indoors. They may also assist in communications with other emergency personnel. If the animal, in the Police Departments judgement, is a direct and immediate threat to

human life, the police force will assist, order or carry out the destruction of the animal.

4. Zoo personnel should try to keep the animal under surveillance from a safe distance or a vehicle, never place your safety in danger. Always move slowly and back out of any situation involving a predatory animal. Keep in mind that most animals, if not severely panicked after escape, will try to go back to their exhibits on their own. Never chase an escaped animal, you want the animal to stay near the exhibit and remain unfrightened. An attempt will be made to slowly drive the animal towards a corral or exhibit, confine it until it is immobilized, or otherwise manually regain control over it.

5. Once the animal is recaptured, the zoo director will transmit an all clear signal to zoo personnel. Zoo staff will inform non-zoo personnel that the situation is again normal. The senior police officer will account for all personnel involved in the operation and will designate a squad to check the area involved for injured persons and damage.

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 91-41, adopted by the President and Board of Trustees of said Village on the 10 day of SEPTEMBER, 1991, said Ordinance being entitled:

AN ORDINANCE REGULATING PUBLIC AND PRIVATE ZOOS
AND PROVIDING FOR LICENSURE OF PUBLIC ZOOS

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 10 day of SEPTEMBER, 1991.



Village Clerk

PREPARED BY:
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