

**70-O-24**

**AN ORDINANCE**

Amending Title 5, Chapter 3 and Title 9, Chapter 4 of the City Code

**WHEREAS**, the Humane Society of the United States states that there is no evidence that breed-specific laws or bans on breeds or perceived breeds reduce attacks on people;

**WHEREAS**, the relative danger or perceived danger from any animal is not determined by its breed; and

**WHEREAS**, breed-specific restrictions in housing generally target specific pet breeds that are wrongly thought to be dangerous – most frequently, “pit bill” types – and those restrictions prevent some dog owners from being able to access housing choices; and

**WHEREAS**, the Evanston City Council finds that it is in the best interest of the City of Evanston residents to amend the City Code to prevent unwarranted housing discrimination; and

**WHEREAS**, in the past five years, several rabies cases have been reported to the Health and Human Services Department; and

**WHEREAS**, licensing and vaccination requirements for pets more accurately and thoroughly protects the safety of the residents of Evanston than breed restrictions; and

**WHEREAS**, the Evanston City Council finds that it is in the best interest of the City of Evanston residents to amend the City Code regarding licensing and vaccination of animals.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** Title 5, Chapter 3 of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

TITLE 5  
HOUSING REGULATIONS

**5-3-3-3. PROHIBITED PROVISIONS IN RENTAL AGREEMENTS.**

(A) Except as otherwise provided by this chapter, no rental agreement may provide that the tenant or the housing provider:

...

13. Agrees that any specific breed(s) of dog is/are not allowed, in cases where the rental agreement otherwise allows the tenant to house a dog or dogs in or on the premises.

**5-3-4-2. RULES AND REGULATIONS.**

(A) The housing provider, from time to time, may adopt general rules or regulations concerning the tenant's use and occupancy of the premises. They are enforceable only if in writing and:

...

8. They do not restrict the tenant from housing any specific breed of dog in or on the premises where housing a dog in or on the premises is otherwise allowed.

**SECTION 2:** Title 9, Chapter 4 of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**9-4-3-1. - REQUIRED DUE DATE.**

No person shall, without first obtaining a license therefor in writing from the City Manager or his/her designee, own, keep, harbor or have custody of any animal over four (4) months of age; provided, however, that nothing contained herein shall be construed to require the owners of small cage birds, aquatic and amphibian animals, small cage rodents or nonpoisonous snakes less than three feet (3') in length, which are kept solely as pets, to obtain such license. A license shall be issued to any dog owner irrespective of the breed type when all requirements to obtain a license are met. Such license shall be obtained on or before the last day of February of each year, except for an animal less than four (4) months old on that day, in which case a license shall be procured when the animal attains that age.

**9-4-3-4. - APPLICATION; REQUIREMENTS.**

At the time of making application for an animal license, the owner shall furnish the following information and material to the City Manager or his/her designee:

(A) The name and address of the owner of the animal.

(B) The sex and breed of the animal.

(C) A certificate of inoculation against rabies issued by the county rabies inspector, his/her deputy or a licensed veterinarian bearing proof that such inoculation shall be effective throughout the full license period, shall be submitted to the City Manager or his/her designee for his/her inspection. Rabies inoculations are mandated for all dogs and cats over the age of four months. No license shall be issued for any dog or cat owner without proof of current rabies inoculation that was administered by a

licensed veterinarian. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture.

(D) The name and address of the issuer of the certificate of inoculation.

(E) The number of other dogs, if any, occupying and/or licensed for the same premises as applicant.

(F) That the dog is a dangerous dog, if, on or prior to the date of registration, the owner has been advised of that fact in writing by the Chief of Police or his/her designee, the dog has been adjudicated as dangerous by a court of competent jurisdiction, or the owner has reason to believe that the dog is dangerous.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

**SECTION 5:** This Ordinance shall be in full force and effect after its passage and approval.

**SECTION 5:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

