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ORDINANCE NO. F-0287

AN ORDINANCE AMENDING CHAPTER 14 (ANIMALS), ARTICLE IV (PROHIBITED ACTS AND CONDITIONS), OF THE WHEATON CITY CODE

BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, pursuant to home rule powers, as follows:

Section 1: That Chapter 14 (Animals), Article IV (Prohibited Acts and Conditions), of the Wheaton City Code, 1996, as amended, is hereby further amended by adding and including the following:

Sec. 14-97. Disturbing the peace.

It is unlawful for anyone to keep or harbor any animal which by loud, frequent or habitual barking, howling, yelping, whining or other oral noises creates a noise disturbance so as to unreasonably disturb and cause annoyance to any person of normal sensitivities. Before a violation shall be considered to have occurred, the person charged must have been notified at least once in writing within 12 months of the incident that a noise disturbance has taken place. In determining whether a noise disturbance has occurred, the City may consider an audio tape recording or video tape with audio recording taken by a person who will testify as to the time and place at which the recording was made. A "noise disturbance" is caused by any animal which barks or makes other oral noises for:

- (A) Ten (10) minutes or more in any one-hour interval so as to disturb a reasonable person of normal sensitivities between the hours of 7:00 a.m. and 11:00 p.m. The time shall be measured by adding together periods of time in which the barking or other oral noises occur within two (2) minutes of each other. The noise disturbance must be observed or recorded from either public property, such as a parkway or street, or from private property upon which a structure occupied for human use is located; or
- (B) Five (5) minutes or more in any one-hour interval so as to disturb a reasonable person of normal sensitivities between the hours of 11:01 p.m. and 6:59 a.m. The time shall be measured by adding together periods of time in which the barking or other oral noises occur within three (3) minutes of each other. The noise disturbance must be observed or recorded from either public property, such as a parkway or street, or from private property upon which a structure occupied for human use is located.

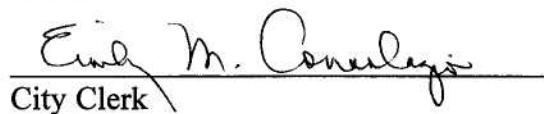
Section 2: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.



Mayor

Attest:



City Clerk

Roll Call Vote:

Ayes: Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilwoman Johnson
Councilman Mork

Nays: None
Absent: None

Motion Carried Unanimously

Passed: November 2, 1998

Published: November 3, 1998