

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

DIVISION I - GENERALLY

3-1-1 **DEFINITIONS.** As used in this Article, the following terms shall mean as indicated below:

"ACT": The Animal Control Act, **510 ILCS 5/1 through 5/27**, as amended.

"ADMINISTRATOR": Chief of Police of Carlinville, Illinois.

"ANIMAL": Any animal, both domestic and wild, other than man, which may be affected by rabies.

"ANIMAL CONTROL WARDEN": Persons appointed by the Administrator to perform duties assigned by the Administrator set forth in this Chapter.

"ANIMAL CONTROL FACILITY": May be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing the Animal Control Act, and Humane Control of Animals Act and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or other animals.

"AT LARGE". Any dog or cat shall be deemed to be at large when it is off the premises of its owner's real property and not restrained by a competent person.

"BREEDABLE FEMALES": Any dog or cat that is **six (6) months** or older and is not spayed.

"CAT": All domestic members of the family *Felis catus domesticus*.

"COMPETENT PERSON": A human being over the age of **fifteen (15) years** that is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient.

"CONFINED": The restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.

"DANGEROUS DOG": Any individual dog when unmuzzled, unleashed or unattended by its owner or custodian that behaves in a manner that as reasonable person would

believe poses a serious and imminent threat of serious physical injury or death to a person or a companion animal.

"DEPARTMENT": The Department of Agriculture of the State of Illinois.

"DEPUTY ADMINISTRATOR": Member of the Carlinville Police Department and member of other law enforcement agencies appointed by Chief of Police.

"DIRECTOR": The Director of the Department of Agriculture of the State or his duly appointed representative.

"DOG": All domestic member of the family *Canis familiaris*.

"DWELLING UNIT": A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"ENCLOSURE": A fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. Such enclosure must be approved by the Administrator.

"FERAL CAT": A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized.

"HAS BEEN BITTEN": Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded or pierced. The phrase further includes contact of saliva with any break or abrasion of the skin.

"HUMANELY DISPATCHED": The painless administration of a lethal dose of an agent which shall cause the painless death of an animal as prescribed in the Journal of the American Veterinary Medical Association, January, 15, 1993. Said methods shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

"IMPOUNDED": Taken into the custody of the public animal control facility in the city, town or county where the animal is found.

"INOCULATION AGAINST RABIES": The injection of an anti-rabies vaccine approved by the Department.

"INTACT ANIMAL": An animal that has not been spayed or neutered.

"KITTENS": All domestic members of the family *Felis catus domesticus*, male or female, under the age of **four (4) months**.

"LEASH": A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

"LICENSED VETERINARIAN": A veterinarian licensed by the state in which he engages in the practice of veterinary medicine.

"MULTIPLE PET OWNER": Any person who harbors more than **five (5)** dogs or cats, or any combination thereof, over **four (4) months** of age on their property or in their dwelling unit.

"OWNER": A person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a domestic animal to remain on or about any premises occupied by him or her.

"PERSON": Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the state, or any other business unit.

"PHYSICAL INJURY": The impairment of physical condition.

"PUPPY": All members of the family *Canis familiaris*, whether male or female, under **four (4) months** of age.

"REGISTRATION CERTIFICATE": A printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Act.

"RESTRAINT": An owned animal, off the premises of its owner's real property, is under restraint within the meaning of this Chapter.

- (A) If it is controlled by a line or leash not more than **six (6) feet** in length when said line or leash is held by a competent person;
- (B) Controlled by a leash of **fifty (50) feet** or less during training session conducted by a competent person;
- (C) When within a vehicle being driven, parked or stopped; or
- (D) Confined in a cage or other animal carrier;
- (E) While utilized in the sport of hunting.

"RURAL": The unincorporated area of the County which has not been subdivided for residential purposes.

"SERIOUS PHYSICAL INJURY": A physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

"SHELTER": A structure which has **four (4) sides**, a roof, floor, bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.

"STERILIZED": The surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of reproducing.

"STRAY": An animal which is straying as defined in this Chapter.

"STRAYING": A dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods as set forth in 8 Ill. Adm. Code 30.140(b)(1), (2) and (3) in the Animal Control Act.

"TAG": A serially numbered medallion approved by the Department to be issued, at a fee set by the County Board, as evidence of inoculation against rabies.

"VICIOUS DOG": A dog that bites a person, attacks a person or causes physical injury, serious physical injury or death to a person or a companion animal or any individual dog that has been found to be a "dangerous dog" upon **three (3)** separate occasions.

"WILD ANIMAL": A wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog (hybrid names: coydog or wolf hybrid). There is no recognized vaccine approved for use on wild animals; therefore, wild animals shall not be vaccinated against rabies and will be impounded for no rabies vaccination.

3-1-2 ADMINISTRATOR. The Chief of Police shall serve as Administrator and may appoint members of the Carlinville Police Department, other employees of the City, or members of other law enforcement agencies as Deputy Administrators and Animal Control Wardens.

3-1-3 ENFORCEMENT. It is the duty of the Administrator, subject to the general supervision and regulations of the Department, to enforce the provisions of this Chapter. The Administrator, his/her deputies and Animal Control Wardens are, in

accordance with the Act and for the purpose of enforcing it clothed with power of the police officers in the City and within such City are peace officers in the enforcement of the provisions of the Act, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or on warrants for violation of the Act, and to execute and serve all warrants and processes issued by any circuit court.

3-1-4 ANIMALS RUNNING AT LARGE.

(A) Every owner of an animal shall contain such animal to the confines of the owner's real property, unless the animal is under restraint, and shall not permit such animal to be at large. Any animal found running at large contrary to the provisions of this Chapter may be apprehended and impounded. For these purposes, the Administrator may utilize any existing or available animal control facility or licensed animal shelter. **(Ord. 1593; 07-20-09)**

(B) The provisions of paragraph (A) shall not apply to:

- (1) Dogs being used in hunting field trial; and
- (2) Dog shows while on public lands set aside for those purposes;
- (3) Blood hounds or other dogs used for tracking in conjunction with police activities;
- (4) Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the Armed Forces while being used to conduct official business or being used for official purposes.

(C) A dog found running at large to the provision of this Chapter a second or subsequent time must be spayed or neutered within **seven (7) days** at the owner's expense after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment of animal.

3-1-5 IMPOUNDMENT AND REDEMPTION.

(A) When any animal is apprehended and impounded by the Administrator or any of his/her representatives, the animal may be scanned for the presence of a microchip.

(B) The Administrator or any of his/her representatives shall give notice of not less than **seven (7) days** to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator or his deputy or agent who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog or cat.

(C) All animals which have been impounded in accordance with the provisions of this Article shall be humanely dispatched or disposed of by the pound as stray animals in accordance with the laws that exist, or may hereafter exist, when not redeemed by the owner within a period of not less than **five (5) days** from the date of impoundment, except on Sundays and holidays. In case the owner of the impounded animal desires to make redemption thereof, he may do so by complying with all applicable rules and regulations, and paying all the fines and costs of the animal control facility or licensed animals shelter where such animal is impounded.

3-1-6 REDEMPTION BY PERSON OTHER THAN OWNER.

(A) Upon expiration of **seven (7) days** from the date of impoundment, except Sundays and holidays, an unclaimed animal, which has been deemed suitable for adoption by the Animal Control Officer or Administrator, may be adopted by any person other than the owner upon payment to the Animal Control Officer, Administrator, or delegate the adoption fee and sterilization deposit; provided that every animal redeemed must have attached to its collar, or proof must be provided within **seventy-two (72) hours** of, the rabies registration tag of the County.

(B) No animal shall be adopted from the Animal Control Facility unless sterilized at the cost of the new owner. Any animal adopted from the Animal Control Facility shall be sterilized pursuant to an adoption agreement. Any owner who fails to sterilize his/her adopted animal pursuant to the terms of the agreement shall be in violation of the law. Ownership of any adopted animal not sterilized shall revert to the Animal Control Facility, and the animal is subject to immediate impoundment by the Animal Control Officer or Administrator.

3-1-7 RIGHT OF ENTRY; INSPECTIONS; REFUSAL TO DELIVER DOG OR OTHER ANIMAL.

The Administrator, or his/her authorized representative, or any officer of the law, may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request by the Administrator or his/her authorized representative, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Chapter.

3-1-8 HARBORING STRAY ANIMAL(S) RESTRICTED. No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying the Administrator or any of his/her representatives within **forty-eight (48) hours**.

3-1-9 DISEASED OR INJURED ANIMALS. Any animal which does not exhibit a valid vaccination or registration tag and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by the Administrator or his/her designated agent, may be subjected to disposal as provided in **Section 3-1-5** of this Chapter at the earliest possible time by the shelter personnel.

3-1-10 ENFORCEMENT OFFICERS NOT RESPONSIBLE FOR ACCIDENT OR DISEASE TO ANY DOG OR CAT.

The Administrator, manager, administrators, animal control wardens or anyone enforcing the provisions of this Chapter shall not be held responsible for any accident or disease that may happen to any animal.

3-1-11 ANIMAL CONSIDERED A NUISANCE. No person owning, possessing or harboring any animal within the City shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

(A) Substantially damages property other than the owner's.

(B) Causes unsanitary, dangerous or unreasonably offensive conditions
(This subsection does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.)

(C) Causes a disturbance by excessive barking, caterwauling or other noisemaking. (This subsection does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.)

(D) Chases vehicles.

(E) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.

(F) Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.

The Administrator or Deputy Administrator, may upon reasonable grounds, impound any animal creating a nuisance by being in violation of subsections (E) or (F) above and not be restrained by a competent person.

3-1-12 INTERFERENCE WITH ANIMAL CONTROL PERSONNEL. It shall be unlawful for any person to obstruct, impede or interfere with the Administrator or any of his/her delegates or the police in the performance of their duties, or to prevent or attempt to prevent the Administrator or any of his/her delegates or the police from capturing or impounding any animal within the City.

DIVISION II - RABIES CONTROL

3-1-13 INOCULATION OF DOGS AND CATS.

(A) Every owner of a dog or cat **four (4) months** of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the Department. Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the county board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

(B) The veterinarian administering the vaccine shall cause the certificate of inoculation be distributed as follows:

- (1) **One (1) copy** shall be given to the owner at the time of inoculation;
- (2) **One (1) copy** shall be filed with the office of the Administrator, or such place as the county board shall designate, within **thirty (30) days** after the date of inoculation;
- (3) **One (1) copy** shall be retained by the veterinarian administering the inoculation for a period of **five (5) years**, or such period as set by the department or the county board.

(C) The type and brand of rabies vaccine used shall be licensed by the U.S. Department of Agriculture and approved by the department.

3-1-14 COMPLIANCE WITH CHAPTER.

(A) Every owner of a dog or cat shall comply with the provisions in this Chapter. Each day a person fails to comply constitutes a separate offense. If an animal is not inoculated and registered after its owner has been found to be in violation of this Section or sections on (1) inoculation tags; (2) confinement of animal which has bitten someone; or (3) duties of owners of rabid or biting animals, **two (2) times** within a **twelve (12) month** period, said animal shall be impounded by the Administrator or his/her delegate and may be redeemed or disposed of in accordance with the provisions of this Code.

(B) Anyone that owns a dog or cat that is not vaccinated for rabies, will be issued a written warning and will be given **seven (7) days** to get the dog or cat vaccinated for rabies. If owner doesn't comply, the owner will be issued a **Fifty Dollars (\$50.00)** ticket and dog or cat will be impounded.

3-1-15 INOCULATION TAGS.

(A) The owner of a dog or cat shall, within **ten (10) days** after such dog or cat has been inoculated against rabies, procure an inoculation tag from the

County. The cost of the tag shall be determine and set by the county board. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure place. Valid rabies inoculation tags and certificates from other counties shall be honored while the animals in transit or until the dog or cat owner has established residence in this County.

(B) A licensed veterinarian may procure serially numbered inoculation tags from the county, at a fee set by the board, and issue one tag with each inoculation certificate at the time of inoculation. A licensed veterinarian shall collect such tag fee from the owner at the time the inoculation tag is dispensed.

3-1-16 CONFINEMENT OF ANIMAL THAT HAS BITTEN SOMEONE.

(A) When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his/her authorized representative, shall have such dog or other animal confined under the observation of the County animal control facility or at a licensed veterinarian for a period of **ten (10) days**. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within **twenty-four (24) hours** after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of such dog or other animal, on appropriate forms approved by the Department. The Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him/her of the final disposition of such dog or other animal on appropriate forms approved by the Department.

(B) When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of **ten (10) days**, if the Administrator adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or another licensed veterinarian.

3-1-17 DUTIES OF OWNERS OF RABID OR BITING ANIMALS.

(A) The owners of any dog or other animal which exhibits symptoms of rabies and any dog or other animal in direct contact with such dog or other animal, whether or not such dog or other animal has been vaccinated, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least **ten (10) days**, unless officially authorized by the Administrator, in writing, to release it sooner.

(B) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or

otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator, or his/her authorized representative.

(C) It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his/her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his/her responsibilities.

(D) Any expense incurred in the handling of any dog or other animal under this Section shall be borne by the owner.

(E) For the purpose of this Section, the word "immediately" means by telephone, in person, or by other than use of the mail.

(F) The owner of a biting animal must also remit to the state Department of Public Health, for the deposit into the Pet Population Control Fund, a **Twenty-Five Dollars (\$25.00)** public safety fine within **seven (7) days** after notice.

(G) Any dog or cat that bites a person may be microchipped before the animal is released to the owner or if the animal is already rabies vaccinated and quarantined at home, the animal may be microchipped after the **ten (10) day** quarantine period is finished. The owner is responsible for the microchip expense, not to exceed **Fifteen Dollar (\$15.00)** fee. If owner doesn't comply the dog or cat will be impounded and owner charged for the impoundment fee, any boarding fees and the microchip fee.

3-1-18 **REIMBURSEMENT TO ANIMAL BITE VICTIMS.** The City is not obligated to pay to any person from any fund any amount for the purchase of human rabies antiserum, the purchase of human vaccine, any costs for the administration of the serum or vaccine or any amount for medical care, which may have been provided to human bite victims.

3-1-19 **DANGEROUS ANIMALS.** Any animal running at large within the City, whose capture endangers or threatens the safety of an animal control officer, police officer, sheriff or deputy sheriff, or endangers the safety of any person within the City, may be slain by an animal control officer, police officer, sheriff or deputy sheriff.

DIVISION III - VICIOUS AND DANGEROUS DOGS

3-1-20 **SCOPE.**

(A) In order to have a dog deemed "vicious" as defined in **Section 3-1-1** of this Chapter, the Administrator, Deputy Administrator, or law enforcement officer must give notice to the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report finding that the dog is a vicious dog, and give the report to the State's Attorney's office and the owner. The Administrator, State's Attorney, or any citizen of the County in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a board certified veterinarian or another recognized expert may be relevant to the court's determination of whether the dog's behavior is justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator may impound said dog upon finding the dog is a vicious dog. The Administrator will determine where the animal shall be confined during the pendency of the case.

(B) A dog may not be declared vicious if the Administrator determines the conduct of the dog was justified because:

- (1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;
- (2) The injured, threatened or killed person was abusing or assaulting the dog;
- (3) No dog shall be declared vicious if it is a professionally trained dog for law enforcement in the performance of its duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

(C) If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

(D) No landlord or landlord's agent shall knowingly permit any tenant to move a vicious dog into or keep a vicious dog in any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any tenant to keep a vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent thereof learning of any vicious dog in any building or premises owned or controlled by such landlord or agent thereof shall notify the person having such dog to remove the dog from the premises immediately.

(E) Owner of rental property, landlord, or landlord's agent that allows or permits a vicious dog on his rental property, to stay in any of rental buildings, or helps hide a vicious dog in any of the rental buildings will be responsible for any damage that the dog may cause if the animal attacks a person or companion animal. The dog will be impounded and euthanized.

3-1-21 VICIOUS DOGS - CONTROL, IMPOUNDMENT, APPEAL.

(A) Any dog, which has been found to be a vicious dog, shall be impounded by the Administrator, animal control warden, or the law enforcement authority having jurisdiction in such area.

If a dog is found to be a vicious dog, the owner shall pay a **One Hundred Dollar (\$100.00)** public safety fine, to be deposited into the County Pet Population Control Fund, the dog shall be spayed or neutered within **ten (10) days** of the finding, at the expense of its owner, and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a **Five Hundred Dollar (\$500.00)** fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog will not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(B) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog; (2) in the case of an emergency or natural disaster where the dog's life is threatened; or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding **six (6) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area. If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **fifteen (15) days**, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard or police owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police

and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(C) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for **thirty (30) days**. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(D) Upon receipt of a petition, the court must set a hearing on the petition to be conducted within **five (5) business days** after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(E) If the court orders the posting of security, the security must be posted with the clerk of the court within **five (5) business days** after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law, and the animal control agency must dispose of the animal through adoption or humane euthanization.

3-1-22 DANGEROUS DOGS; NUISANCE; EXCEPTIONS.

(A) After a thorough investigation, including: sending notifications to the owner of the alleged infractions within **ten (10) business days**, and affording the owner an opportunity to meet with the Administrator or director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a written report, the Administrator, or his/her designee may deem a dog to be "dangerous". The owner shall be sent immediate notification of the determination by registered or certified mail that includes a description of the appeal process. A dog may not be declared dangerous if the Administrator, or his/her designee or the director determines the conduct of the dog was justified because:

- (1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;
- (2) The threatened person was abusing or assaulting the dog;
- (3) The injured, threatened or killed companion animal was attacking or threatening to attack the dog or its offspring; or
- (4) The dog was responding to pain or injury.

(B) If deemed dangerous, the Administrator, or his or her designee, or the director may order:

- (1) The dog's owner to pay a **Fifty Dollar (\$50.00)** public safety fine to be deposited into the Pet Population Control Fund.

- (2) The dog to be spayed or neutered within **seven (7) days** at the owner's expense and microchipped, if not already; and
- (3) One or more of the following as deemed appropriate under the circumstances, and necessary for the protection of the public:
 - (a) Evaluation of the dog by a certified appointed behaviorist, a board certified veterinary behaviorist or another recognized expert in the field, and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluation and training ordered under this subsection; or
 - (b) Direct supervision by an adult **eighteen (18) years** of age or older whenever the animal is on public premises.

(C) The Administrator may order a dangerous dog to be muzzled and leashed whenever it is off the owner's real property in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(D) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

(E) All owners or keepers of dogs found to be dangerous must post in clear view at all times, and in the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous dog on the premises. Such sign shall be at least **eight and one-half (8 ½) inches** by **eleven (11) inches** in size and shall contain in words and pictures, a clear indication that a dangerous dog is on the premises.

(F) The owner of a dog deemed dangerous shall supply a certificate of insurance naming the host agency in the amount of **One Hundred Thousand Dollars (\$100,000.00)**, and has to keep the insurance as long as the person owns the dog. If the owner allows the insurance to lapse, the dog will be impounded.

(G) Guide dogs for the blind and hearing impaired, support dogs for the physically handicapped, and sentry guard, or police-owned dogs are exempted from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with **Division II** of this Article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(H) The Administrator, the State's Attorney or any citizen of the County in which a dangerous dog or other animal exists may file a complaint in the name of the people of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine, enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition, the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.

(I) The Administrator or animal control officer has the right to impound a dangerous dog if the owner fails to comply with the requirement of this Section.

3-1-23 DANGEROUS DOG; APPEAL.

(A) The owner of a dog found to be a dangerous dog pursuant to this Chapter by an Administrator may file a complaint against the Administrator in the circuit court within **thirty-five (35) days** of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedures, including the discovery provisions. After hearing both parties' evidence, the court may make a determination that the dog is a dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provision of the Illinois Supreme Court Rules.

(B) The owner of a dog found to be a dangerous dog pursuant to this Act by the director may, within **fourteen (14) days** of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the department of agriculture's rules applicable to formal administrative proceedings. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the department may be reviewed judicially by the circuit court of the County wherein the person resides, or in the case of a corporation, the County where its registered office is located. The Administrator review law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the department hereunder.

(C) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirement set forth by the Administrator, the court or the director.

DIVISION IV - PREVENTION OF CRUELTY TO ANIMALS

3-1-24 **HUMANE CARE OF ANIMALS.** No owner shall fail to provide his/her animal(s) with:

- (A) Sufficient nutritious food;
- (B) Fresh, clean water at all times;
- (C) A shelter which has **four (4) sides**, a roof, floor and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown, and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather;
- (D) Regular and sufficient veterinary care to prevent suffering and maintain health.

3-1-25 **ABANDONMENT OF ANIMAL UNLAWFUL.** It shall be unlawful for a person to abandon any animal within the City.

3-1-26 **ACTS OF CRUELTY TO ANIMALS PROHIBITED.** Unless justifiable in defense of person or property, no person shall:

- (A) Kill, wound or attempt to kill or wound, or poison any domestic animal;
- (B) Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State of Illinois;
- (C) Beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a domestic animal;
- (D) Cause, instigate, permit or attend any dogfight, cockfight, bullfight or other combat between animals and humans.
- (E) Crop an animal's ears, an animal's tail, or perform similar surgeries except as a licensed veterinarian of the State of Illinois;
- (F) Allow any animal to remain unattended in a motor vehicle by a competent person when the animal's life, health or safety is threatened.

3-1-27 **IMPOUNDMENT OF VICTIMIZED ANIMALS; OWNER'S APPEAL.**

- (A) In the event that the Administrator, animal control warden, or any law enforcement officer finds a domestic companion animal(s) to be a victim of cruelty, neglect, or abandonment as defined by sections with animal cruelty, he/she shall have the right to forthwith remove or cause to have removed any such animal(s) to a safe place for care or to euthanize said animal(s) when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld

until the owner shall have made full payment or all expenses incurred. Treatment of an animal by any method specified herein does not relieve the owner of liability for violations and for any accrued charges.

(B) The owner of an animal that has been impounded may appeal, in writing, the impoundment to the State's Attorney within **seven (7) days** of impoundment. After proper notice, a hearing shall be held to determine if said animal was the victim of cruelty, neglect or abandonment. The State's Attorney may find that the animal is a victim of cruelty, neglect or abandonment if:

- (1) said animal was abandoned;
- (2) said animal was not provided by the owner (or agent) with sufficient water, proper food, shelter to provide protection from the weather or veterinary care to prevent suffering; or
- (3) said animal was a victim of an act cited in **Section 3-1-26** and **3-1-28**.

(C) The State's Attorney may find that the animal is a victim of cruelty, neglect, or abandonment, then he or she shall order appropriate remedies, including, but not limited to, proper veterinary care, humane destruction of the animal, or refusal to return said animal to the owner and shall assess all costs to the owner for enforcement of the appropriate remedy, and for impoundment and boarding of the animal.

(D) Any owner convicted of aggravated cruelty charges, or any of the cruelty listed in **Section 3-1-26(D)**, will not be allowed to own or reside in a household where there are any animal(s) as long as they live in the City.

(E) Anyone that violates this Section (D) will be prosecuted and the animal(s) will be impounded.

3-1-28 ANIMALS FOR USE IN ENTERTAINMENT.

(A) No person may use, own, capture, breed, train or lease any animal which he or she knows is intended for use in any show, exhibition, program or other activity featuring or otherwise involving a fight between such animal and other animal, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(B) No person shall own, possess, offer for sale, ship or transport any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program or activity featuring or otherwise involving a fight between **two (2)** or more animals or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(C) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purposes of conducting any show, exhibition, program or other activity involving a fight between **two (2)** or more animals or the intentional killing of any animal.

(D) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between **two (2)** or more animals or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

3-1-29 SEIZURE AND DISPOSITION OF ANIMALS AND OTHER ITEMS ILLEGALLY USED IN ENTERTAINMENT.

(A) Law enforcement officers and the Administrator shall seize and impound any and all animals and seize any equipment, money or other proceeds utilized in or directly related to any violation of the sections on animals used in entertainment. Animals and other items impounded or seized shall be held for evidence and for final disposition by the court.

(B) The City shall give notice to the person from whom the animals, equipment, money or other proceeds were seized pursuant to paragraph (A) above, or to the person in possession as owner, or lessee of the premises where said items were found, or if the names of any of these persons are unknown to the City, by posting notice upon the outer door of the premises. The notice shall be directed to any person claiming interest in the property or money, to come before the Court on a specified date, not less than **three (3) days** from the date of the notice, and to show cause, if any, why the items should not be sold at public auction as contraband or otherwise be forfeited as contraband to the City for disposition as authorized herein.

(C) If in the Court's opinion, after a full hearing, or upon the default of those notified to appear, it appears to the Court that the items seized are in fact contraband, the Court shall order disposition of said items in one or more of the following ways:

- (1) Any animal(s) forfeited under this Section shall be either humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling City ordinances, or provisions of state law.
- (2) Any money forfeited under this Section shall be forfeited to the City Treasury.
- (3) Any other items forfeited under this Section shall be sold at a public auction to the highest bidder for cash, and the proceeds paid to the City Treasury.
- (4) No equipment used for training, fighting or killing the animals will be sold at auction, it shall be retained and made available for use in training peace officers in detecting and identifying violations of animals used in entertainment.

3-1-30 DISEASED AND INJURED ANIMALS.

(A) No diseased or sickly horse, cow, hog, dog, cat or other animal nor any that has been exposed to any disease that is contagious among such animals shall be brought into the City unless under veterinary care.

(B) Any animal, being in any street, highway or public place within the City, appearing in the estimation of the Administrator, animal shelter manager, or animal control warden, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or animal control officer within an hour after being found or left in such condition may be deprived of life by such officer, or as he/she may direct.

(C) No person, other than the Administrator or law enforcement officers, animal control wardens, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick or injured animal in such street or place. No person shall skin or wound such animal in any street, highway, or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or the Administrator, animal shelter manager or animal control warden.

3-1-31 KEEPING ANIMALS OTHER THAN DOMESTICATED PETS.

(A) No person shall keep, harbor or allow to be kept within the City any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf, wolf-hybrid, venomous reptiles, or other creature normally wild and dangerous to human life. It is no defense to a violation of this Section that the owner or keeper of the same has attempted to domesticate it.

(B) Any of the foregoing maintained by a zoological park, animal control facility, federally licensed exhibit, veterinary hospital or educational institutions shall not be regulated by the provisions of this Chapter.

(C) No person shall keep, harbor or allow to be kept within the City any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock. This provision shall not apply to areas of the City that are zoned agricultural nor shall it apply to livestock brought into the City for the purpose of being shipped out of the City.

3-1-32 DEAD ANIMALS PROHIBITED. No person shall:

(A) Allow the body, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.

(B) Skin, dismember, butcher, dress, or exhibit any dead animal in view of the public in areas of the City which have been subdivided for residential purposes.

The owner of an animal shall be responsible for the immediate disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains.

3-1-33 LIVE ANIMALS FOR RESEARCH PROHIBITED. No live animals in the possession of the animal shelter shall be released, sold or given to any institution or private firm or individual for the purposes of medical or scientific research.

3-1-34 MULTIPLE-PET LICENSE.

(A) Multiple-pet owners must obtain an annual license from the County upon payment of a fee of **Twenty-Five Dollars (\$25.00)**. Such license shall be obtained no later than **thirty (30) days** after assuming ownership of a sixth animal and must be renewed annually by **January 1st**. The annual renewal fee shall be **Ten Dollars (\$10.00)** if the homeowner receives an inspection of excellent. Payment by a multiple-pet owner shall not exempt such license from payment of county registration fee for each dog or cat owned by him/her.

(B) Multiple-pet ownership without obtaining such license shall be in violation of law for which, upon conviction thereof, such owner shall be penalized not less than **Fifty Dollars (\$50.00)** and not more than **Five Hundred Dollars (\$500.00)**.

(C) If someone has **five (5)** or more "breedable females" (dogs or cats) and are selling the offspring and/or the adults, the owner of the animals would need to be licensed with Illinois Department of Agriculture. If the owner has a license with the Department, they would not need a multiple-pet license with the County. The owner will still have to comply with County ordinances in regard to rabies vaccination and registration of the animals. Anyone found in violation of this Section would be charged with operating a kennel without a license.

3-1-35 MULTIPLE PET-OWNER LICENSEE REQUIREMENTS. An applicant for a multiple-pet license shall consent to the inspection of the premises where his animals are kept or maintained. Such inspection shall be performed before issuance of the license or upon receipt of a complaint. Annual inspections may be required for multiple-pet owners with marginally acceptable standards. Such inspection may be performed by the Administrator. Failure to comply with a request for inspection is a violation of this Article. Holders of multiple-pet licenses shall conform to the following requirements:

(A) All dogs and/or cats over **four (4) months** of age must be inoculated against rabies and registered pursuant to this Article.

(B) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection for the weather and sufficient veterinary care to prevent suffering.

- (C) If the dogs and/or cats are kept or maintained within a structure or building, such building shall:
- (1) be kept clean, free of feces and urine;
 - (2) not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents;
 - (3) be well ventilated and maintain appropriate temperature (follow USDA guidelines) to prevent suffering.
- (D) If the dogs and/or cats are kept or maintained outside a building:
- (1) A shelter of sufficient size to permit such animals to stand up and turn around inside when fully grown shall be provided at all times.
 - (2) The shelter shall have **four (4) sides**, a roof, floor, bedding and an opening large enough for the animal to enter the shelter. The shelter shall be placed to provide shade from the sun and protection from the weather.
 - (3) The shelter shall be placed at least **ten (10) feet** from all property lines except where there is an alley.
 - (4) A dog shall be deemed to be housed outside if said dog is outside for more than **eight (8) hours** in the aggregate during any **twenty-four (24) hour** period or is outside for more than **thirty (30) minutes** between the hours of **11:00 P.M. to 7:00 A.M.**
- (E) The dogs and/or cats shall be prevented from running at large.
- (F) The dogs and/or cats shall be prevented from causing a nuisance pursuant to **Section 3-1-11** of this Chapter.
- (G) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.
- (H) The applicant shall not have been found guilty of more than **three (3)** violations of the animal control ordinance within the previous **three (3) years** from the date of application.
- (I) The owner shall immediately notify the Animal Control Administrator of any change in the animals governed by the multiple-pet license including the rabies vaccination and registration required pursuant to this Article.

3-1-36 REVOCATION OF MULTIPLE-PET LICENSE.

- (A) Upon conviction of a second violation of the requirements pursuant to this Chapter, the Administrator shall revoke the multiple-pet license for a period of not less than **three (3) months** nor more than **five (5) years**, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple-pet license.

(B) Upon revocation of the license, the owner shall relinquish ownership of his/her animals to the Administrator.

3-1-37 IMPOUNDMENT OF MULTIPLE PETS.

(A) The Administrator may impound the dogs and/or cats of any multiple-pet owner if such owner does not hold a multiple-pet license.

(B) Such animals shall be redeemed by the owner upon payment to the Administrator the lawful fees accrued pursuant to this Chapter and after application and approval for a multiple-pet owner license.

3-1-38 NO FERAL CAT COLONIES ARE ALLOWED. No person shall feed, keep, harbor, permit or start up any feral cat colonies in the City. The cats will be impounded and euthanized.

3-1-39 FEMALE DOGS AND CATS IN HEAT. Every owner of a female dog or cat shall cause such dog or cat to be confined in a secure enclosure while in heat.

3-1-40 NORMAL HUSBANDRY PRACTICES - CONSTRUCTION WITH OTHER LAWS. Nothing in this Division affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals or in the extermination of undesirable pests. In case of any alleged conflict between this Division and the Wildlife Code of Illinois or "An Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale", approved **July 26, 1967**, as amended, the provisions of those acts shall prevail.

3-1-41 INJURY TO PROPERTY.

(A) **Unlawful.** It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises, and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) **Waste Product Accumulations.** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person, unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the

transmission of excrement to a receptacle located upon property owned or possessed by such person. This Section shall not apply to a person who is visually or physically handicapped.

3-1-42 **VIOLATIONS; PENALTIES.** Any person found guilty of a violation of this Chapter in a court of law shall pay a fine of not less than **Fifty Dollars (\$50.00)**, nor more than **Five Hundred Dollars (\$500.00)**. A penalty under this Section shall be in addition to and not in lieu of any action taken and permitted by this Chapter.

(Ord. No. 1575; 10-20-08)