

**ORDINANCE AMENDING SECTIONS 5-3-4 AND 5-5-3 OF THE VILLAGE CODE BY
ADDING "ANIMAL RESCUE SHELTERS" AS A PERMITTED SPECIAL USE
AND SETTING FORTH REGULATIONS PERTAINING TO
"ANIMAL RESCUE SHELTERS" WITHIN THE VILLAGE**

WHEREAS, the Village of Barrington Hills, Illinois, a home-rule municipality (the "Village") does not currently permit the operation of "Animal Rescue Shelters" within the boundaries of the Village but it recognizes the necessity of providing housing and care for domestic animals, such as dogs, cats and horses, that otherwise would not have adequate shelter; and

WHEREAS, in order to promote the health, safety, morals and general welfare of the Village and to protect the public health and safety of the citizens and animals residing in the Village, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village to permit the operation of Animal Rescue Shelters within the Village, by amending Sections 5-3-4 and 5-5-3 of the Village Code as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section 1. Incorporation of Preambles. The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Regulations for Specific Uses. Section 5-3-4 of the Village Code, Regulations for Specific Uses, shall be, and the same hereby is, amended by adding the following:

"(E) **ANIMAL RESCUE SHELTERS:** The intent of this subsection is to protect the public health and safety of citizens of the Village and to promote the general welfare of the citizens and animals residing in the Village by encouraging the compassionate housing and care of domestic animals, including, but not limited to, such domestic animals as dogs, cats and horses, that otherwise would not have adequate shelter, provided that such housing and care does not violate the peace, quiet and domestic tranquility within all residential neighborhoods within the Village including, but not limited to, guaranteeing to all citizens residing in the Village freedom from nuisances, fire hazards, excessive noise, light and traffic, and other possible effects of operating an animal rescue shelter in residential districts.

1. Authorization: Subject to the limitations of this subsection, any animal rescue shelter shall be permitted as a Special Use in the R1 Zoning District under Section 5-5-3(A) of the Village.

2. Definition: An animal rescue shelter is a facility operated and maintained from a principal building or accessory building that is incidental and secondary to the principal use of a dwelling unit used for residential occupancy purposes and that does not change the essential residential character of such dwelling unit or the surrounding neighborhood, for the purpose of providing for and promoting the welfare, protection and humane treatment of domestic animals, including, but not limited to, dogs, cats and horses, that otherwise would not have adequate shelter.
3. Standards: Any animal rescue shelter shall adhere to the following standards and shall comply with all applicable federal, state, county and municipal laws, ordinances, rules and regulations:
 - a. Construction and Maintenance: All facilities shall be constructed and maintained so as to provide comfort and safety for animals and all areas of the property shall be maintained in a clean and orderly condition, free of objectionable odors.
 - b. Ventilation: Adequate heating and cooling shall be provided for the comfort of the animals and the facility shall have sufficient ventilation in all areas such that the air is completely circulated at least three times per hour.
 - c. Lighting: Proper lighting shall be provided in all rooms utilized for the care and confinement of animals. Outside lighting shall be adequate to assist animal caregivers and clients but shall not be obtrusive to neighboring properties.
 - d. Water: Potable water shall be available within the facility and each animal shall at all times have reasonable access to an adequate supply of clean, fresh, potable water.
 - e. Basic Sanitation: Any equipment, instruments or facilities used in the confinement and treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.
 - f. Waste Disposal: Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste. Disposal facilities shall be operated so as to minimize insect or other vermin infestation and to prevent odor and disease hazards or other nuisance conditions.
 - g. Animal Housing Areas: Any facility confining animals shall have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.
 - h. Medical Care: All animals housed within an animal rescue shelter shall receive adequate veterinary care by a veterinarian licensed under the Veterinary

Medicine and Surgery Practice Act of 2004, as amended, in order to promote the health and welfare of such animal.

i. **Runs and Exercise Areas:** Other than transport to and from the animal rescue shelter, at all times that animals are not confined within the sheltered portion of the facility, such animals shall be confined to runs and exercise areas. All runs and exercise areas shall be set back not less than one-hundred (100') feet from all front, side and rear lot lines and shall be of adequate size to allow comfort and exercise. Runs and exercise areas shall provide and allow for effective separation in such a manner as to protect against escape or injury. Each animal shall at suitable intervals, but not less frequently than once every twenty-four hours, receive adequate exercise suitable for the species' physical condition and age, sufficient to maintain an adequate level of physical conditioning for the animal.

j. **Disposal of Deceased Animals:** The facility shall use refrigeration and employ a procedure for the prompt, sanitary and safe disposal of deceased animals that complies with all applicable state and municipal laws, ordinances and regulations.

k. **Vehicles and Equipment:** No vehicle or mechanical, electrical, or other equipment, that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the principal building or accessory building containing the animal rescue shelter that is greater or more frequent than that typical of vehicles or equipment used in connection with residential occupancy shall be used in connection with any animal rescue shelter.

l. **Storage:** All storage of goods, materials, products or merchandise incidental to the care and adoption of animals that is used or sold in conjunction with an animal rescue shelter shall be wholly within the principal building or accessory building containing the animal rescue shelter.

m. **Nutrition:** Each animal shall at suitable intervals, but not less frequently than once every twenty-four hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal.

n. **Number of Animals:** There shall be no more animals housed within an animal rescue shelter at any one time than is reasonable for the adequate and proper care of all animals within said shelter.

4. **Employee Limitations:** The owner of an animal rescue facility shall be a person or an entity controlled by a person that is a full-time occupant of the dwelling unit where such facility is operated. No more than four (4) employees or volunteers, other than the full-time occupants of a dwelling unit shall be present at the facility or otherwise participate in the operation of an animal rescue shelter at any one time.

5. **Signage and Visibility:** No exterior business signs on a principal building, accessory building or vehicle used in connection with the animal rescue shelter, shall be permitted in connection with any animal rescue shelter unless otherwise permitted under Section 5-5-11 of this Title.

6. **Traffic Limitations.** No animal rescue shelter shall generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the animal rescue shelter.

7. **Nuisance Causing Activities:** It is unlawful for any person operating an animal rescue shelter to allow or permit any animal to cause serious or habitual disturbance or annoyance by frequent or habitual howling, yelping, barking or otherwise noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. An animal is harbored in violation of this subsection if, without provocation, it makes noise that can be heard continuously within an enclosed structure off the property of the animal rescue shelter for more than fifteen (15) minutes and which annoys, injures or endangers the safety, health, comfort or repose of others. In addition to the foregoing specific limitations, no animal rescue shelter shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under Title 7, Chapter 1 of the Village Code.

8. **Inspections:** In addition to any required inspections by applicable federal, state or county governmental agencies, all animal rescue shelters shall be subject to annual inspections conducted by the Village, at the sole cost and expense of the Owner and/or Operator of such animal rescue shelter.

9. **Licenses:** No person shall engage in the operation of an animal rescue shelter without a valid license issued by (i) the Illinois Department of Agriculture and (ii) the Village pursuant to the issuance of a special use permit in accordance with the provisions of Section 5-10-7 of the Village Code."

Section 3. Special Uses. Section 5-5-3 of the Village Code, Special Uses, shall be, and the same hereby is, amended by adding the following:

"Animal Rescue Shelters"

Section 4. Validity. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 5. Superseder and Effective Date. All resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 27th day of July, 2009.

AYES: 5

NAYS: 1 *2011*

ABSENT: 1.

APPROVED THIS 28th day of July, 2009.

ATTEST:

Dolores G. Trandel
Village Clerk

[Signature]
Village President